STATE OF NEW YORK

447--A

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed 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 allowing for a certain amount of required clinical training and competency for licensing as a registered professional nurse, licensed practical nurse, and nurse practitioner to be completed through simulation experience

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

Section 1. Subdivision 2 of section 6905 of the education law, as amended by chapter 380 of the laws of 2018, is amended to read as follows:

(2) Education: have received an education, and a diploma or degree in professional nursing, in accordance with the commissioner's regulations, and in order to continue to maintain registration as a registered professional nurse in New York state, have attained a baccalaureate degree or higher in nursing within ten years of initial licensure in accordance with the commissioner's regulations**, and have participated in supervised clinical training, clinical education, or the equivalent, as determined by the department. The commissioner shall permit one-third of such clinical training to be obtained through simulation experience acceptable to the department and pursuant to regulation. Nothing in this section shall prohibit an education program from providing greater than one-third of such training through simulation experience, provided the department has granted approval to do so prior to January first, two thousand twenty-three**. The department, in its discretion, may issue a conditional registration to a licensee who fails to complete the baccalaureate degree but who agrees to meet the additional requirement within one year. The fee for such a conditional registration shall be the same as, and in addition to, the fee for the triennial registration. The duration of such conditional registration shall be for one year and may be extended, with the payment of a fee, for no more than one additional

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

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year, unless the applicant can show good cause for non-compliance acceptable to the department. The department, in its discretion, may issue a temporary educational exemption to a licensee who is unable to complete the baccalaureate degree due to a lack of access to educational programs. Licensees seeking a temporary educational exemption shall provide evidence of applying on at least two occasions to a baccalaureate degree program or programs and subsequently being denied access to such program or programs on at least two occasions due to there being a limited number of seats. Such denials shall also be corroborated by the higher education institution or institutions that the licensee applied to. Temporary educational exemptions issued pursuant to this subdivision shall be for a single two year period. Licensees shall only be eligible for either a conditional registration or a temporary educational exemption. The fee for such a temporary educational exemption shall be the same as, and in addition to, the fee for the triennial registration. Any licensee who is notified of the denial of a registration for failure to complete the additional educational requirements and who practices as a registered professional nurse without such registration may be subject to disciplinary proceedings pursuant to section sixty-five hundred ten of this title;

§ 2. Subdivision 2 of section 6906 of the education law, as amended by chapter 330 of the laws of 1981, is amended to read as follows:

(2) Education: have received an education including completion of high school or its equivalent, and have completed a program in practical nursing, in accordance with the commissioner's regulations, or completion of equivalent study satisfactory to the department in a program conducted by the armed forces of the United States or in an approved program in professional nursing**, and have participated in supervised clinical training, clinical education, or the equivalent, as determined by the department. The commissioner shall permit one-third of such clinical training to be obtained through simulation experience acceptable to the department and pursuant to regulation. Nothing in this section shall prohibit an education program from providing greater than one-third of such training through simulation experience, provided the department has granted approval to do so prior to January first, two thousand twenty-three**;

§ 3. Subparagraph (i) of paragraph (c) of subdivision 1 of section 6910 of the education law, as added by chapter 257 of the laws of 1988, is amended to read as follows:

(i) have satisfactorily completed educational preparation for provision of these services in a program registered by the department or in a program determined by the department to be the equivalent**, and have participated in supervised clinical training, clinical education, or the equivalent, as determined by the department. The commissioner shall permit one-third of such clinical training to be obtained through simulation experience acceptable to the department and pursuant to regulation. Nothing in this section shall prohibit an education program from providing greater than one-third of such training through simulation experience, provided the department has granted approval to do so prior to January first, two thousand twenty-three. Provided however nothing in this section shall reduce the in-person or direct care requirements established by programmatic accreditors and certifying bodies**; or

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.