STATE OF NEW YORK

9038--A

IN SENATE

April 11, 2024

Introduced by Sen. MAY -- 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 and the public health law, in relation to amending physician assistant practice standards; and providing for the repeal of certain provisions upon expiration thereof

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

Section 1. Section 6542 of the education law, as amended by chapter 48 of the laws of 2012, subdivisions 3 and 5 as amended by section 1 of part T of chapter 57 of the laws of 2013, is amended to read as follows:

§ 6542. Performance of medical services. 1. Notwithstanding any other provision of law, a physician assistant may perform medical services, but only when under the supervision of a physician and only when such acts and duties as are assigned to [~~him or her~~] **such physician assistant** are within the scope of practice of such supervising physician.

2. Supervision shall be continuous but shall not be construed as necessarily requiring the physical presence of the supervising physician at the time and place where such services are performed.

3. No physician shall employ or supervise more than [~~four~~] **six** physician assistants in [~~his or her~~] **such physician's** private practice **at one time**.

4. Nothing in this article shall prohibit a hospital from employing physician assistants**,** provided **that** they work under the supervision of a physician designated by the hospital and not beyond the scope of practice of such physician. The numerical limitation of subdivision three of this section shall not apply to services performed in a hospital.

5. Notwithstanding any other provision of this article, nothing shall prohibit a physician employed by or rendering services to the department of corrections and community supervision under contract from supervising no more than [~~six~~] **eight** physician assistants in [~~his or her~~] **such physician's** practice for the department of corrections and community supervision **at one time**.

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

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6. Notwithstanding any other provision of law, a trainee in an approved program may perform medical services when such services are performed within the scope of such program.

7. **A physician assistant may prescribe and order a non-patient specific regimen to a registered professional nurse, pursuant to regulations promulgated by the commissioner, and consistent with the public health law, for:**

(a) administering immunizations.

(b) the emergency treatment of anaphylaxis.

(c) administering purified protein derived (PPD) tests or other tests to detect or screen for tuberculosis infections.

(d) administering tests to determine the presence of the human immunodeficiency virus.

(e) administering tests to determine the presence of the hepatitis C virus.

(f) the urgent or emergency treatment of opioid related overdose or suspected opioid related overdose.

(g) screening of persons at increased risk of syphilis, gonorrhea, and chlamydia.

(h) administering electrocardiogram tests to detect signs and symptoms of acute coronary syndrome.

(i) administering point-of-care blood glucose tests to evaluate acute mental status changes in persons with suspected hypoglycemia.

(j) administering tests and intravenous lines to persons that meet severe sepsis and septic shock criteria.

(k) administering tests to determine pregnancy.

(l) administering tests to determine the presence of COVID-19 or its antibodies or influenza virus.

8. Nothing in this article, or in article thirty-seven of the public health law, shall be construed to authorize physician assistants to perform those specific functions and duties specifically delegated by law to those persons licensed as allied health professionals under the public health law or this chapter.

§ 2. Subdivision 1 of section 3702 of the public health law, as amended by chapter 48 of the laws of 2012, is amended to read as follows:

1. Inpatient medical orders. A licensed physician assistant employed or extended privileges by a hospital may, if permissible under the bylaws, rules and regulations of the hospital, write medical orders, including those for controlled substances **and durable medical equipment**, for inpatients under the care of the physician responsible for [~~his or her~~] **the** supervision **of such physician assistant**. Countersignature of such orders may be required if deemed necessary and appropriate by the supervising physician or the hospital, but in no event shall countersignature be required prior to execution.

§ 3. Subdivision 5 of section 6810 of the education law, as added by chapter 881 of the laws of 1972, is amended to read as follows:

5. Records of all prescriptions filled or refilled shall be maintained for a period of at least five years and upon request made available for inspection and copying by a representative of the department. Such records shall indicate date of filling or refilling, [~~doctor's~~] **prescriber's** name, patient's name and address and the name or initials of the pharmacist who prepared, compounded, or dispensed the prescription. Records of prescriptions for controlled substances shall be maintained pursuant to requirements of article thirty-three of the public health law.

§ 4. This act shall take effect three months after it shall have become a law; provided, however, that paragraph (l) of subdivision 7 of section 6542 of the education law, as added by section one of this act, shall expire and be deemed repealed July 1, 2026. Effective immediately, the state education department and the department of health are authorized to promulgate, amend and/or repeal any rule or regulation necessary for the implementation of section one of this act on or before such effective date.