

# STATE OF NEW YORK

769--B

2023-2024 Regular Sessions

## IN SENATE

January 6, 2023

Introduced by Sens. COONEY, ADDABBO, BAILEY, FERNANDEZ, GALLIVAN, GONZALEZ, HARCKHAM, HELMING, HINCHEY, PALUMBO, PARKER, RAMOS, RIVERA, SALAZAR, SANDERS, SKOUFIS, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to creating the profession of nurse anesthetist

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 article 139-A  
2 to read as follows:

3 ARTICLE 139-A

4 CERTIFIED REGISTERED NURSE ANESTHETIST

5 Section 6920. Introduction.

6 6921. Definition of practice of certified registered nurse  
7 anesthetist.

8 6922. Practice of certified registered nurse anesthetist and use  
9 of the title "certified registered nurse anesthetist" or  
10 "nurse anesthetist".

11 6923. State board for nursing.

12 6924. Requirements for a license as a certified registered nurse  
13 anesthetist.

14 6925. Limited permits.

15 6926. Exempt persons.

16 6927. Special provisions.

17 § 6920. Introduction. This article applies to the profession of certi-  
18 fied registered nurse anesthetist. The general provisions for all

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

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1 professions contained in article one hundred thirty of this title apply  
2 to this article.

3 § 6921. Definition of practice of certified registered nurse anesthe-  
4 tist. 1. In addition to the provisions of practice for registered  
5 professional nursing outlined in section sixty-nine hundred two of this  
6 title, the practice of a certified registered nurse anesthetist further  
7 includes, but is not limited to, administration of anesthesia and  
8 sedation to a patient; performing and documenting a preanesthetic  
9 assessment and evaluation of the patient, including requesting consulta-  
10 tions and diagnostic studies; selecting, obtaining, ordering, and admin-  
11 istering preanesthetic medications and fluids; obtaining informed  
12 consent for anesthesia, developing and implementing an anesthetic plan;  
13 initiating the anesthetic technique; monitoring the patient including  
14 selecting, applying, and inserting appropriate noninvasive and invasive  
15 monitoring modalities for continuous evaluation of the patient's phys-  
16 ical status; selecting, obtaining, and administering the anesthetics,  
17 adjuvant and accessory drugs, and fluids necessary to manage anesthetics  
18 and acute and chronic pain; ordering and evaluating laboratory and diag-  
19 nostic tests and performing point-of-care testing; ordering and evaluat-  
20 ing radiographic imaging studies; managing a patient's airway and  
21 cardiopulmonary status using current practice modalities; facilitating  
22 emergence and recovery from anesthesia by selecting, obtaining, ordering  
23 and administering medications, fluids, and ventilatory support;  
24 discharging the patient from a postanesthesia care area and providing  
25 postanesthesia follow-up evaluation and care; implementing acute and  
26 chronic pain management modalities; responding to emergency situations  
27 by providing airway management, administration of emergency fluids and  
28 drugs, and using basic or advanced cardiac life support techniques; and  
29 prescribe tests, drugs and other treatments necessary to anesthesia care  
30 provided by a nurse anesthetist.

31 2. (a) A certified registered nurse anesthetist licensed under this  
32 article and practicing for thirty-six hundred hours or less shall do so  
33 either under the direction of: (i) a physician who has completed a  
34 residency program in anesthesiology that is accredited by an accrediting  
35 organization acceptable to the department; (ii) a physician who is board  
36 certified in anesthesiology by a certifying organization acceptable to  
37 the department; (iii) a physician who has medical staff privileges to  
38 provide anesthesia services (deep sedation, general and regional anes-  
39 thesia assessments/administration) in a general hospital or ambulatory  
40 surgery center authorized by article twenty-eight of the public health  
41 law; or (iv) a dentist or podiatrist qualified to provide anesthesia  
42 services as determined by the department on their cases. For purposes of  
43 this section, direction shall mean patient care guidance and advice,  
44 coordination and communication from the physician, dentist or podiatrist  
45 to the certified registered nurse anesthetist practicing for less than  
46 thirty-six hundred hours, as needed for the care of the patient.

47 (b) After practicing for more than thirty-six hundred hours, a certi-  
48 fied registered nurse anesthetist shall function in an interdependent  
49 role as a member of a patient-centered care team.

