

STATE OF NEW YORK

7492--B

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 -- 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:

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 on May twenty-
6 second, two thousand twenty-three pursuant to the state disaster emer-
7 gency declared by executive order four of two thousand twenty-one may be
8 temporarily authorized to practice registered professional nursing in
9 the state of New York, provided such person has: (i) filed an applica-
10 tion for licensure with the department pursuant to section sixty-nine
11 hundred five of this article that is pending a determination; and (ii)
12 obtained the endorsement of the health care facility, health care
13 program, or health care practice by which he or she was employed pursu-
14 ant to executive order four of two thousand twenty-one, that is author-
15 ized by New York state law to provide professional nursing services and
16 acceptable to the department.

17 (b) Prior to commencing such temporarily authorized practice: (i) the
18 person shall file an application for licensure with the department
19 pursuant to section sixty-nine hundred five of this article; (ii) the
20 person and an authorized representative of the employing facility shall

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

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

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

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

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

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

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

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

15 (b) (i) A person who is currently licensed and in good standing in
16 another state or territory to practice as a physician and practicing in
17 New York state on May twenty-second, two thousand twenty-three pursuant
18 to the state disaster emergency declared by executive order four of two
19 thousand twenty-one may be temporarily authorized to practice medicine
20 in the state of New York under the supervision of a New York state
21 licensed and registered physician, provided such person: (1) filed an
22 application for licensure with the department pursuant to section
23 sixty-five hundred twenty-four of this article that is pending a deter-
24 mination; (2) has obtained the endorsement of an employing health care
25 facility, health care program, or health care practice that is author-
26 ized by New York state law to provide medical services and acceptable to
27 the department; (3) has graduated from a duly accredited school of medi-
28 cine located in the United States or Canada; and (4) is currently board
29 certified by a physician certification board acceptable to the depart-
30 ment.

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

51 (c) Any person practicing as a physician in New York state pursuant to
52 this subdivision shall be subject to the personal and subject matter
53 jurisdiction and disciplinary and regulatory authority of the board of
54 regents and the state board for professional medical conduct established
55 pursuant to section two hundred thirty of the public health law as if he
56 or she is a licensee and as if the exemption pursuant to this subdivi-

1 sion is a license. Such individual shall comply with applicable
2 provisions of this title, the public health law, the rules of the board
3 of regents, the state board for professional medical conduct established
4 pursuant to section two hundred thirty of the public health law, and the
5 regulations of the commissioner and the commissioner of health, relating
6 to professional misconduct, disciplinary proceedings and penalties for
7 professional misconduct. Failure to adhere to the notification
8 provisions of paragraph (b) of this subdivision may be considered unau-
9 thorized practice pursuant to section sixty-five hundred twelve of this
10 title.

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