

STATE OF NEW YORK

7492

2023-2024 Regular Sessions

IN SENATE

May 31, 2023

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to temporarily authorizing certain applicants for licensure as a nurse or physician to practice; and providing for the repeal of such provisions upon the expiration thereof

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

1 Section 1. The education law is amended by adding a new section 6907-a
2 to read as follows:

3 § 6907-a. Temporary authorization. 1. (a) A person who is currently
4 licensed and in good standing in another state or territory to practice
5 as a registered nurse and practicing in New York state as of May twenty-
6 ty-second, two thousand twenty-three pursuant to the state disaster
7 emergency declared by executive order four of two thousand twenty-one,
8 may be temporarily authorized to practice registered professional nurs-
9 ing in the state of New York pending a determination on licensure for
10 which an application has been filed pursuant to section sixty-nine
11 hundred five of this article, provided such applicant has: (i) obtained
12 the endorsement of the health care facility, health care program, or
13 health care practice by which he or she was employed pursuant to execu-
14 tive order four of two thousand twenty-one, that is authorized by New
15 York state law to provide professional nursing services and acceptable
16 to the department; and (ii) submitted an initial application for licen-
17 sure in New York state within thirty days of the effective date of this
18 section.

19 (b) Prior to commencing such temporarily authorized practice: (i) the
20 applicant and an authorized representative of the employing facility
21 shall jointly provide written notification to the department, in a form
22 and format acceptable to the department, that such applicant intends to
23 practice in the state of New York pursuant to this subdivision; (ii) the

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

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1 applicant shall pay a fee determined by the department; and (iii) the
2 applicant's name must appear on a list of persons authorized to tempo-
3 rarily practice registered professional nursing published on the depart-
4 ment's website. Such temporary authorization shall expire in one hundred
5 eighty days, or ten days after notification that the applicant does not
6 meet the qualifications for licensure as a registered nurse, whichever
7 shall occur first.

8 2. (a) A person who is currently licensed and in good standing in
9 another state or territory of the United States to practice as a
10 licensed practical nurse and practicing in New York state as of May
11 twenty-second, two thousand twenty-three pursuant to the state disaster
12 emergency declared by executive order four of two thousand twenty-one,
13 may be temporarily authorized to practice licensed practical nursing in
14 the state of New York pending a determination on licensure for which an
15 application has been filed pursuant to section sixty-nine hundred six of
16 this article, provided such applicant has: (i) obtained the endorsement
17 of the health care facility, health care program or health care practice
18 by which he or she was employed pursuant to executive order four of two
19 thousand twenty-one, that is authorized by New York state law to
20 provide professional nursing services; and (ii) submitted an initial
21 application for licensure in New York state within thirty days after the
22 effective date of this section.

23 (b) Prior to commencing such temporarily authorized practice: (i) the
24 applicant and an authorized representative of the employing facility
25 shall jointly provide written notification to the department, in a form
26 and format acceptable to the department, that such applicant intends to
27 practice in the state of New York pursuant to this subdivision; (ii) the
28 applicant shall pay a fee determined by the department; and (iii) the
29 applicant's name must appear on a list of persons authorized to tempo-
30 rarily practice licensed practical nursing published on the department's
31 website. Such temporary authorization shall expire in one hundred eighty
32 days, or ten days after notification that the applicant does not meet
33 the qualifications for licensure as a licensed practical nurse, whichev-
34 er shall occur first.

35 3. Any person practicing as a registered nurse or licensed practical
36 nurse in New York state pursuant to this section shall be subject to the
37 personal and subject matter jurisdiction and disciplinary and regulatory
38 authority of the board of regents as if he or she is a licensee and as
39 if the temporary authorization pursuant to this section is a license.
40 Such person shall comply with applicable provisions of this title and
41 the rules of the board of regents relating to professional practice,
42 professional misconduct, disciplinary proceedings and penalties for
43 professional misconduct. Failure to adhere to the notification
44 provisions of this section may be considered unauthorized practice
45 pursuant to section sixty-five hundred twelve of this title.

