

# STATE OF NEW YORK

769--A

2023-2024 Regular Sessions

## IN SENATE

January 6, 2023

Introduced by Sens. COONEY, ADDABBO, BAILEY, GALLIVAN, HARCKHAM, JACKSON, PALUMBO, PARKER, RAMOS, RIVERA, SALAZAR, SKOUFIS -- 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 creating the profession of nurse anesthetist

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 article 139-A to read as follows:

### ARTICLE 139-A

#### CERTIFIED REGISTERED NURSE ANESTHETIST

##### Section 6912. Introduction.

6913. Definition of practice of certified registered nurse anesthetist.

6914. Practice of certified registered nurse anesthetist and use of the title "certified registered nurse anesthetist" or "nurse anesthetist".

6915. State board for nursing.

6916. Requirements for a license as a certified registered nurse anesthetist.

6917. Limited permits.

6918. Exempt persons.

6919. Special provisions.

§ 6912. Introduction. This article applies to the profession of certified registered nurse anesthetist. The general provisions for all professions contained in article one hundred thirty of this title apply to this article.

§ 6913. Definition of practice of certified registered nurse anesthetist. 1. In addition to the provisions of practice for registered

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

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1 professional nursing outlined in section sixty-nine hundred two of this  
2 title, the practice of a certified registered nurse anesthetist further  
3 includes, but is not limited to, administration of anesthesia and  
4 sedation to a patient; performing and documenting a preanesthetic  
5 assessment and evaluation of the patient, including requesting consulta-  
6 tions and diagnostic studies; selecting, obtaining, ordering, and admin-  
7 istering preanesthetic medications and fluids; obtaining informed  
8 consent for anesthesia, developing and implementing an anesthetic plan;  
9 initiating the anesthetic technique; monitoring the patient including  
10 selecting, applying, and inserting appropriate noninvasive and invasive  
11 monitoring modalities for continuous evaluation of the patient's phys-  
12 ical status; selecting, obtaining, and administering the anesthetics,  
13 adjuvant and accessory drugs, and fluids necessary to manage anesthetics  
14 and acute and chronic pain; ordering and evaluating laboratory and diag-  
15 nostic tests and performing point-of-care testing; ordering and evaluat-  
16 ing radiographic imaging studies; managing a patient's airway and  
17 cardiopulmonary status using current practice modalities; facilitating  
18 emergence and recovery from anesthesia by selecting, obtaining, ordering  
19 and administering medications, fluids, and ventilatory support;  
20 discharging the patient from a postanesthesia care area and providing  
21 postanesthesia follow-up evaluation and care; implementing acute and  
22 chronic pain management modalities; responding to emergency situations  
23 by providing airway management, administration of emergency fluids and  
24 drugs, and using basic or advanced cardiac life support techniques; and  
25 prescribe tests, drugs and other treatments necessary to anesthesia care  
26 provided by a nurse anesthetist.

27 2. A certified registered nurse anesthetist licensed under this arti-  
28 cle and practicing for thirty-six hundred hours or less shall do so  
29 under the direction of a physician, dentist or podiatrist. For purposes  
30 of this section, direction shall mean the coordination and communication  
31 between the physician, dentist or podiatrist and the certified regis-  
32 tered nurse anesthetist for the care of the patient. After practicing  
33 for more than thirty-six hundred hours, a certified registered nurse  
34 anesthetist shall function in an interdependent role as a member of a  
35 health care team in which the medical care of a patient is overseen by a  
36 physician, dentist or podiatrist.

37 3. Prescriptions for drugs, devices, and anesthetic agents, anesthesia  
38 related agents, and analgesics may be issued by a certified registered  
39 nurse anesthetist necessary to anesthesia care provided by a nurse  
40 anesthetist. The certified registered nurse anesthetist shall obtain a  
41 certificate from the department upon successfully completing a program  
42 including an appropriate pharmacology component, or its equivalent, as  
43 established by the commissioner's regulations, prior to prescribing  
44 under this subdivision. The license issued under this article shall  
45 state whether the certified registered nurse anesthetist has successful-  
46 ly completed such a program or equivalent and is authorized to prescribe  
47 under this subdivision.

