

STATE OF NEW YORK

6446--B

2023-2024 Regular Sessions

IN ASSEMBLY

April 11, 2023

Introduced by M. of A. PAULIN, KELLES, LUNSFORD, REYES, JACOBSON, CURRAN, RAMOS, McDONALD -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, the education law, the vehicle and traffic law, and the judiciary law, in relation to making conforming changes reflecting the previously authorized scope of practice of nurse practitioners

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

1 Section 1. Subdivisions 28 and 31 of section 206 of the public health
2 law, subdivision 28 as added by chapter 496 of the laws of 2011 and
3 subdivision 31 as added by chapter 500 of the laws of 2021, are amended
4 to read as follows:

5 28. The commissioner shall assist the commissioner of education in
6 developing rules and regulations, relating to pupils who suffer mild
7 traumatic brain injuries and the physicians and nurse practitioners
8 authorized to evaluate such pupils, in accordance with subdivision
9 forty-two of section three hundred five of the education law, and
10 provide for the posting on the department's internet website of such
11 information as shall be required pursuant to such subdivision.

12 31. The commissioner shall develop information, in conjunction with
13 the commissioner of education related to students who exhibit signs or
14 symptoms of pending or increased risk of sudden cardiac arrest. Such
15 information shall include, but not be limited to, the definition of
16 sudden cardiac arrest, signs and symptoms of sudden cardiac arrest, and

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

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1 information for the physicians and nurse practitioners authorized to
2 evaluate whether a student may resume athletic activity. Such informa-
3 tion shall be posted on the department's website.

4 § 2. Subparagraph (iii) of paragraph a of subdivision 42 of section
5 305 of the education law, as added by chapter 496 of the laws of 2011,
6 is amended to read as follows:

7 (iii) requiring the immediate removal from athletic activities of any
8 pupil believed to have sustained or who has sustained a mild traumatic
9 brain injury. In the event that there is any doubt as to whether a pupil
10 has sustained a concussion, it shall be presumed that [~~he or she~~] such
11 pupil has been so injured until proven otherwise. No such pupil shall
12 resume athletic activity until [~~he or she~~] such pupil shall have been
13 symptom free for not less than twenty-four hours, and has been evaluated
14 by and received written and signed authorization from a licensed physi-
15 cian or a certified nurse practitioner. Such authorization shall be
16 kept on file in the pupil's permanent health record. Furthermore, such
17 rules and regulations shall provide guidelines for limitations and
18 restrictions on school attendance and activities for pupils who have
19 sustained mild traumatic brain injuries, consistent with the directives
20 of the pupil's treating physician or a nurse practitioner.

21 § 3. Subdivision b of section 923 of the education law, as added by
22 chapter 500 of the laws of 2021, is amended to read as follows:

23 b. The commissioner shall promulgate rules and regulations requiring
24 that any student displaying signs or symptoms of pending or increased
25 risk of sudden cardiac arrest shall be immediately removed from athletic
26 activities and shall not resume athletic activity until [~~he or she~~] such
27 student has been evaluated by and received written and signed authori-
28 zation from a licensed physician or a certified nurse practitioner.
29 Such authorization shall be kept on file in the pupil's permanent health
30 record.

31 § 4. Section 3624 of the education law, as amended by chapter 529 of
32 the laws of 2002, is amended to read as follows:

