STATE OF NEW YORK

7492--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

§ 6907-a. Temporary authorization. 1. (a) A person who is currently licensed and in good standing in another state or territory to practice as a registered nurse and practicing in New York state on May twenty-second, two thousand twenty-three pursuant to the state disaster emergency declared by executive order four of two thousand twenty-one may be temporarily authorized to practice registered professional nursing in the state of New York, provided such person has: (i) filed an application for licensure with the department pursuant to section sixty-nine hundred five of this article that is pending a determination; and (ii) obtained the endorsement of the health care facility, health care program, or health care practice by which he or she was employed pursuant to executive order four of two thousand twenty-one, that is authorized by New York state law to provide professional nursing services and acceptable to the department.

(b) Prior to commencing such temporarily authorized practice: (i) the person shall file an application for licensure with the department pursuant to section sixty-nine hundred five of this article; (ii) the person and an authorized representative of the employing facility shall jointly provide written notification to the department, in a form and

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

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format acceptable to the department, that such person intends to practice in the state of New York pursuant to this subdivision; (iii) the person shall pay a fee determined by the department; and (iv) the person's name must appear on a list of persons authorized to temporarily practice registered professional nursing published on the department's website. Such temporary authorization shall expire in one hundred eighty days, or ten days after notification that the person does not meet the qualifications for licensure as a registered nurse, whichever shall occur first.

2. (a) A person who is currently licensed and in good standing in another state or territory of the United States to practice as a licensed practical nurse and practicing in New York state on May twenty-second, two thousand twenty-three pursuant to the state disaster emergency declared by executive order four of two thousand twenty-one may be temporarily authorized to practice licensed practical nursing in the state of New York, provided such person has: (i) filed an application for licensure with the department pursuant to section sixty-nine hundred six of this article that is pending a determination; and (ii) obtained the endorsement of the health care facility, health care program or health care practice by which he or she was employed pursuant to executive order four of two thousand twenty-one, that is authorized by New York state law to provide professional nursing services.

(b) Prior to commencing such temporarily authorized practice: (i) the person shall file an application for licensure with the department pursuant to section sixty-nine hundred six of this article; (ii) the person and an authorized representative of the employing facility shall jointly provide written notification to the department, in a form and format acceptable to the department, that such person intends to practice in the state of New York pursuant to this subdivision; (iii) the person shall pay a fee determined by the department; and (iv) the person's name must appear on a list of persons authorized to temporarily practice licensed practical nursing published on the department's website. Such temporary authorization shall expire in one hundred eighty days, or ten days after notification that the person does not meet the qualifications for licensure as a licensed practical nurse, whichever shall occur first.

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

4. Persons eligible for the temporary authorization pursuant to this section shall file an application for licensure, provide the required written notification, pay a fee to the department within thirty days of the effective date of this section, and shall not be authorized to temporarily practice until the person's name appears on the lists of persons authorized to temporarily practice published on the department's website.

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

10. (a) Any physician who is licensed and in good standing in another state or territory, and who has a written agreement to provide medical services to athletes and team personnel of a United States sports team recognized by the United States Olympic committee or an out-of-state secondary school, institution of postsecondary education, or professional athletic organization sports team, may provide medical services to such athletes and team personnel at a discrete sanctioned team sporting event in this state as defined by the commissioner in regulations, provided such services are provided only to such athletes and team personnel at the discrete sanctioned team sporting event. Any such medical services shall be provided only five days before through three days after each discrete sanctioned team sporting event.

(b) **(i) A person who is currently licensed and in good standing in another state or territory to practice as a physician and practicing in New York state on May twenty-second, two thousand twenty-three pursuant to the state disaster emergency declared by executive order four of two thousand twenty-one may be temporarily authorized to practice medicine in the state of New York under the supervision of a New York state licensed and registered physician, provided such person: (1) filed an application for licensure with the department pursuant to section sixty-five hundred twenty-four of this article that is pending a determination; (2) has obtained the endorsement of an employing health care facility, health care program, or health care practice that is authorized by New York state law to provide medical services and acceptable to the department; (3) has graduated from a duly accredited school of medicine located in the United States or Canada; and (4) is currently board certified by a physician certification board acceptable to the department.**

(ii) Prior to commencing temporarily authorized practice: (1) the person shall file an application for licensure with the department pursuant to section sixty-five hundred twenty-four of this article; (2) the person and supervising physician shall jointly provide written notification to the department, in a form and format acceptable to the department, that such person intends to practice in the state of New York pursuant to this paragraph; (3) the person shall pay a fee determined by the department; and (4) the person's name must appear on a list of persons authorized to temporarily practice medicine published on the department's website. Such temporary authorization shall expire in one hundred eighty days or ten days after notification that the person does not meet the qualifications for licensure as a physician, whichever shall occur first. Persons eligible for the temporary authorization pursuant to this subparagraph shall file an application for licensure, provide the required written notification, pay a fee to the department within thirty days of the effective date of the chapter of the laws of two thousand twenty-three that amended this subdivision, and shall not be authorized to temporarily practice until the person's name appears on the lists of persons authorized to temporarily practice published on the department's website.

(c) Any person practicing as a physician in New York state pursuant to this subdivision shall be subject to the personal and subject matter jurisdiction and disciplinary and regulatory authority of the board of regents and the state board for professional medical conduct established pursuant to section two hundred thirty of the public health law as if he or she is a licensee and as if the exemption pursuant to this subdivision is a license. Such individual shall comply with applicable provisions of this title, the public health law, the rules of the board

of regents, the state board for professional medical conduct established pursuant to section two hundred thirty of the public health law, and the regulations of the commissioner and the commissioner of health, relating to professional misconduct, disciplinary proceedings and penalties for professional misconduct. **Failure to adhere to the notification provisions of paragraph (b) of this subdivision may be considered unauthorized practice pursuant to section sixty-five hundred twelve of this title.**

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