48 4. Nothing in this section shall be deemed to limit or diminish the  
49 practice of the profession of nursing as a registered professional nurse  
50 under article one hundred thirty-nine of this title or any other law,  
51 rule, regulation or certification, nor to deny any registered profes-  
52 sional nurse the right to do any act or engage in any practice author-  
53 ized by article one hundred thirty-nine of this title or any other law,  
54 rule, regulation or certification.

55 § 6914. Practice of certified registered nurse anesthetist and use of  
56 the title "certified registered nurse anesthetist" or "nurse anesthe-

1 tist". Only a person licensed or otherwise authorized under this article  
2 shall practice as a certified registered nurse anesthetist or nurse  
3 anesthetist, provided that any person who was practicing as a certified  
4 registered nurse anesthetist in the state before the effective date of  
5 this article shall have the right to continue using the title. Contin-  
6 ued use of such title after that shall be dependent upon such person  
7 applying for and obtaining a license from the department as a certified  
8 registered nurse anesthetist pursuant to this article within three years  
9 from the effective date of this article.

10 § 6915. State board for nursing. The state board for nursing as estab-  
11 lished in section sixty-nine hundred four of this title shall be the  
12 governing state board for certified registered nurse anesthetists.

13 § 6916. Requirements for a license as a certified registered nurse  
14 anesthetist. To qualify for a license as a certified registered nurse  
15 anesthetist, an applicant shall fulfill the following requirements:

16 1. Application: file an application with the department;

17 2. License: be New York state licensed and currently registered as a  
18 registered professional nurse;

19 3. Education: have received a master's degree or higher in a program  
20 of nurse anesthesia from a program registered by the department or  
21 determined by the department to be substantially equivalent or meet the  
22 requirements of section sixty-nine hundred nineteen of this article;

23 4. Examination: pass an examination satisfactory to the board and in  
24 accordance with the commissioner's regulations;

25 5. Character: be of good moral character as determined by the depart-  
26 ment;

27 6. Fees: pay a fee of one hundred fifty dollars to the department for  
28 an initial license and a fee of fifty dollars for each triennial regis-  
29 tration period; and

30 7. Information and documentation: in conjunction with and as a condi-  
31 tion of each triennial registration a certified registered nurse anesth-  
32 etist shall provide to the department, and the department shall collect,  
33 such information and documentation required by the department, in  
34 consultation with the department of health, as is necessary to enable  
35 the department of health to evaluate access to needed services in this  
36 state, including, but not limited to, the location and type of setting  
37 wherein the certified registered nurse anesthetist practices and other  
38 information the department, in consultation with the department of  
39 health, deems relevant. The department of health, in consultation with  
40 the department, shall make such data available in aggregate, de-identi-  
41 fied form on a publicly accessible website. Additionally, in conjunc-  
42 tion with each triennial registration, the department, in consultation  
43 with the department of health, shall provide information on registering  
44 in the donate life registry for organ and tissue donation, including the  
45 website address for such registry.

46 § 6917. Limited permits. 1. A permit to practice as a certified regis-  
47 tered nurse anesthetist may be issued by the department upon the filing  
48 of an application for a license as a certified registered nurse anesthe-  
49 tist and submission of such other information as the department may  
50 require to (a) graduates of schools of nurse anesthesia registered by  
51 the department or (b) graduates of schools of nurse anesthesia approved  
52 in another state, province, or country.

53 2. Such limited permit shall expire one year from the date of issuance  
54 or upon notice to the applicant by the department that the application  
55 for license has been denied. The limited permit may be renewed, at the  
56 discretion of the department, for one additional year.

1 3. A limited permit shall entitle the holder to practice nurse anes-  
2 thetia only in a health care facility under the personal, on-premise  
3 supervision of a certified registered nurse anesthetist or collaborating  
4 physician currently registered in this state and with the endorsement of  
5 the employing agency.

