

STATE OF NEW YORK

6801

2023-2024 Regular Sessions

IN SENATE

May 10, 2023

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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.

20 § 2. Subparagraph (iii) of paragraph a of subdivision 42 of section
21 305 of the education law, as added by chapter 496 of the laws of 2011,
22 is amended to read as follows:

23 (iii) requiring the immediate removal from athletic activities of any
24 pupil believed to have sustained or who has sustained a mild traumatic
25 brain injury. In the event that there is any doubt as to whether a pupil
26 has sustained a concussion, it shall be presumed that he or she has been

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

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1 so injured until proven otherwise. No such pupil shall resume athletic
2 activity until he or she shall have been symptom free for not less than
3 twenty-four hours, and has been evaluated by and received written and
4 signed authorization from a licensed physician or a certified nurse
5 practitioner. Such authorization shall be kept on file in the pupil's
6 permanent health record. Furthermore, such rules and regulations shall
7 provide guidelines for limitations and restrictions on school attendance
8 and activities for pupils who have sustained mild traumatic brain inju-
9 ries, consistent with the directives of the pupil's treating physician
10 or a nurse practitioner.

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

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

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

22 § 3624. Drivers, monitors and attendants. The commissioner shall
23 determine and define the qualifications of drivers, monitors and attend-
24 ants and shall make the rules and regulations governing the operation of
25 all transportation facilities used by pupils which rules and regulations
26 shall include, but not be limited to, a maximum speed of fifty-five
27 miles per hour for school vehicles engaged in pupil transportation that
28 are operated on roads, interstates or other highways, parkways or bridg-
29 es or portions thereof that have posted speed limits in excess of
30 fifty-five miles per hour, prohibitions relating to smoking, eating and
31 drinking and any and all other acts or conduct which would otherwise
32 impair the safe operation of such transportation facilities while actu-
33 ally being used for the transport of pupils. The employment of each
34 driver, monitor and attendant shall be approved by the chief school
35 administrator of a school district for each school bus operated within
36 his or her district. For the purpose of determining his or her physical
37 fitness, each driver, monitor and attendant may be examined on order of
38 the chief school administrator by a duly licensed physician or nurse
39 practitioner within two weeks prior to the beginning of service in each
40 school year as a school bus driver, monitor or attendant. The report of
41 the physician or certified nurse practitioner, in writing, shall be
42 considered by the chief school administrator in determining the fitness
43 of the driver to operate or continue to operate any transportation
44 facilities used by pupils and in determining the fitness of any monitor
45 or attendant to carry out his or her functions on such transportation
46 facilities. Nothing in this section shall prohibit a school district
47 from imposing a more restrictive speed limit policy for the operation of
48 school vehicles engaged in pupil transportation than the speed limit
49 policy established by the commissioner.

50 § 5. Paragraph (i) of subdivision 1 and subdivision 3 of section
51 1203-a of the vehicle and traffic law, paragraph (i) of subdivision 1 as
52 amended by chapter 180 of the laws of 1996 and subdivision 3 as amended
53 by chapter 220 of the laws of 1984, are amended to read as follows:

54 (i) any resident of New York state who is a severely disabled person,
55 as defined in subdivision [~~three~~] four of section four hundred four-a of
56 this chapter, upon application of such person or such person's parent or

1 guardian, provided, however, that an issuing agent shall issue permits
2 only to residents of the city, town or village in which such issuing
3 agent is located, except that, an issuing agent, in his or her
4 discretion, may issue a permit to a severely disabled person who is not
5 a resident of the city, town, or village in which such issuing agent is
6 located where such person resides in a city, town, or village in which
7 the governing body has not appointed an issuing agent; and an issuing
8 agent, in his or her discretion, may issue a temporary special vehicle
9 identification parking permit, as authorized by subdivision three of
10 this section, to a person who is temporarily unable to ambulate without
11 the aid of an assisting device, as certified by [~~a physician~~] any
12 healthcare practitioner authorized to certify that an individual is
13 severely disabled pursuant to subdivision four of section four hundred
14 four-a of this chapter, who resides in a city, town, or village in which
15 the issuing agent does not issue temporary special vehicle identifica-
16 tion parking permits, or who is not a resident of the United States and
17 is temporarily visiting the state; or

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

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

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

35 (i) fine motor control in both hands;

36 (ii) ability to reach or access a parking meter due to use of a wheel-
37 chair or other ambulatory device; or

38 (iii) ability to reach a height of forty-two inches from the ground
39 due to the lack of finger, hand or upper extremity strength or mobility.

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

43 (c) Any person required for medical reasons to be shielded from the
44 direct rays of the sun and/or any person operating a motor vehicle
45 belonging to such person or in which such person is an habitual passen-
46 ger shall be exempt from the provisions of subparagraphs one and two of
47 paragraph (b) of this subdivision provided the commissioner has granted
48 an exemption and notice of such exemption is affixed to the vehicle as
49 directed by the commissioner. The applicant for such exemption must
50 provide a physician's or nurse practitioner's statement with the reason
51 for the exemption, the name of the individual with a medically necessary
52 condition operating or transported in the vehicle, the specific condi-
53 tion involved, and the minimum level of light transmission required. The
54 commissioner shall only authorize exemptions where the medical condition
55 certified by the physician or nurse practitioner is contained on a list
56 of medical conditions prepared by the commissioner of health pursuant to

1 subdivision sixteen of section two hundred six of the public health law.
2 If such [~~such~~] exemption is granted, the commissioner shall make a
3 record thereof and shall distribute a sufficiently noticeable sticker to
4 the applicant to be attached to any window so shielded or altered pursu-
5 ant to such exemption.

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

9 (iii) the initial qualifying medical examination form and the biennial
10 medical examination form completed by the carrier's physician or nurse
11 practitioner;

12 § 9. Section 509-k of the vehicle and traffic law, as added by chapter
13 1050 of the laws of 1974, is amended to read as follows:

14 § 509-k. Ill or fatigued operator. No driver shall operate a bus and a
15 motor carrier shall not permit a driver to operate a bus while the driv-
16 er's ability or alertness is so impaired, or so likely to become
17 impaired, through fatigue, illness or any other cause, as to make it
18 unsafe for him to begin or continue to operate the bus. At the request
19 of the driver or the motor carrier such illness, fatigue, or other cause
20 shall be certified by a qualified physician or nurse practitioner.
21 However, in a case of grave emergency where the hazard to occupants of
22 the bus or other users of the highway would be increased by compliance
23 with this section, the driver may continue to operate the bus to the
24 nearest place at which that hazard is removed.

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

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

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

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

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

54 § 13. This act shall take effect immediately.