46 4. Persons eligible for the temporary authorization pursuant to this
47 section shall provide the required written notification and fee to the
48 department within three months of the effective date of this section and
49 shall not be authorized to practice until the applicant's name appears
50 on the lists of persons authorized to temporarily practice published on
51 the department's website.

52 § 2. Subdivision 10 of section 6526 of the education law, as amended
53 by chapter 199 of the laws of 2019, is amended to read as follows:

54 10. (a) Any physician who is licensed and in good standing in another
55 state or territory, and who has a written agreement to provide medical
56 services to athletes and team personnel of a United States sports team

1 recognized by the United States Olympic committee or an out-of-state
2 secondary school, institution of postsecondary education, or profes-
3 sional athletic organization sports team, may provide medical services
4 to such athletes and team personnel at a discrete sanctioned team sport-
5 ing event in this state as defined by the commissioner in regulations,
6 provided such services are provided only to such athletes and team
7 personnel at the discrete sanctioned team sporting event. Any such
8 medical services shall be provided only five days before through three
9 days after each discrete sanctioned team sporting event.

10 (b) (i) A person who is currently licensed and in good standing in
11 another state or territory to practice as a physician and practicing in
12 New York state as of May twenty-second, two thousand twenty-three pursu-
13 ant to the state disaster emergency declared by executive order four of
14 two thousand twenty-one, may be temporarily authorized to practice medi-
15 cine in the state of New York under the supervision of a New York state
16 licensed and registered physician, pending a determination on licensure
17 for which an application has been filed pursuant to section sixty-five
18 hundred twenty-four of this article, provided such applicant: (1) has
19 obtained the endorsement of an employing health care facility, health
20 care program, or health care practice that is authorized by New York
21 state law to provide medical services and acceptable to the department;
22 (2) has graduated from a duly accredited school of medicine located in
23 the United States or Canada; (3) is currently board certified by a
24 physician certification board acceptable to the department; and (4) has
25 submitted an initial application for licensure in New York state within
26 thirty days of the effective date of the chapter of the laws of two
27 thousand twenty-three that amended this paragraph.

28 (ii) Prior to commencing temporarily authorized practice: (1) the
29 applicant and supervising physician shall jointly provide written
30 notification to the department, in a form and format acceptable to the
31 department, that such applicant intends to practice in the state of New
32 York pursuant to this subdivision; (2) the applicant shall pay a fee
33 determined by the department; and (3) the applicant's name must appear
34 on a list of persons authorized to temporarily practice medicine
35 published on the department's website. Such temporary authorization
36 shall expire in one hundred eighty days or ten days after notification
37 that the applicant does not meet the qualifications for licensure as a
38 physician, whichever shall occur first. Persons eligible for the tempo-
39 rary authorization pursuant to this paragraph shall provide the required
40 written notification and fee to the department within three months of
41 the effective date of the chapter of the laws of two thousand twenty-
42 three that amended this subdivision and shall not be authorized to prac-
43 tice until the applicant's name appears on the lists of persons author-
44 ized to temporarily practice published on the department's website.

45 (c) Any person practicing as a physician in New York state pursuant to
46 this subdivision shall be subject to the personal and subject matter
47 jurisdiction and disciplinary and regulatory authority of the board of
48 regents and the state board for professional medical conduct established
49 pursuant to section two hundred thirty of the public health law as if he
50 or she is a licensee and as if the exemption pursuant to this subdivi-
51 sion is a license. Such individual shall comply with applicable
52 provisions of this title, the public health law, the rules of the board
53 of regents, the state board for professional medical conduct established
54 pursuant to section two hundred thirty of the public health law, and the
55 regulations of the commissioner and the commissioner of health, relating
56 to professional misconduct, disciplinary proceedings and penalties for

1 professional misconduct. Failure to adhere to the notification
2 provisions of paragraph (b) of this subdivision may be considered unau-
3 thorized practice pursuant to section sixty-five hundred twelve of this
4 title.

5 § 3. This act shall take effect immediately and shall expire and be
6 deemed repealed one year after it shall have become a law.