

# STATE OF NEW YORK

6446--A

2023-2024 Regular Sessions

## IN ASSEMBLY

April 11, 2023

Introduced by M. of A. PAULIN, KELLES, LUNSFORD, REYES, JACOBSON, CURRAN, RAMOS, McDONALD -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, the education law, the vehicle and traffic law, and the judiciary law, in relation to making conforming changes reflecting the previously authorized scope of practice of nurse practitioners

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

1 Section 1. Subdivisions 28 and 31 of section 206 of the public health  
2 law, subdivision 28 as added by chapter 496 of the laws of 2011 and  
3 subdivision 31 as added by chapter 500 of the laws of 2021, are amended  
4 to read as follows:

5 28. The commissioner shall assist the commissioner of education in  
6 developing rules and regulations, relating to pupils who suffer mild  
7 traumatic brain injuries and the physicians and nurse practitioners  
8 authorized to evaluate such pupils, in accordance with subdivision  
9 forty-two of section three hundred five of the education law, and  
10 provide for the posting on the department's internet website of such  
11 information as shall be required pursuant to such subdivision.

12 31. The commissioner shall develop information, in conjunction with  
13 the commissioner of education related to students who exhibit signs or  
14 symptoms of pending or increased risk of sudden cardiac arrest. Such  
15 information shall include, but not be limited to, the definition of  
16 sudden cardiac arrest, signs and symptoms of sudden cardiac arrest, and  
17 information for the physicians and nurse practitioners authorized to  
18 evaluate whether a student may resume athletic activity. Such informa-  
19 tion shall be posted on the department's website.

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

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1 § 2. Subparagraph (iii) of paragraph a of subdivision 42 of section  
2 305 of the education law, as added by chapter 496 of the laws of 2011,  
3 is amended to read as follows:

4 (iii) requiring the immediate removal from athletic activities of any  
5 pupil believed to have sustained or who has sustained a mild traumatic  
6 brain injury. In the event that there is any doubt as to whether a pupil  
7 has sustained a concussion, it shall be presumed that he or she has been  
8 so injured until proven otherwise. No such pupil shall resume athletic  
9 activity until he or she shall have been symptom free for not less than  
10 twenty-four hours, and has been evaluated by and received written and  
11 signed authorization from a licensed physician or a certified nurse  
12 practitioner. Such authorization shall be kept on file in the pupil's  
13 permanent health record. Furthermore, such rules and regulations shall  
14 provide guidelines for limitations and restrictions on school attendance  
15 and activities for pupils who have sustained mild traumatic brain inju-  
16 ries, consistent with the directives of the pupil's treating physician  
17 or a nurse practitioner.

18 § 3. Subdivision b of section 923 of the education law, as added by  
19 chapter 500 of the laws of 2021, is amended to read as follows:

20 b. The commissioner shall promulgate rules and regulations requiring  
21 that any student displaying signs or symptoms of pending or increased  
22 risk of sudden cardiac arrest shall be immediately removed from athletic  
23 activities and shall not resume athletic activity until he or she has  
24 been evaluated by and received written and signed authorization from a  
25 licensed physician or a certified nurse practitioner. Such authori-  
26 zation shall be kept on file in the pupil's permanent health record.

27 § 4. Section 3624 of the education law, as amended by chapter 529 of  
28 the laws of 2002, is amended to read as follows:

