

STATE OF NEW YORK

8378--A

2023-2024 Regular Sessions

IN ASSEMBLY

December 13, 2023

Introduced by M. of A. PAULIN, LUPARDO, BICHOTTE HERMELYN, GUNTHER -- 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 education law and the public health law, in relation to amending physician assistant practice standards; and providing for the repeal of certain provisions upon expiration thereof

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

Section 1. Section 6542 of the education law, as amended by chapter 48 of the laws of 2012, subdivisions 3 and 5 as amended by section 1 of part T of chapter 57 of the laws of 2013, is amended to read as follows:

§ 6542. Performance of medical services. 1. Notwithstanding any other provision of law, a physician assistant may perform medical services, but only when under the supervision of a physician and only when such acts and duties as are assigned to ~~[him or her]~~ such physician assistant are within the scope of practice of such supervising physician.

2. Supervision shall be continuous but shall not be construed as necessarily requiring the physical presence of the supervising physician at the time and place where such services are performed.

3. No physician shall employ or supervise more than ~~[four]~~ six physician assistants in ~~[his or her]~~ such physician's private practice at one time.

4. Nothing in this article shall prohibit a hospital from employing physician assistants, provided that they work under the supervision of a physician designated by the hospital and not beyond the scope of practice of such physician. The numerical limitation of subdivision three of this section shall not apply to services performed in a hospital.

5. Notwithstanding any other provision of this article, nothing shall prohibit a physician employed by or rendering services to the department

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

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1 of corrections and community supervision under contract from supervising
2 no more than [~~six~~] eight physician assistants in [~~his or her~~] such
3 physician's practice for the department of corrections and community
4 supervision at one time.

5 6. Notwithstanding any other provision of law, a trainee in an
6 approved program may perform medical services when such services are
7 performed within the scope of such program.

8 7. A physician assistant may prescribe and order a non-patient specif-
9 ic regimen to a registered professional nurse, pursuant to regulations
10 promulgated by the commissioner, and consistent with the public health
11 law, for:

12 (a) administering immunizations.

13 (b) the emergency treatment of anaphylaxis.

14 (c) administering purified protein derived (PPD) tests or other tests
15 to detect or screen for tuberculosis infections.

16 (d) administering tests to determine the presence of the human immuno-
17 deficiency virus.

18 (e) administering tests to determine the presence of the hepatitis C
19 virus.

20 (f) the urgent or emergency treatment of opioid related overdose or
21 suspected opioid related overdose.

22 (g) screening of persons at increased risk of syphilis, gonorrhea, and
23 chlamydia.

24 (h) administering electrocardiogram tests to detect signs and symptoms
25 of acute coronary syndrome.

26 (i) administering point-of-care blood glucose tests to evaluate acute
27 mental status changes in persons with suspected hypoglycemia.

28 (j) administering tests and intravenous lines to persons that meet
29 severe sepsis and septic shock criteria.

30 (k) administering tests to determine pregnancy.

31 (l) administering tests to determine the presence of COVID-19 or its
32 antibodies or influenza virus.

33 8. Nothing in this article, or in article thirty-seven of the public
34 health law, shall be construed to authorize physician assistants to
35 perform those specific functions and duties specifically delegated by
36 law to those persons licensed as allied health professionals under the
37 public health law or this chapter.

38 § 2. Subdivision 1 of section 3702 of the public health law, as
39 amended by chapter 48 of the laws of 2012, is amended to read as
40 follows:

41 1. Inpatient medical orders. A licensed physician assistant employed
42 or extended privileges by a hospital may, if permissible under the
43 bylaws, rules and regulations of the hospital, write medical orders,
44 including those for controlled substances and durable medical equipment,
45 for inpatients under the care of the physician responsible for [~~his or~~
46 ~~her~~] the supervision of such physician assistant. Countersignature of
47 such orders may be required if deemed necessary and appropriate by the
48 supervising physician or the hospital, but in no event shall countersig-
49 nature be required prior to execution.

50 § 3. Subdivision 5 of section 6810 of the education law, as added by
51 chapter 881 of the laws of 1972, is amended to read as follows:

52 5. Records of all prescriptions filled or refilled shall be maintained
53 for a period of at least five years and upon request made available for
54 inspection and copying by a representative of the department. Such
55 records shall indicate date of filling or refilling, [~~doctor's~~]
56 prescriber's name, patient's name and address and the name or initials

1 of the pharmacist who prepared, compounded, or dispensed the
2 prescription. Records of prescriptions for controlled substances shall
3 be maintained pursuant to requirements of article thirty-three of the
4 public health law.
5 § 4. This act shall take effect three months after it shall have
6 become a law; provided, however, that paragraph (1) of subdivision 7 of
7 section 6542 of the education law, as added by section one of this act,
8 shall expire and be deemed repealed July 1, 2026. Effective immediate-
9 ly, the state education department and the department of health are
10 authorized to promulgate, amend and/or repeal any rule or regulation
11 necessary for the implementation of section one of this act on or before
12 such effective date.