

# STATE OF NEW YORK

6801--A

2023-2024 Regular Sessions

## IN SENATE

May 10, 2023

Introduced by Sens. RIVERA, JACKSON, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Rules in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

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

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

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

20 b. The commissioner shall promulgate rules and regulations requiring  
21 that any student displaying signs or symptoms of pending or increased  
22 risk of sudden cardiac arrest shall be immediately removed from athletic  
23 activities and shall not resume athletic activity until [~~he or she~~] such  
24 student has been evaluated by and received written and signed authori-  
25 zation from a licensed physician or a certified nurse practitioner.  
26 Such authorization shall be kept on file in the pupil's permanent health  
27 record.

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

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

1 tive speed limit policy for the operation of school vehicles engaged in  
2 pupil transportation than the speed limit policy established by the  
3 commissioner.

4 § 5. Paragraph (i) of subdivision 1 and subdivision 3 of section  
5 1203-a of the vehicle and traffic law, paragraph (i) of subdivision 1 as  
6 amended by chapter 205 of the laws of 2024 and subdivision 3 as amended  
7 by chapter 220 of the laws of 1984, are amended to read as follows:

8 (i) any resident of New York state who is a severely disabled person,  
9 as defined in subdivision four of section four hundred four-a of this  
10 chapter, upon application of such person or such person's parent or  
11 guardian, provided, however, that an issuing agent shall issue permits  
12 only to residents of the city, town or village in which such issuing  
13 agent is located, except that, an issuing agent, in their discretion,  
14 may issue a permit to a severely disabled person who is not a resident  
15 of the city, town, or village in which such issuing agent is located  
16 where such person resides in a city, town, or village in which the  
17 governing body has not appointed an issuing agent; and an issuing agent,  
18 in their discretion, may issue a temporary special vehicle identifica-  
19 tion parking permit, as authorized by subdivision three of this section,  
20 to a person who is temporarily unable to ambulate without the aid of an  
21 assisting device, as certified by [~~a-physician~~] any healthcare practi-  
22 titioner authorized to certify that an individual is severely disabled  
23 pursuant to subdivision four of section four hundred four-a of this  
24 chapter, who resides in a city, town, or village in which the issuing  
25 agent does not issue temporary special vehicle identification parking  
26 permits, or who is not a resident of the United States and is temporar-  
27 ily visiting the state; or

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

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

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

- 45 (i) fine motor control in both hands;  
46 (ii) ability to reach or access a parking meter due to use of a wheel-  
47 chair or other ambulatory device; or  
48 (iii) ability to reach a height of forty-two inches from the ground  
49 due to the lack of finger, hand or upper extremity strength or mobility.

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

53 (c) Any person required for medical reasons to be shielded from the  
54 direct rays of the sun and/or any person operating a motor vehicle  
55 belonging to such person or in which such person is an habitual passen-  
56 ger shall be exempt from the provisions of subparagraphs one and two of

1 paragraph (b) of this subdivision provided the commissioner has granted  
2 an exemption and notice of such exemption is affixed to the vehicle as  
3 directed by the commissioner. The applicant for such exemption must  
4 provide a physician's or nurse practitioner's statement with the reason  
5 for the exemption, the name of the individual with a medically necessary  
6 condition operating or transported in the vehicle, the specific condi-  
7 tion involved, and the minimum level of light transmission required. The  
8 commissioner shall only authorize exemptions where the medical condition  
9 certified by the physician or nurse practitioner is contained on a list  
10 of medical conditions prepared by the commissioner of health pursuant to  
11 subdivision sixteen of section two hundred six of the public health law.  
12 If such [~~such~~] exemption is granted, the commissioner shall make a  
13 record thereof and shall distribute a sufficiently noticeable sticker to  
14 the applicant to be attached to any window so shielded or altered pursu-  
15 ant to such exemption.

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

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

22 § 9. Section 509-k of the vehicle and traffic law, as added by chapter  
23 1050 of the laws of 1974, is amended to read as follows:

24 § 509-k. Ill or fatigued operator. No driver shall operate a bus and a  
25 motor carrier shall not permit a driver to operate a bus while the driv-  
26 er's ability or alertness is so impaired, or so likely to become  
27 impaired, through fatigue, illness or any other cause, as to make it  
28 unsafe for [~~him~~] such driver to begin or continue to operate the bus. At  
29 the request of the driver or the motor carrier such illness, fatigue, or  
30 other cause shall be certified by a qualified physician or nurse practi-  
31 tioner. However, in a case of grave emergency where the hazard to occu-  
32 pants of the bus or other users of the highway would be increased by  
33 compliance with this section, the driver may continue to operate the bus  
34 to the nearest place at which that hazard is removed.

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

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

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

47 (1) Except as otherwise provided in paragraph two of this subdivision,  
48 the commissioner of jurors may, in [~~his or her~~] such commissioner's  
49 discretion, on the application of a prospective juror who has been  
50 summoned to attend, excuse such prospective juror from a part or the  
51 whole of the time of jury service or may postpone the time of jury  
52 service to a later day during the same or any subsequent term of the  
53 court, provided that if the prospective juror is a breastfeeding mother  
54 and submits with her application a note from a physician or nurse prac-  
55 itioner indicating that the prospective juror is breastfeeding, the  
56 commissioner shall excuse the prospective juror or postpone the time of

1 jury service. The application shall be presented to the commissioner at  
2 such time and in such manner as [~~he or she~~] such commissioner shall  
3 require, except that an application for postponement of the initial date  
4 for jury service may be made by telephone.

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

9 § 13. This act shall take effect on the sixtieth day after it shall  
10 have become a law.