

# STATE OF NEW YORK

6697--B

2023-2024 Regular Sessions

## IN ASSEMBLY

May 2, 2023

Introduced by M. of A. FAHY, PAULIN, McDONALD, LUPARDO, PEOPLES-STOKES, LUNSFORD, CLARK, JENSEN, CUNNINGHAM, SEAWRIGHT, ROZIC, STIRPE, WOERNER, DeSTEFANO, MIKULIN, ANGELINO -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the education law, in relation to temporarily authorizing certain applicants for licensure as a nurse or physician to practice; and providing for the repeal of such provisions upon the expiration thereof

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) A person who is currently  
4 licensed and in good standing in another state or territory to practice  
5 as a registered nurse and practicing in New York state on May twenty-  
6 second, two thousand twenty-three pursuant to the state disaster emer-  
7 gency declared by executive order four of two thousand twenty-one may be  
8 temporarily authorized to practice registered professional nursing in  
9 the state of New York, provided such person has: (i) filed an applica-  
10 tion for licensure with the department pursuant to section sixty-nine  
11 hundred five of this article that is pending a determination; and (ii)  
12 obtained the endorsement of the health care facility, health care  
13 program, or health care practice by which he or she was employed pursu-  
14 ant to executive order four of two thousand twenty-one, that is author-  
15 ized by New York state law to provide professional nursing services and  
16 acceptable to the department.

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

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1 (b) Prior to commencing such temporarily authorized practice: (i) the  
2 person shall file an application for licensure with the department  
3 pursuant to section sixty-nine hundred five of this article; (ii) the  
4 person and an authorized representative of the employing facility shall  
5 jointly provide written notification to the department, in a form and  
6 format acceptable to the department, that such person intends to prac-  
7 tice in the state of New York pursuant to this subdivision; (iii) the  
8 person shall pay a fee determined by the department; and (iv) the  
9 person's name must appear on a list of persons authorized to temporarily  
10 practice registered professional nursing published on the department's  
11 website. Such temporary authorization shall expire in one hundred eighty  
12 days, or ten days after notification that the person does not meet the  
13 qualifications for licensure as a registered nurse, whichever shall  
14 occur first.

15 2. (a) A person who is currently licensed and in good standing in  
16 another state or territory of the United States to practice as a  
17 licensed practical nurse and practicing in New York state on May twen-  
18 ty-second, two thousand twenty-three pursuant to the state disaster  
19 emergency declared by executive order four of two thousand twenty-one  
20 may be temporarily authorized to practice licensed practical nursing in  
21 the state of New York, provided such person has: (i) filed an applica-  
22 tion for licensure with the department pursuant to section sixty-nine  
23 hundred six of this article that is pending a determination; and (ii)  
24 obtained the endorsement of the health care facility, health care  
25 program or health care practice by which he or she was employed pursuant  
26 to executive order four of two thousand twenty-one, that is authorized  
27 by New York state law to provide professional nursing services.

28 (b) Prior to commencing such temporarily authorized practice: (i) the  
29 person shall file an application for licensure with the department  
30 pursuant to section sixty-nine hundred six of this article; (ii) the  
31 person and an authorized representative of the employing facility shall  
32 jointly provide written notification to the department, in a form and  
33 format acceptable to the department, that such person intends to prac-  
34 tice in the state of New York pursuant to this subdivision; (iii) the  
35 person shall pay a fee determined by the department; and (iv) the  
36 person's name must appear on a list of persons authorized to temporarily  
37 practice licensed practical nursing published on the department's  
38 website. Such temporary authorization shall expire in one hundred eighty  
39 days, or ten days after notification that the person does not meet the  
40 qualifications for licensure as a licensed practical nurse, whichever  
41 shall occur first.

42 3. Any person practicing as a registered nurse or licensed practical  
43 nurse in New York state pursuant to this section shall be subject to the  
44 personal and subject matter jurisdiction and disciplinary and regulatory  
45 authority of the board of regents as if he or she is a licensee and as  
46 if the temporary authorization pursuant to this section is a license.  
47 Such person shall comply with applicable provisions of this title and  
48 the rules of the board of regents relating to professional practice,  
49 professional misconduct, disciplinary proceedings and penalties for  
50 professional misconduct. Failure to adhere to the notification  
51 provisions of this section may be considered unauthorized practice  
52 pursuant to section sixty-five hundred twelve of this title.

