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:

Section 1. The education law is amended by adding a new article 139-A to read as follows:

ARTICLE 139-A

CERTIFIED REGISTERED NURSE ANESTHETIST

Section 6920. Introduction.
6921. Definition of practice of certified registered nurse anesthetist.
6922. Practice of certified registered nurse anesthetist and use of the title "certified registered nurse anesthetist" or "nurse anesthetist".
6923. State board for nursing.
6924. Requirements for a license as a certified registered nurse anesthetist.
6925. Limited permits.
6926. Exempt persons.
6927. Special provisions.

§ 6920. Introduction. This article applies to the profession of certified 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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professions contained in article one hundred thirty of this title apply to this article.

§ 6921. Definition of practice of certified registered nurse anesthetist. 1. In addition to the provisions of practice for registered professional nursing outlined in section sixty-nine hundred two of this title, the practice of a certified registered nurse anesthetist further includes, but is not limited to, administration of anesthesia and sedation to a patient; performing and documenting a preanesthetic assessment and evaluation of the patient, including requesting consultations and diagnostic studies; selecting, obtaining, ordering, and administering preanesthetic medications and fluids; obtaining informed consent for anesthesia, developing and implementing an anesthetic plan; initiating the anesthetic technique; monitoring the patient including selecting, applying, and inserting appropriate noninvasive and invasive monitoring modalities for continuous evaluation of the patient's physical status; selecting, obtaining, and administering the anesthetics, adjuvant and accessory drugs, and fluids necessary to manage anesthetics and acute and chronic pain; ordering and evaluating laboratory and diagnostic tests and performing point-of-care testing; ordering and evaluating radiographic imaging studies; managing a patient's airway and cardiopulmonary status using current practice modalities; facilitating emergence and recovery from anesthesia by selecting, obtaining, ordering and administering medications, fluids, and ventilatory support; discharging the patient from a postanesthesia care area and providing postanesthesia follow-up evaluation and care; implementing acute and chronic pain management modalities; responding to emergency situations by providing airway management, administration of emergency fluids and drugs, and using basic or advanced cardiac life support techniques; and prescribe tests, drugs and other treatments necessary to anesthesia care provided by a nurse anesthetist.

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

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

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

under this subdivision. The license issued under this article shall state whether the certified registered nurse anesthetist has successfully completed such a program or equivalent and is authorized to prescribe under this subdivision.

4. Nothing in this section shall be deemed to limit or diminish the practice of the profession of nursing as a registered professional nurse under article one hundred thirty-nine of this title or any other law, rule, regulation or certification, nor to deny any registered professional nurse the right to do any act or engage in any practice authorized by article one hundred thirty-nine of this title or any other law, rule, regulation or certification.

§ 6922. Practice of certified registered nurse anesthetist and use of the title "certified registered nurse anesthetist" or "nurse anesthetist". Only a person licensed or otherwise authorized under this article shall practice as a certified registered nurse anesthetist or nurse anesthetist, provided that any person who was practicing as a certified registered nurse anesthetist in the state before the effective date of this article shall have the right to continue using the title. Continued use of such title after that shall be dependent upon such person applying for and obtaining a license from the department as a certified registered nurse anesthetist pursuant to section sixty-nine hundred twenty-seven of this article within three years from the effective date of this article.

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

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

1. Application: file an application with the department;

2. License: be New York state licensed and currently registered as a registered professional nurse;

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

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

5. Character: be of good moral character as determined by the department;

6. Fees: pay a fee of one hundred fifty dollars to the department for an initial license and a fee of fifty dollars for each triennial registration period; and

7. Information and documentation: in conjunction with and as a condition of each triennial registration a certified registered nurse anesthetist shall provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the certified registered nurse anesthetist practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation

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

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

2. Limited permits shall be for two years.

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

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

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

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

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

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

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

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

1. submits evidence of certification as a certified registered nurse anesthetist by an appropriate national certifying body to the department;

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

3. has submitted an application for licensure.

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

§ 6903. Practice of nursing and use of title "registered professional nurse" or "licensed practical nurse". Only a person licensed or otherwise authorized under this article shall practice nursing and only a person licensed under section sixty-nine hundred five of this article shall use the title "registered professional nurse" and only a person licensed under section sixty-nine hundred six of this article shall use the title "licensed practical nurse". No person shall use the title "nurse" or any other title or abbreviation that would represent to the public that the person is authorized to practice nursing unless the person is licensed or otherwise authorized under this article **or article one hundred thirty-nine-A of this title**.

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

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

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