29 § 3624. Drivers, monitors and attendants. The commissioner shall  
30 determine and define the qualifications of drivers, monitors and attend-  
31 ants and shall make the rules and regulations governing the operation of  
32 all transportation facilities used by pupils which rules and regulations  
33 shall include, but not be limited to, a maximum speed of fifty-five  
34 miles per hour for school vehicles engaged in pupil transportation that  
35 are operated on roads, interstates or other highways, parkways or bridg-  
36 es or portions thereof that have posted speed limits in excess of  
37 fifty-five miles per hour, prohibitions relating to smoking, eating and  
38 drinking and any and all other acts or conduct which would otherwise  
39 impair the safe operation of such transportation facilities while actu-  
40 ally being used for the transport of pupils. The employment of each  
41 driver, monitor and attendant shall be approved by the chief school  
42 administrator of a school district for each school bus operated within  
43 his or her district. For the purpose of determining his or her physical  
44 fitness, each driver, monitor and attendant may be examined on order of  
45 the chief school administrator by a duly licensed physician or nurse  
46 practitioner within two weeks prior to the beginning of service in each  
47 school year as a school bus driver, monitor or attendant. The report of  
48 the physician or certified nurse practitioner, in writing, shall be  
49 considered by the chief school administrator in determining the fitness  
50 of the driver to operate or continue to operate any transportation  
51 facilities used by pupils and in determining the fitness of any monitor  
52 or attendant to carry out his or her functions on such transportation  
53 facilities. Nothing in this section shall prohibit a school district  
54 from imposing a more restrictive speed limit policy for the operation of  
55 school vehicles engaged in pupil transportation than the speed limit  
56 policy established by the commissioner.

1 § 5. Paragraph (i) of subdivision 1 and subdivision 3 of section  
2 1203-a of the vehicle and traffic law, paragraph (i) of subdivision 1 as  
3 amended by chapter 205 of the laws of 2024 and subdivision 3 as amended  
4 by chapter 220 of the laws of 1984, are amended to read as follows:

5 (i) any resident of New York state who is a severely disabled person,  
6 as defined in subdivision four of section four hundred four-a of this  
7 chapter, upon application of such person or such person's parent or  
8 guardian, provided, however, that an issuing agent shall issue permits  
9 only to residents of the city, town or village in which such issuing  
10 agent is located, except that, an issuing agent, in their discretion,  
11 may issue a permit to a severely disabled person who is not a resident  
12 of the city, town, or village in which such issuing agent is located  
13 where such person resides in a city, town, or village in which the  
14 governing body has not appointed an issuing agent; and an issuing agent,  
15 in their discretion, may issue a temporary special vehicle identifica-  
16 tion parking permit, as authorized by subdivision three of this section,  
17 to a person who is temporarily unable to ambulate without the aid of an  
18 assisting device, as certified by [~~a-physician~~] any healthcare practi-  
19 titioner authorized or certify that an individual is severely disabled  
20 pursuant to subdivision four of section four hundred four-a of this  
21 chapter, who resides in a city, town, or village in which the issuing  
22 agent does not issue temporary special vehicle identification parking  
23 permits, or who is not a resident of the United States and is temporar-  
24 ily visiting the state; or

25 3. Notwithstanding any provision of this chapter to the contrary, any  
26 municipality may issue a temporary special vehicle identification park-  
27 ing permit to any person who is temporarily unable to ambulate without  
28 the aid of an assisting device, as certified by [~~a-physician~~] any  
29 healthcare practitioner authorized to certify that an individual is  
30 severely disabled pursuant to subdivision four of section four hundred  
31 four-a of this chapter. Such temporary special vehicle identification  
32 parking permit shall be valid for not more than six months and shall be  
33 recognized statewide.

34 § 6. Paragraph (d) of subdivision 3 of section 1203-h of the vehicle  
35 and traffic law, as added by chapter 243 of the laws of 2007, is amended  
36 to read as follows:

37 (d) are severely disabled persons, as defined in subdivision four of  
38 section four hundred four-a of this chapter, whose severe disability, as  
39 certified by [~~a-licensed physician~~] any healthcare practitioner author-  
40 ized to certify that an individual is severely disabled pursuant to that  
41 subdivision, limits one or more of the following:

- 42 (i) fine motor control in both hands;  
43 (ii) ability to reach or access a parking meter due to use of a wheel-  
44 chair or other ambulatory device; or  
45 (iii) ability to reach a height of forty-two inches from the ground  
46 due to the lack of finger, hand or upper extremity strength or mobility.

