

# STATE OF NEW YORK

201--A

2023-2024 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. MAGNARELLI, SAYEGH, COOK, BUTTENSCHON, GONZALEZ-ROJAS -- read once and referred 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 the license requirements for the practice of respiratory therapy

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

1 Section 1. Subdivision 2 of section 8504 of the education law, as  
2 added by chapter 817 of the laws of 1992, is amended to read as follows:  
3 2. Education: have received an education, including completion of an  
4 approved [~~associate~~] bachelor degree program in respiratory therapy or  
5 in a program determined by the department to be the equivalent; and in  
6 order to continue to maintain registration as a licensed respiratory  
7 therapist in New York state, have attained a baccalaureate degree or  
8 higher in respiratory therapy or in a program determined by the depart-  
9 ment to be the equivalent within six years of initial licensure in  
10 accordance with the commissioner's regulations. The department, in its  
11 discretion, may issue a conditional registration to a licensee who fails  
12 to complete the baccalaureate degree but who agrees to meet the addi-  
13 tional requirement within one year. The fee for such a conditional  
14 registration shall be the same as, and in addition to, the fee for the  
15 triennial registration. The duration of such conditional registration  
16 shall be for one year and may be extended, with the payment of a fee,  
17 for no more than one additional year, unless the applicant can show good  
18 cause for non-compliance acceptable to the department. The department,  
19 in its discretion, may issue a temporary educational exemption to a  
20 licensee who is unable to complete the baccalaureate degree due to a  
21 lack of access to educational programs. Licensees seeking a temporary  
22 educational exemption shall provide evidence of applying on at least two

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

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1 occasions to a baccalaureate degree program or programs and subsequently  
2 being denied access to such program or programs on at least two occa-  
3 sions due to there being a limited number of seats. Such denials shall  
4 also be corroborated by the higher education institution or institutions  
5 that the licensee applied to. Temporary educational exemptions issued  
6 pursuant to this subdivision shall be for a single two year period.  
7 Licensees shall only be eligible for either a conditional registration  
8 or a temporary educational exemption. The fee for such a temporary  
9 educational exemption shall be the same as, and in addition to, the fee  
10 for the triennial registration. Any licensee who is notified of the  
11 denial of a registration for failure to complete the additional educa-  
12 tional requirements and who practices as a licensed respiratory thera-  
13 pist without such registration may be subject to disciplinary  
14 proceedings pursuant to section sixty-five hundred ten of this title;

15 § 2. Section 8513 of the education law, as added by chapter 817 of the  
16 laws of 1992, is amended to read as follows:

17 § 8513. Special provisions. 1. A person shall be licensed without  
18 examination provided that, within one year of the effective date of this  
19 article, the individual:

20 [~~1-~~](a) files an application and pays the appropriate fees to the  
21 department; and

22 [~~2--(a)~~](b)(1) is certified by a national certifying or accrediting  
23 board for respiratory therapy technicians acceptable to the department,  
24 or

25 [~~(b)~~](2) has practiced as a respiratory therapy technician in a hospi-  
26 tal, as defined in article twenty-eight of the public health law, in the  
27 state for not less than two years within the last five years, or

28 [~~(e)~~](3) has met the educational standards of a hospital, as defined  
29 in article twenty-eight of the public health law, or, in the case of a  
30 hospital operated by a public benefit corporation, has met the educa-  
31 tional standards of such corporation, and has practiced as a respiratory  
32 therapy technician for at least one year in such hospital.

33 2. The department shall not accept new applications for an initial  
34 license as a respiratory therapy technician, provided however that an  
35 individual licensed as a respiratory therapy technician prior to that  
36 date shall be eligible to renew the registration of the license subject  
37 to the provisions of this section.

38 § 3. The provisions of this act shall not apply to:

39 1. any student currently enrolled in, or having an application pending  
40 in, an approved associate degree program in respiratory therapy or in a  
41 program determined by the department to be the equivalent as of the  
42 effective date of this act; or

43 2. any person already licensed as a respiratory therapist.

44 § 4. Any individual covered by section three of this act shall be  
45 deemed fully licensed provided that such individual meets the require-  
46 ments set forth by article 164 of the education law.

47 § 5. This act shall take effect immediately; provided, however that  
48 section one of this act shall take effect two years after this act shall  
49 have become a law.