53 4. Persons eligible for the temporary authorization pursuant to this  
54 section shall file an application for licensure, provide the required  
55 written notification, and pay a fee to the department within thirty days  
56 of the effective date of this section, and shall not be authorized to

1 temporarily practice until the person's name appears on the lists of  
2 persons authorized to temporarily practice published on the department's  
3 website.

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

6 10. (a) Any physician who is licensed and in good standing in another  
7 state or territory, and who has a written agreement to provide medical  
8 services to athletes and team personnel of a United States sports team  
9 recognized by the United States Olympic committee or an out-of-state  
10 secondary school, institution of postsecondary education, or profes-  
11 sional athletic organization sports team, may provide medical services  
12 to such athletes and team personnel at a discrete sanctioned team sport-  
13 ing event in this state as defined by the commissioner in regulations,  
14 provided such services are provided only to such athletes and team  
15 personnel at the discrete sanctioned team sporting event. Any such  
16 medical services shall be provided only five days before through three  
17 days after each discrete sanctioned team sporting event.

18 (b) (i) A person who is currently licensed and in good standing in  
19 another state or territory to practice as a physician and practicing in  
20 New York state on May twenty-second, two thousand twenty-three pursuant  
21 to the state disaster emergency declared by executive order four of two  
22 thousand twenty-one may be temporarily authorized to practice medicine  
23 in the state of New York under the supervision of a New York state  
24 licensed and registered physician, provided such person: (1) filed an  
25 application for licensure with the department pursuant to section  
26 sixty-five hundred twenty-four of this article that is pending a deter-  
27 mination; (2) has obtained the endorsement of an employing health care  
28 facility, health care program, or health care practice that is author-  
29 ized by New York state law to provide medical services and acceptable to  
30 the department; (3) has graduated from a duly accredited school of medi-  
31 cine located in the United States or Canada; and (4) is currently board  
32 certified by a physician certification board acceptable to the depart-  
33 ment.

34 (ii) Prior to commencing temporarily authorized practice: (1) the  
35 person shall file an application for licensure with the department  
36 pursuant to section sixty-five hundred twenty-four of this article; (2)  
37 the person and supervising physician shall jointly provide written  
38 notification to the department, in a form and format acceptable to the  
39 department, that such person intends to practice in the state of New  
40 York pursuant to this paragraph; (3) the person shall pay a fee deter-  
41 mined by the department; and (4) the person's name must appear on a list  
42 of persons authorized to temporarily practice medicine published on the  
43 department's website. Such temporary authorization shall expire in one  
44 hundred eighty days or ten days after notification that the person does  
45 not meet the qualifications for licensure as a physician, whichever  
46 shall occur first. Persons eligible for the temporary authorization  
47 pursuant to this paragraph shall file an application for licensure,  
48 provide the required written notification, and pay a fee to the depart-  
49 ment within thirty days of the effective date of the chapter of the laws  
50 of two thousand twenty-three that amended this subdivision, and shall  
51 not be authorized to temporarily practice until the person's name  
52 appears on the lists of persons authorized to temporarily practice  
53 published on the department's website.

54 (c) Any person practicing as a physician in New York state pursuant to  
55 this subdivision shall be subject to the personal and subject matter  
56 jurisdiction and disciplinary and regulatory authority of the board of

1 regents and the state board for professional medical conduct established  
2 pursuant to section two hundred thirty of the public health law as if he  
3 or she is a licensee and as if the exemption pursuant to this subdivi-  
4 sion is a license. Such individual shall comply with applicable  
5 provisions of this title, the public health law, the rules of the board  
6 of regents, the state board for professional medical conduct established  
7 pursuant to section two hundred thirty of the public health law, and the  
8 regulations of the commissioner and the commissioner of health, relating  
9 to professional misconduct, disciplinary proceedings and penalties for  
10 professional misconduct. Failure to adhere to the notification  
11 provisions of paragraph (b) of this subdivision may be considered unau-  
12 thorized practice pursuant to section sixty-five hundred twelve of this  
13 title.

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