33 § 3624. Drivers, monitors and attendants. The commissioner shall
34 determine and define the qualifications of drivers, monitors and attend-
35 ants and shall make the rules and regulations governing the operation of
36 all transportation facilities used by pupils which rules and regulations
37 shall include, but not be limited to, a maximum speed of fifty-five
38 miles per hour for school vehicles engaged in pupil transportation that
39 are operated on roads, interstates or other highways, parkways or bridg-
40 es or portions thereof that have posted speed limits in excess of
41 fifty-five miles per hour, prohibitions relating to smoking, eating and
42 drinking and any and all other acts or conduct which would otherwise
43 impair the safe operation of such transportation facilities while actu-
44 ally being used for the transport of pupils. The employment of each
45 driver, monitor and attendant shall be approved by the chief school
46 administrator of a school district for each school bus operated within
47 [~~his or her~~] such chief school administrator's district. For the purpose
48 of determining [~~his or her~~] such driver, monitor and attendant's phys-
49 ical fitness, each driver, monitor and attendant may be examined on
50 order of the chief school administrator by a duly licensed physician or
51 nurse practitioner within two weeks prior to the beginning of service in
52 each school year as a school bus driver, monitor or attendant. The
53 report of the physician or certified nurse practitioner, in writing,
54 shall be considered by the chief school administrator in determining the
55 fitness of the driver to operate or continue to operate any transporta-
56 tion facilities used by pupils and in determining the fitness of any

1 monitor or attendant to carry out [~~his or her~~] such monitor or attend-
2 ant's functions on such transportation facilities. Nothing in this
3 section shall prohibit a school district from imposing a more restric-
4 tive speed limit policy for the operation of school vehicles engaged in
5 pupil transportation than the speed limit policy established by the
6 commissioner.

7 § 5. Paragraph (i) of subdivision 1 and subdivision 3 of section
8 1203-a of the vehicle and traffic law, paragraph (i) of subdivision 1 as
9 amended by chapter 205 of the laws of 2024 and subdivision 3 as amended
10 by chapter 220 of the laws of 1984, are amended to read as follows:

11 (i) any resident of New York state who is a severely disabled person,
12 as defined in subdivision four of section four hundred four-a of this
13 chapter, upon application of such person or such person's parent or
14 guardian, provided, however, that an issuing agent shall issue permits
15 only to residents of the city, town or village in which such issuing
16 agent is located, except that, an issuing agent, in their discretion,
17 may issue a permit to a severely disabled person who is not a resident
18 of the city, town, or village in which such issuing agent is located
19 where such person resides in a city, town, or village in which the
20 governing body has not appointed an issuing agent; and an issuing agent,
21 in their discretion, may issue a temporary special vehicle identifica-
22 tion parking permit, as authorized by subdivision three of this section,
23 to a person who is temporarily unable to ambulate without the aid of an
24 assisting device, as certified by [~~a physician~~] any healthcare practi-
25 tioner authorized to certify that an individual is severely disabled
26 pursuant to subdivision four of section four hundred four-a of this
27 chapter, who resides in a city, town, or village in which the issuing
28 agent does not issue temporary special vehicle identification parking
29 permits, or who is not a resident of the United States and is temporar-
30 ily visiting the state; or

31 3. Notwithstanding any provision of this chapter to the contrary, any
32 municipality may issue a temporary special vehicle identification park-
33 ing permit to any person who is temporarily unable to ambulate without
34 the aid of an assisting device, as certified by [~~a physician~~] any
35 healthcare practitioner authorized to certify that an individual is
36 severely disabled pursuant to subdivision four of section four hundred
37 four-a of this chapter. Such temporary special vehicle identification
38 parking permit shall be valid for not more than six months and shall be
39 recognized statewide.

40 § 6. Paragraph (d) of subdivision 3 of section 1203-h of the vehicle
41 and traffic law, as added by chapter 243 of the laws of 2007, is amended
42 to read as follows:

43 (d) are severely disabled persons, as defined in subdivision four of
44 section four hundred four-a of this chapter, whose severe disability, as
45 certified by [~~a licensed physician~~] any healthcare practitioner author-
46 ized to certify that an individual is severely disabled pursuant to that
47 subdivision, limits one or more of the following:

48 (i) fine motor control in both hands;
49 (ii) ability to reach or access a parking meter due to use of a wheel-
50 chair or other ambulatory device; or
51 (iii) ability to reach a height of forty-two inches from the ground
52 due to the lack of finger, hand or upper extremity strength or mobility.

