

# STATE OF NEW YORK

6697

2023-2024 Regular Sessions

## IN ASSEMBLY

May 2, 2023

Introduced by M. of A. FAHY -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to temporarily authorizing certain applicants for licensure as a nurse or physician to practice

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

1 Section 1. The education law is amended by adding a new section 6907-a  
2 to read as follows:

3 § 6907-a. Temporary authorization. 1. A person who is currently  
4 licensed and in good standing in another state or territory to practice  
5 as a registered nurse may be temporarily authorized to practice regis-  
6 tered professional nursing in the state of New York pending a determi-  
7 nation on licensure for which an application has been filed pursuant to  
8 section sixty-nine hundred five of this article, provided such applicant  
9 has obtained the endorsement of an employing health care facility,  
10 health care program, or health care practice that is authorized by New  
11 York state law to provide professional nursing services and acceptable  
12 to the department. Prior to commencing practice: the applicant and an  
13 authorized representative of the employing facility shall jointly  
14 provide written notification to the department, in a form and format  
15 acceptable to the department, that such applicant intends to practice in  
16 the state of New York pursuant to this subdivision; the applicant shall  
17 pay a fee determined by the department; and the applicant's name must  
18 appear on a list of persons authorized to temporarily practice regis-  
19 tered professional nursing published on the department's website. Such  
20 temporary authorization shall expire in one hundred eighty days, or ten  
21 days after notification that the applicant does not meet the qualifica-  
22 tions for licensure as a registered nurse, whichever shall occur first.

23 2. A person who is currently licensed and in good standing in another  
24 state or territory of the United States to practice as a licensed prac-

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

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1 tical nurse may be temporarily authorized to practice licensed practical  
2 nursing in the state of New York pending a determination on licensure  
3 for which an application has been filed pursuant to section sixty-nine  
4 hundred six of this article, provided such applicant has obtained the  
5 endorsement of an employing health care facility, health care program or  
6 health care practice that is authorized by New York state law to provide  
7 professional nursing services. Prior to commencing practice: (i) the  
8 applicant and an authorized representative of the employing facility  
9 shall jointly provide written notification to the department, in a form  
10 and format acceptable to the department, that such applicant intends to  
11 practice in the state of New York pursuant to this subdivision; (ii) the  
12 applicant shall pay a fee determined by the department; and (iii) the  
13 applicant's name must appear on a list of persons authorized to tempo-  
14 rarily practice licensed practical nursing published on the department's  
15 website. Such temporary authorization shall expire in one hundred eighty  
16 days, or ten days after notification that the applicant does not meet  
17 the qualifications for licensure as a licensed practical nurse, whichev-  
18 er shall occur first.

19 3. Any person practicing as a registered nurse or licensed practical  
20 nurse in New York state pursuant to this section shall be subject to the  
21 personal and subject matter jurisdiction and disciplinary and regulatory  
22 authority of the board of regents as if he or she is a licensee and as  
23 if the temporary authorization pursuant to this subdivision is a  
24 license. Such person shall comply with applicable provisions of this  
25 title and the rules of the board of regents relating to professional  
26 practice, professional misconduct, disciplinary proceedings and penal-  
27 ties for professional misconduct. Failure to adhere to the notification  
28 provisions of this section may be considered unauthorized practice  
29 pursuant to section sixty-five hundred twelve of this title.

30 § 2. Subdivision 10 of section 6526 of the education law, as amended  
31 by chapter 199 of the laws of 2019, is amended to read as follows:

32 10. (a) Any physician who is licensed and in good standing in another  
33 state or territory, and who has a written agreement to provide medical  
34 services to athletes and team personnel of a United States sports team  
35 recognized by the United States Olympic committee or an out-of-state  
36 secondary school, institution of postsecondary education, or profes-  
37 sional athletic organization sports team, may provide medical services  
38 to such athletes and team personnel at a discrete sanctioned team sport-  
39 ing event in this state as defined by the commissioner in regulations,  
40 provided such services are provided only to such athletes and team  
41 personnel at the discrete sanctioned team sporting event. Any such  
42 medical services shall be provided only five days before through three  
43 days after each discrete sanctioned team sporting event.

44 (b) A person who is currently licensed and in good standing in another  
45 state or territory to practice as a physician may be temporarily author-  
46 ized to practice medicine in the state of New York under the supervision  
47 of a New York state licensed and registered physician, pending a deter-  
48 mination on licensure for which an application has been filed pursuant  
49 to section sixty-five hundred twenty-four of this article, provided such  
50 applicant: has obtained the endorsement of an employing health care  
51 facility, health care program, or health care practice that is author-  
52 ized by New York state law to provide medical services and acceptable to  
53 the department; has graduated from a duly accredited school of medicine  
54 located in the United States or Canada; and is currently board certified  
55 by a physician certification board acceptable to the department. Prior  
56 to commencing practice: (i) the applicant and supervising physician

1 shall jointly provide written notification to the department, in a form  
2 and format acceptable to the department, that such applicant intends to  
3 practice in the state of New York pursuant to this subdivision; (ii) the  
4 applicant shall pay a fee determined by the department; and (iii) the  
5 applicant's name must appear on a list of persons authorized to tempo-  
6 rarily practice medicine published on the department's website. Such  
7 temporary authorization shall expire in one hundred eighty days or ten  
8 days after notification that the applicant does not meet the qualifica-  
9 tions for licensure as a physician, whichever shall occur first.

10 (c) Any person practicing as a physician in New York state pursuant to  
11 this subdivision shall be subject to the personal and subject matter  
12 jurisdiction and disciplinary and regulatory authority of the board of  
13 regents and the state board for professional medical conduct established  
14 pursuant to section two hundred thirty of the public health law as if he  
15 or she is a licensee and as if the exemption pursuant to this subdivi-  
16 sion is a license. Such individual shall comply with applicable  
17 provisions of this title, the public health law, the rules of the board  
18 of regents, the state board for professional medical conduct established  
19 pursuant to section two hundred thirty of the public health law, and the  
20 regulations of the commissioner and the commissioner of health, relating  
21 to professional misconduct, disciplinary proceedings and penalties for  
22 professional misconduct. Failure to adhere to the notification  
23 provisions of paragraph (b) of this subdivision may be considered unau-  
24 thorized practice pursuant to section sixty-five hundred twelve of this  
25 title.

26 § 3. This act shall take effect immediately.