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:

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

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

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

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

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

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

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

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

§ 3624. Drivers, monitors and attendants. The commissioner shall determine and define the qualifications of drivers, monitors and attendants and shall make the rules and regulations governing the operation of all transportation facilities used by pupils which rules and regulations shall include, but not be limited to, a maximum speed of fifty-five miles per hour for school vehicles engaged in pupil transportation that are operated on roads, interstates or other highways, parkways or bridges or portions thereof that have posted speed limits in excess of fifty-five miles per hour, prohibitions relating to smoking, eating and drinking and any and all other acts or conduct which would otherwise impair the safe operation of such transportation facilities while actually being used for the transport of pupils. The employment of each driver, monitor and attendant shall be approved by the chief school administrator of a school district for each school bus operated within his or her district. For the purpose of determining his or her physical fitness, each driver, monitor and attendant may be examined on order of the chief school administrator by a duly licensed physician **or nurse practitioner** within two weeks prior to the beginning of service in each school year as a school bus driver, monitor or attendant. The report of the physician **or certified nurse practitioner**, in writing, shall be considered by the chief school administrator in determining the fitness of the driver to operate or continue to operate any transportation facilities used by pupils and in determining the fitness of any monitor or attendant to carry out his or her functions on such transportation facilities. Nothing in this section shall prohibit a school district from imposing a more restrictive speed limit policy for the operation of school vehicles engaged in pupil transportation than the speed limit policy established by the commissioner.

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

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

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

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

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

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

(i) fine motor control in both hands;

(ii) ability to reach or access a parking meter due to use of a wheelchair or other ambulatory device; or

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 13. This act shall take effect immediately.