STATE OF NEW YORK

4497--A

2023-2024 Regular Sessions

IN SENATE

February 9, 2023

Introduced by Sen. GOUNARDES -- 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 the license requirements for the practice of respiratory therapy

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

Section 1. Subdivision 2 of section 8504 of the education law, as added by chapter 817 of the laws of 1992, is amended to read as follows:

2. Education: have received an education, including completion of an approved [~~associate~~] **bachelor** degree program in respiratory therapy or in a program determined by the department to be the equivalent; **and in order to continue to maintain registration as a licensed respiratory therapist in New York state, have attained a baccalaureate degree or higher in respiratory therapy or in a program determined by the department to be the equivalent within six years of initial licensure in accordance with the commissioner's regulations. 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 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**

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

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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 licensed respiratory therapist without such registration may be subject to disciplinary proceedings pursuant to section sixty-five hundred ten of this title;

§ 2. Section 8513 of the education law, as added by chapter 817 of the laws of 1992, is amended to read as follows:

§ 8513. Special provisions. 1. A person shall be licensed without examination provided that, within one year of the effective date of this article, the individual:

[~~1.~~](a) files an application and pays the appropriate fees to the department; and

[~~2. (a)~~](b)(1) is certified by a national certifying or accrediting board for respiratory therapy technicians acceptable to the department, or

[~~(b)~~](2) has practiced as a respiratory therapy technician in a hospital, as defined in article twenty-eight of the public health law, in the state for not less than two years within the last five years, or

[~~(c)~~](3) has met the educational standards of a hospital, as defined in article twenty-eight of the public health law, or, in the case of a hospital operated by a public benefit corporation, has met the educational standards of such corporation, and has practiced as a respiratory therapy technician for at least one year in such hospital.

2. The department shall not accept new applications for an initial license as a respiratory therapy technician, provided however that an individual licensed as a respiratory therapy technician prior to that date shall be eligible to renew the registration of the license subject to the provisions of this section.

§ 3. The provisions of this act shall not apply to:

1. any student currently enrolled in, or having an application pending in, an approved associate degree program in respiratory therapy or in a program determined by the department to be the equivalent as of the effective date of this act; or

2. any person already licensed as a respiratory therapist.

§ 4. Any individual covered by section three of this act shall be deemed fully licensed provided that such individual meets the requirements set forth by article 164 of the education law.

§ 5. This act shall take effect immediately; provided, however that section one of this act shall take effect two years after this act shall have become a law.