50 3. Prescriptions for drugs, devices, and anesthetic agents, anesthesia  
51 related agents, and analgesics may be issued by a certified registered  
52 nurse anesthetist necessary to anesthesia care provided by a nurse  
53 anesthetist. The certified registered nurse anesthetist shall obtain a  
54 certificate from the department upon successfully completing a program  
55 including an appropriate pharmacology component, or its equivalent, as  
56 established by the commissioner's regulations, prior to prescribing

1 under this subdivision. The license issued under this article shall  
2 state whether the certified registered nurse anesthetist has successful-  
3 ly completed such a program or equivalent and is authorized to prescribe  
4 under this subdivision.

5 4. Nothing in this section shall be deemed to limit or diminish the  
6 practice of the profession of nursing as a registered professional nurse  
7 under article one hundred thirty-nine of this title or any other law,  
8 rule, regulation or certification, nor to deny any registered profes-  
9 sional nurse the right to do any act or engage in any practice author-  
10 ized by article one hundred thirty-nine of this title or any other law,  
11 rule, regulation or certification.

12 § 6922. Practice of certified registered nurse anesthetist and use of  
13 the title "certified registered nurse anesthetist" or "nurse anesthe-  
14 tist". Only a person licensed or otherwise authorized under this article  
15 shall practice as a certified registered nurse anesthetist or nurse  
16 anesthetist, provided that any person who was practicing as a certified  
17 registered nurse anesthetist in the state before the effective date of  
18 this article shall have the right to continue using the title. Contin-  
19 ued use of such title after that shall be dependent upon such person  
20 applying for and obtaining a license from the department as a certified  
21 registered nurse anesthetist pursuant to section sixty-nine hundred  
22 twenty-seven of this article within three years from the effective date  
23 of this article.

24 § 6923. State board for nursing. The state board for nursing as estab-  
25 lished in section sixty-nine hundred four of this title shall be the  
26 governing state board for certified registered nurse anesthetists.

27 § 6924. Requirements for a license as a certified registered nurse  
28 anesthetist. To qualify for a license as a certified registered nurse  
29 anesthetist, an applicant shall fulfill the following requirements:

30 1. Application: file an application with the department;  
31 2. License: be New York state licensed and currently registered as a  
32 registered professional nurse;

33 3. Education: have received a master's degree or higher in a program  
34 of nurse anesthesia from a program registered by the department or  
35 determined by the department to be substantially equivalent or meet the  
36 requirements of section sixty-nine hundred twenty-seven of this article;

37 4. Examination: pass an examination satisfactory to the board and in  
38 accordance with the commissioner's regulations;

39 5. Character: be of good moral character as determined by the depart-  
40 ment;

41 6. Fees: pay a fee of one hundred fifty dollars to the department for  
42 an initial license and a fee of fifty dollars for each triennial regis-  
43 tration period; and

44 7. Information and documentation: in conjunction with and as a condi-  
45 tion of each triennial registration a certified registered nurse anesth-  
46 etist shall provide to the department, and the department shall collect,  
47 such information and documentation required by the department, in  
48 consultation with the department of health, as is necessary to enable  
49 the department of health to evaluate access to needed services in this  
50 state, including, but not limited to, the location and type of setting  
51 wherein the certified registered nurse anesthetist practices and other  
52 information the department, in consultation with the department of  
53 health, deems relevant. The department of health, in consultation with  
54 the department, shall make such data available in aggregate, de-identi-  
55 fied form on a publicly accessible website. Additionally, in conjunc-  
56 tion with each triennial registration, the department, in consultation

1 with the department of health, shall provide information on registering  
2 in the donate life registry for organ and tissue donation, including the  
3 website address for such registry.

4 § 6925. Limited permits. 1. The department may issue a limited permit  
5 to an applicant who is New York state licensed and registered as a  
6 registered nurse and meets all qualifications for licensure, except the  
7 examination and/or experience requirements, or to an applicant who is  
8 gaining experience for the diagnostic privilege, in accordance with  
9 regulations promulgated therefor.

10 2. Limited permits shall be for two years.

