

# STATE OF NEW YORK

3076

2023-2024 Regular Sessions

## IN ASSEMBLY

February 2, 2023

Introduced by M. of A. LUPARDO, SANTABARBARA, LUNSFORD, WALLACE, FORREST, McMAHON, JONES, CLARK, CONRAD, FAHY -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to allowing for a certain amount of required clinical training and competency for licensing as a registered professional nurse, licensed practical nurse, and nurse practitioner to be completed through simulation experience

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

1 Section 1. Subdivision 2 of section 6905 of the education law, as  
2 amended by chapter 380 of the laws of 2018, is amended to read as  
3 follows:

4 (2) Education: have received an education, and a diploma or degree in  
5 professional nursing, in accordance with the commissioner's regulations,  
6 and in order to continue to maintain registration as a registered  
7 professional nurse in New York state, have attained a baccalaureate  
8 degree or higher in nursing within ten years of initial licensure in  
9 accordance with the commissioner's regulations, and have participated in  
10 supervised clinical training, clinical education, or the equivalent, as  
11 determined by the department. The commissioner shall permit one-third of  
12 such clinical training to be obtained through simulation experience  
13 acceptable to the department and pursuant to regulation. Nothing in this  
14 section shall prohibit an education program from providing greater than  
15 one-third of such training through simulation experience, provided the  
16 department has granted approval to do so prior to January first, two  
17 thousand twenty-three. The department, in its discretion, may issue a  
18 conditional registration to a licensee who fails to complete the bacca-  
19 laureate degree but who agrees to meet the additional requirement within  
20 one year. The fee for such a conditional registration shall be the same  
21 as, and in addition to, the fee for the triennial registration. The  
22 duration of such conditional registration shall be for one year and may

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

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1 be extended, with the payment of a fee, for no more than one additional  
2 year, unless the applicant can show good cause for non-compliance  
3 acceptable to the department. The department, in its discretion, may  
4 issue a temporary educational exemption to a licensee who is unable to  
5 complete the baccalaureate degree due to a lack of access to educational  
6 programs. Licensees seeking a temporary educational exemption shall  
7 provide evidence of applying on at least two occasions to a baccalau-  
8 reate degree program or programs and subsequently being denied access to  
9 such program or programs on at least two occasions due to there being a  
10 limited number of seats. Such denials shall also be corroborated by the  
11 higher education institution or institutions that the licensee applied  
12 to. Temporary educational exemptions issued pursuant to this subdivision  
13 shall be for a single two year period. Licensees shall only be eligible  
14 for either a conditional registration or a temporary educational  
15 exemption. The fee for such a temporary educational exemption shall be  
16 the same as, and in addition to, the fee for the triennial registration.  
17 Any licensee who is notified of the denial of a registration for failure  
18 to complete the additional educational requirements and who practices as  
19 a registered professional nurse without such registration may be subject  
20 to disciplinary proceedings pursuant to section sixty-five hundred ten  
21 of this title;

22 § 2. Subdivision 2 of section 6906 of the education law, as amended by  
23 chapter 330 of the laws of 1981, is amended to read as follows:

24 (2) Education: have received an education including completion of high  
25 school or its equivalent, and have completed a program in practical  
26 nursing, in accordance with the commissioner's regulations, or  
27 completion of equivalent study satisfactory to the department in a  
28 program conducted by the armed forces of the United States or in an  
29 approved program in professional nursing, and have participated in  
30 supervised clinical training, clinical education, or the equivalent, as  
31 determined by the department. The commissioner shall permit one-third of  
32 such clinical training to be obtained through simulation experience  
33 acceptable to the department and pursuant to regulation. Nothing in this  
34 section shall prohibit an education program from providing greater than  
35 one-third of such training through simulation experience, provided the  
36 department has granted approval to do so prior to January first, two  
37 thousand twenty-three;

38 § 3. Subparagraph (i) of paragraph (c) of subdivision 1 of section  
39 6910 of the education law, as added by chapter 257 of the laws of 1988,  
40 is amended to read as follows:

41 (i) have satisfactorily completed educational preparation for  
42 provision of these services in a program registered by the department or  
43 in a program determined by the department to be the equivalent, and have  
44 participated in supervised clinical training, clinical education, or the  
45 equivalent, as determined by the department. The commissioner shall  
46 permit one-third of such clinical training to be obtained through simu-  
47 lation experience acceptable to the department and pursuant to regu-  
48 lation. Nothing in this section shall prohibit an education program from  
49 providing greater than one-third of such training through simulation  
50 experience, provided the department has granted approval to do so prior  
51 to January first, two thousand twenty-three. Provided however nothing  
52 in this section shall reduce the in-person or direct care requirements  
53 established by programmatic accreditors and certifying bodies; or

54 § 4. This act shall take effect on the one hundred eightieth day after  
55 it shall have become a law.