STATE OF NEW YORK

9761

IN SENATE

May 29, 2024

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 temporary authorizations for practice as a registered nurse, licensed practical nurse, or physician; to amend chapter 136 of the laws of 2023 amending the education law relating to temporarily authorizing certain applicants for licensure as a nurse or physician to practice, in relation to the effectiveness thereof; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Section 6907-a of the education law, as added by chapter 136 of the laws of 2023, is amended 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,~~] **on licensure for which an application has been filed pursuant to section sixty-nine hundred five of this article, provided such applicant 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 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~~] **applicant** and an authorized representative of the employing

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

LBD15329-03-4

facility shall jointly provide written notification to the department, in a form and format acceptable to the department, that such [~~person~~] applicant intends to practice in the state of New York pursuant to this subdivision; [~~(iii)~~] (ii) the [~~person~~] applicant shall pay a temporary authorization fee and an applicable professional licensure fee to be determined by the department; and [~~(iv)~~] (iii) the [~~person's~~] applicant'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~~] applicant 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,~~] on licensure for which an application has been filed pursuant to section sixty-nine hundred six of this article, provided such applicant 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 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~~] applicant 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~~] applicant intends to practice in the state of New York pursuant to this subdivision; [~~(iii)~~] (ii) the [~~person~~] applicant shall pay a temporary authorization fee and an applicable professional licensure fee to be determined by the department; and [~~(iv)~~] (iii) the [~~person's~~] applicant'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~~] applicant 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~~] such person 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 **and pay the temporary authorization fee and the professional licensure fee to the department within thirty days of submitting the written notification of temporary authorization to the department**, [~~provide the required written notification, and 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~~] **such** person's name appears on the lists of persons authorized to temporarily practice published on the department's website.

§ 2. Paragraph (b) of subdivision 10 of section 6526 of the education law, as amended by chapter 136 of the laws of 2023, is amended to read as follows:

(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)~~] **on licensure for which an application has been filed pursuant to section sixty-five hundred twenty-four of this article, provided such applicant: (1)** 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)~~] **(2)** has graduated from a duly accredited school of medicine located in the United States or Canada; and [~~(4)~~] **(3)** 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~~] **applicant** and supervising physician shall jointly provide written notification to the department, in a form and format acceptable to the department, that such [~~person~~] **applicant** intends to practice in the state of New York pursuant to this paragraph; [~~(3) the person~~] **(2) the applicant** shall pay a **temporary authorization fee and an applicable professional licensure** fee **to be** determined by the department; and [~~(4) the person's~~] **(3) the applicant'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~~] **applicant** does not meet the qualifications for licensure as a physician, whichever shall occur first. Persons eligible for the temporary authorization pursuant to this paragraph shall file an application for licensure **and pay the temporary authorization fee and the professional licensure fee to the department within thirty days of submitting the written notification of temporary authorization to the department**, [~~provide the required written notification, and 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~~] **such** person's name appears on the lists of persons authorized to temporarily practice published on the department's website.

§ 3. Section 3 of chapter 136 of the laws of 2023 amending the education law relating to temporarily authorizing certain applicants for licensure as a nurse or physician to practice, is amended to read as follows:

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

§ 4. This act shall take effect immediately; and shall expire and be deemed repealed on the one hundred eightieth day after it shall have become a law.