11 3. A limited anesthetist permit shall entitle the holder to practice  
12 as a nurse anesthetist only in a health care facility under the  
13 personal, on-premise supervision of a certified registered nurse anesth-  
14 etist with more than thirty-six hundred hours of practice experience or  
15 physician who: (a) has completed a residency program in anesthesiology  
16 that is accredited by an accrediting organization acceptable to the  
17 department; or (b) is board certified in anesthesiology by a certifying  
18 organization acceptable to the department; or (c) has medical staff  
19 privileges to provide anesthesia services at the health care facility  
20 and with the endorsement of the health care facility.

21 4. Fees. The fee for each limited permit shall be thirty-five dollars.

22 § 6926. Exempt persons. This article shall not be construed:

23 1. as applying to any activity authorized, pursuant to statute, rule  
24 or regulation, to be performed by a registered professional nurse in a  
25 hospital as defined in article twenty-eight of the public health law;

26 2. as prohibiting the furnishing of nurse anesthesia assistance in  
27 case of an emergency;

28 3. as prohibiting such performance of nurse anesthesia service by  
29 students enrolled in department registered nurse anesthesia programs or  
30 students enrolled in other nurse anesthesia programs that are authorized  
31 pursuant to section two hundred twenty-four of this chapter to place  
32 such students in clinical rotations in this state under appropriate  
33 supervision; or

34 4. as prohibiting or preventing the practice of nurse anesthesia in  
35 this state, in obedience to the requirements of the laws of the United  
36 States, by any commissioned nurse anesthetist officer in the armed forc-  
37 es of the United States or by any nurse anesthetist employed in the  
38 United States veterans administration or United States public health  
39 service while engaged in the performance of the actual duties prescribed  
40 for such nurse anesthetist under the United States statutes, provided  
41 such person does not represent or hold themselves out as a certified  
42 registered nurse anesthetist registered to practice in this state.

43 § 6927. Special provisions. It shall be lawful for an individual  
44 practicing as a certified registered nurse anesthetist in this state as  
45 of the effective date of this section that does not meet the educational  
46 requirements, but meets the other requirements of section sixty-nine  
47 hundred twenty-four of this article, to continue such practice provided  
48 that such certified registered nurse anesthetist:

49 1. submits evidence of certification as a certified registered nurse  
50 anesthetist by an appropriate national certifying body to the depart-  
51 ment;

52 2. has continually maintained active, up-to-date recertification  
53 status as a certified registered nurse anesthetist by an appropriate  
54 national recertifying body; and

55 3. has submitted an application for licensure.

1 § 2. Section 6903 of the education law, as amended by chapter 323 of  
2 the laws of 2006, is amended to read as follows:

3 § 6903. Practice of nursing and use of title "registered professional  
4 nurse" or "licensed practical nurse". Only a person licensed or other-  
5 wise authorized under this article shall practice nursing and only a  
6 person licensed under section sixty-nine hundred five of this article  
7 shall use the title "registered professional nurse" and only a person  
8 licensed under section sixty-nine hundred six of this article shall use  
9 the title "licensed practical nurse". No person shall use the title  
10 "nurse" or any other title or abbreviation that would represent to the  
11 public that the person is authorized to practice nursing unless the  
12 person is licensed or otherwise authorized under this article or article  
13 one hundred thirty-nine-A of this title.

14 § 3. Section 6904 of the education law, as amended by chapter 994 of  
15 the laws of 1971 and as renumbered by chapter 50 of the laws of 1972, is  
16 amended to read as follows:

17 § 6904. State board for nursing. A state board for nursing shall be  
18 appointed by the board of regents on recommendation of the commissioner  
19 for the purpose of assisting the board of regents and the department on  
20 matters of professional licensing and professional conduct in accordance  
21 with section sixty-five hundred eight of this title. The board shall be  
22 composed of not less than [~~fifteen~~] seventeen members, eleven of whom  
23 shall be registered professional nurses and four of whom shall be  
24 licensed practical nurses and two of whom shall be certified registered  
25 nurse anesthetists all licensed and practicing in this state for at  
26 least five years. An executive secretary to the board shall be  
27 appointed by the board of regents on recommendation of the commissioner  
28 and shall be a registered professional nurse registered in this state.

29 § 4. This act shall take effect eighteen months after it shall have  
30 become a law.