47 § 7. Paragraph (c) of subdivision 12-a of section 375 of the vehicle  
48 and traffic law, as amended by chapter 135 of the laws of 1994, is  
49 amended to read as follows:

50 (c) Any person required for medical reasons to be shielded from the  
51 direct rays of the sun and/or any person operating a motor vehicle  
52 belonging to such person or in which such person is an habitual passen-  
53 ger shall be exempt from the provisions of subparagraphs one and two of  
54 paragraph (b) of this subdivision provided the commissioner has granted  
55 an exemption and notice of such exemption is affixed to the vehicle as  
56 directed by the commissioner. The applicant for such exemption must

1 provide a physician's or nurse practitioner's statement with the reason  
2 for the exemption, the name of the individual with a medically necessary  
3 condition operating or transported in the vehicle, the specific condi-  
4 tion involved, and the minimum level of light transmission required. The  
5 commissioner shall only authorize exemptions where the medical condition  
6 certified by the physician or nurse practitioner is contained on a list  
7 of medical conditions prepared by the commissioner of health pursuant to  
8 subdivision sixteen of section two hundred six of the public health law.  
9 If such [~~such~~] exemption is granted, the commissioner shall make a  
10 record thereof and shall distribute a sufficiently noticeable sticker to  
11 the applicant to be attached to any window so shielded or altered pursu-  
12 ant to such exemption.

13 § 8. Paragraph (iii) of subdivision 3 of section 509-d of the vehicle  
14 and traffic law, as added by chapter 675 of the laws of 1985, is amended  
15 to read as follows:

16 (iii) the initial qualifying medical examination form and the biennial  
17 medical examination form completed by the carrier's physician or nurse  
18 practitioner;

19 § 9. Section 509-k of the vehicle and traffic law, as added by chapter  
20 1050 of the laws of 1974, is amended to read as follows:

21 § 509-k. Ill or fatigued operator. No driver shall operate a bus and a  
22 motor carrier shall not permit a driver to operate a bus while the driv-  
23 er's ability or alertness is so impaired, or so likely to become  
24 impaired, through fatigue, illness or any other cause, as to make it  
25 unsafe for him to begin or continue to operate the bus. At the request  
26 of the driver or the motor carrier such illness, fatigue, or other cause  
27 shall be certified by a qualified physician or nurse practitioner.  
28 However, in a case of grave emergency where the hazard to occupants of  
29 the bus or other users of the highway would be increased by compliance  
30 with this section, the driver may continue to operate the bus to the  
31 nearest place at which that hazard is removed.

32 § 10. Subdivision 7 of section 1229-c of the vehicle and traffic law,  
33 as added by chapter 365 of the laws of 1984, is amended to read as  
34 follows:

35 7. The provisions of this section shall not apply to a passenger or  
36 operator with a physically disabling condition whose physical disability  
37 would prevent appropriate restraint in such safety seat or safety belt  
38 provided, however, such condition is duly certified by a physician or  
39 nurse practitioner who shall state the nature of the handicap, as well  
40 as the reason such restraint is inappropriate.

41 § 11. Paragraph 1 of subdivision (a) of section 517 of the judiciary  
42 law, as amended by chapter 380 of the laws of 2019, is amended to read  
43 as follows:

44 (1) Except as otherwise provided in paragraph two of this subdivision,  
45 the commissioner of jurors may, in his or her discretion, on the appli-  
46 cation of a prospective juror who has been summoned to attend, excuse  
47 such prospective juror from a part or the whole of the time of jury  
48 service or may postpone the time of jury service to a later day during  
49 the same or any subsequent term of the court, provided that if the  
50 prospective juror is a breastfeeding mother and submits with her appli-  
51 cation a note from a physician or nurse practitioner indicating that the  
52 prospective juror is breastfeeding, the commissioner shall excuse the  
53 prospective juror or postpone the time of jury service. The application  
54 shall be presented to the commissioner at such time and in such manner  
55 as he or she shall require, except that an application for postponement  
56 of the initial date for jury service may be made by telephone.

1 § 12. The amendments to the public health law, education law, vehicle  
2 and traffic law, and judiciary law enacted by this act shall not be  
3 construed to expand or contract the scope of practice of any health care  
4 professional under title 8 of the education law.

5 § 13. This act shall take effect on the sixtieth day after it shall  
6 have become a law.