53 § 7. Paragraph (c) of subdivision 12-a of section 375 of the vehicle
54 and traffic law, as amended by chapter 135 of the laws of 1994, is
55 amended to read as follows:

1 (c) Any person required for medical reasons to be shielded from the
2 direct rays of the sun and/or any person operating a motor vehicle
3 belonging to such person or in which such person is an habitual passen-
4 ger shall be exempt from the provisions of subparagraphs one and two of
5 paragraph (b) of this subdivision provided the commissioner has granted
6 an exemption and notice of such exemption is affixed to the vehicle as
7 directed by the commissioner. The applicant for such exemption must
8 provide a physician's or nurse practitioner's statement with the reason
9 for the exemption, the name of the individual with a medically necessary
10 condition operating or transported in the vehicle, the specific condi-
11 tion involved, and the minimum level of light transmission required. The
12 commissioner shall only authorize exemptions where the medical condition
13 certified by the physician or nurse practitioner is contained on a list
14 of medical conditions prepared by the commissioner of health pursuant to
15 subdivision sixteen of section two hundred six of the public health law.
16 If such [~~such~~] exemption is granted, the commissioner shall make a
17 record thereof and shall distribute a sufficiently noticeable sticker to
18 the applicant to be attached to any window so shielded or altered pursu-
19 ant to such exemption.

20 § 8. Paragraph (iii) of subdivision 3 of section 509-d of the vehicle
21 and traffic law, as added by chapter 675 of the laws of 1985, is amended
22 to read as follows:

23 (iii) the initial qualifying medical examination form and the biennial
24 medical examination form completed by the carrier's physician or nurse
25 practitioner;

26 § 9. Section 509-k of the vehicle and traffic law, as added by chapter
27 1050 of the laws of 1974, is amended to read as follows:

28 § 509-k. Ill or fatigued operator. No driver shall operate a bus and a
29 motor carrier shall not permit a driver to operate a bus while the driv-
30 er's ability or alertness is so impaired, or so likely to become
31 impaired, through fatigue, illness or any other cause, as to make it
32 unsafe for [~~him~~] such driver to begin or continue to operate the bus. At
33 the request of the driver or the motor carrier such illness, fatigue, or
34 other cause shall be certified by a qualified physician or nurse practi-
35 tioner. However, in a case of grave emergency where the hazard to occu-
36 pants of the bus or other users of the highway would be increased by
37 compliance with this section, the driver may continue to operate the bus
38 to the nearest place at which that hazard is removed.

39 § 10. Subdivision 7 of section 1229-c of the vehicle and traffic law,
40 as added by chapter 365 of the laws of 1984, is amended to read as
41 follows:

42 7. The provisions of this section shall not apply to a passenger or
43 operator with a physically disabling condition whose physical disability
44 would prevent appropriate restraint in such safety seat or safety belt
45 provided, however, such condition is duly certified by a physician or
46 nurse practitioner who shall state the nature of the handicap, as well
47 as the reason such restraint is inappropriate.

48 § 11. Paragraph 1 of subdivision (a) of section 517 of the judiciary
49 law, as amended by chapter 380 of the laws of 2019, is amended to read
50 as follows:

51 (1) Except as otherwise provided in paragraph two of this subdivision,
52 the commissioner of jurors may, in [~~his or her~~] such commissioner's
53 discretion, on the application of a prospective juror who has been
54 summoned to attend, excuse such prospective juror from a part or the
55 whole of the time of jury service or may postpone the time of jury
56 service to a later day during the same or any subsequent term of the

1 court, provided that if the prospective juror is a breastfeeding mother
2 and submits with her application a note from a physician or nurse prac-
3 titioner indicating that the prospective juror is breastfeeding, the
4 commissioner shall excuse the prospective juror or postpone the time of
5 jury service. The application shall be presented to the commissioner at
6 such time and in such manner as [~~he or she~~] such commissioner shall
7 require, except that an application for postponement of the initial date
8 for jury service may be made by telephone.

9 § 12. The amendments to the public health law, education law, vehicle
10 and traffic law, and judiciary law enacted by this act shall not be
11 construed to expand or contract the scope of practice of any health care
12 professional under title 8 of the education law.

13 § 13. This act shall take effect on the sixtieth day after it shall
14 have become a law.