

# STATE OF NEW YORK

3076--A

2023-2024 Regular Sessions

## IN ASSEMBLY

February 2, 2023

Introduced by M. of A. LUPARDO, SANTABARBARA, LUNSFORD, WALLACE, FORREST, McMAHON, JONES, CLARK, CONRAD, FAHY, GUNTHER, DICKENS, McDONALD, SHIMSKY, L. ROSENTHAL, RAGA, PAULIN, ALVAREZ, LEVENBERG, J. M. GIGLIO, MILLER -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to requiring nursing certificate and degree education programs to include clinical education and allowing for a portion of such clinical education to be completed through simulation experience

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 6912  
2 to read as follows:

3 § 6912. Clinical education in New York state nursing education  
4 programs. 1. For purposes of this section, "simulation experience"  
5 shall mean planned learning experiences that represent actual or poten-  
6 tial situations in clinical nursing practice and adhere to the standards  
7 of this section. Such learning experiences allow participants to develop  
8 or enhance clinical nursing competencies and provide an opportunity to  
9 analyze and respond to realistic situations in a simulated environment.

10 2. New York state certificate and degree programs registered by the  
11 department for the purposes of meeting the education requirements set  
12 forth in this article shall include clinical education, or the equiv-  
13 alent as defined and determined by the commissioner pursuant to regu-  
14 lation.

15 3. Registered programs may deliver one-third of such clinical training  
16 or clinical education through simulation experience as defined in this  
17 section and in accordance with the commissioner's regulations, provided,  
18 however, nothing in this section shall reduce the minimum in-person or  
19 direct care requirements established by programmatic accreditors and

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 certifying bodies. To meet a particular educational need the commission-  
2 er may approve that more than one-third of such clinical training or  
3 clinical education may be met through simulation experience as defined  
4 in this section and in accordance with the commissioner's regulations.

5 4. The commissioner shall prescribe in regulation an expedited process  
6 for programs seeking a curricular change to implement simulation experi-  
7 ences. For programs that are not in substantial compliance with depart-  
8 ment program requirements, the department may request additional infor-  
9 mation and materials, in accordance with the commissioner's regulations.  
10 The department shall act upon a program's submission to implement simu-  
11 lation experiences within twenty business days of receipt of a complete  
12 and properly submitted form.

13 5. Simulation experience acceptable to the department for the purposes  
14 of clinical training or clinical education shall:

15 (a) be designed, guided and supervised by program faculty and program  
16 staff with appropriate and relevant training, certification or accredi-  
17 tation, who may be assisted or supported by experts in simulation, in a  
18 nursing skills or clinical simulation laboratory setting;

19 (b) include continued professional development opportunities for  
20 program faculty and program staff in simulation methods and best prac-  
21 tices;

22 (c) utilize theory-based, evidence-based, and standards-driven pedago-  
23 gy;

24 (d) require active student engagement in guided skills practice with  
25 instructional feedback;

26 (e) include formative and summative assessments of well-articulated  
27 competencies appropriate to the role and responsibilities of the lear-  
28 ner;

29 (f) use various types of fidelity through equipment and practice to  
30 replicate substantial aspects of clinical nursing practice and utilize  
31 relevant equipment and technologies as appropriate to the desired learn-  
32 ing outcomes;

33 (g) maintain continued compliance with the standards of program regis-  
34 tration; and

35 (h) respond to innovations or emerging educational needs, pursuant to  
36 regulation.

37 § 2. This act shall take effect on the one hundred eightieth day after  
38 it shall have become a law. Effective immediately, the addition, amend-  
39 ment, and/or repeal of any rule or regulation necessary for the imple-  
40 mentation of this act on its effective date are authorized to be made  
41 and completed on or before such effective date.