6 4. Fees. The fee for each limited permit shall be thirty-five dollars.  
7 § 6918. Exempt persons. This article shall not be construed:

8 1. as applying to any activity authorized, pursuant to statute, rule  
9 or regulation, to be performed by a registered professional nurse in a  
10 hospital as defined in article twenty-eight of the public health law;

11 2. as prohibiting the furnishing of nurse anesthesia assistance in  
12 case of an emergency;

13 3. as prohibiting such performance of nurse anesthesia service by  
14 students enrolled in department registered nurse anesthesia programs or  
15 students enrolled in other nurse anesthesia programs that are authorized  
16 pursuant to section two hundred twenty-four of this chapter to place  
17 such students in clinical rotations in New York state;

18 4. as prohibiting or preventing the practice of nurse anesthesia in  
19 this state by any legally qualified nurse or practical nurse of another  
20 state, province, or country whose engagement requires him or her to  
21 accompany and care for a patient temporarily residing in this state  
22 during the period of such engagement provided such person does not  
23 represent or hold himself or herself out as a certified registered nurse  
24 anesthetist registered to practice in this state;

25 5. as prohibiting or preventing the practice of nurse anesthesia in  
26 this state during an emergency or disaster by any legally qualified  
27 nurse anesthetist of another state, province, or country who may be  
28 recruited by the American National Red Cross or pursuant to authority  
29 vested in the state civil defense commission for such emergency or  
30 disaster service, provided such person does not represent or hold  
31 himself or herself out as a certified registered nurse anesthetist  
32 registered to practice in this state;

33 6. as prohibiting or preventing the practice of nurse anesthesia in  
34 this state, in obedience to the requirements of the laws of the United  
35 States, by any commissioned nurse anesthetist officer in the armed forc-  
36 es of the United States or by any nurse anesthetist employed in the  
37 United States veterans administration or United States public health  
38 service while engaged in the performance of the actual duties prescribed  
39 for him or her under the United States statutes, provided such person  
40 does not represent or hold himself or herself out as a certified regis-  
41 tered nurse anesthetist registered to practice in this state; or

42 7. as prohibiting the care of the sick when done in connection with  
43 the practice of the religious tenets of any church.

44 § 6919. Special provisions. 1. A certified registered nurse anes-  
45 tist licensed under this article, while providing services to patients  
46 in New York state, is required to purchase and maintain, or otherwise be  
47 covered by, professional liability insurance in an amount not less than  
48 one million dollars per claim with an aggregate liability for all claims  
49 during the year of three million dollars. Professional liability insur-  
50 ance required by this section shall cover all acts within the scope of  
51 practice of registered nurse anesthetist.

52 2. It shall be lawful for an individual practicing as a certified  
53 registered nurse anesthetist in this state as of the effective date of  
54 this section that does not meet the educational requirements to continue  
55 such practice provided that such certified registered nurse anesthetist:  
56 (a) submits evidence of certification as a certified registered nurse

1 anesthetist by an appropriate national certifying body; and (b) has  
2 continually maintained active, up-to-date recertification status as a  
3 certified registered nurse anesthetist by an appropriate national recer-  
4 tifying body.

5 § 2. Section 6903 of the education law, as amended by chapter 323 of  
6 the laws of 2006, is amended to read as follows:

7 § 6903. Practice of nursing and use of title "registered professional  
8 nurse" or "licensed practical nurse". Only a person licensed or other-  
9 wise authorized under this article shall practice nursing and only a  
10 person licensed under section sixty-nine hundred five of this article  
11 shall use the title "registered professional nurse" and only a person  
12 licensed under section sixty-nine hundred six of this article shall use  
13 the title "licensed practical nurse". No person shall use the title  
14 "nurse" or any other title or abbreviation that would represent to the  
15 public that the person is authorized to practice nursing unless the  
16 person is licensed or otherwise authorized under this article or article  
17 one hundred thirty-nine-A of this title.

18 § 3. Section 6904 of the education law, as amended by chapter 994 of  
19 the laws of 1971 and as renumbered by chapter 50 of the laws of 1972, is  
20 amended to read as follows:

21 § 6904. State board for nursing. A state board for nursing shall be  
22 appointed by the board of regents on recommendation of the commissioner  
23 for the purpose of assisting the board of regents and the department on  
24 matters of professional licensing and professional conduct in accordance  
25 with section sixty-five hundred eight of this title. The board shall be  
26 composed of not less than [~~fifteen~~] seventeen members, eleven of whom  
27 shall be registered professional nurses and four of whom shall be  
28 licensed practical nurses and two of whom shall be certified registered  
29 nurse anesthetists all licensed and practicing in this state for at  
30 least five years. An executive secretary to the board shall be  
31 appointed by the board of regents on recommendation of the commissioner  
32 and shall be a registered professional nurse registered in this state.

33 § 4. This act shall take effect one year after it shall have become a  
34 law.