

STATE OF NEW YORK

5867--A

2025-2026 Regular Sessions

IN SENATE

March 3, 2025

Introduced by Sens. GOUNARDES, ADDABBO, ASHBY, JACKSON, KRUEGER, C. RYAN, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- 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 the registration of nurse anesthetists

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

1 Section 1. Section 6902 of the education law is amended by adding a
2 new subdivision 4 to read as follows:

3 4. (a) The practice of professional nursing by a registered nurse
4 anesthetist, certified under section sixty-nine hundred thirteen of this
5 article, shall:

6 (i) be defined by a scope of practice to include preoperative assess-
7 ment and evaluation, administration of anesthesia, intraoperative moni-
8 toring and management, and postoperative care of a patient as part of a
9 procedure in a health care facility, in the office of a dentist, oral
10 surgeon or podiatrist who is authorized by law to administer anesthesia,
11 in connection with office based surgery, as defined under section two
12 hundred thirty-d of the public health law, or in a free standing ambula-
13 tory surgical center, as defined under article twenty-eight of the
14 public health law, to the extent authorized in accordance to credential-
15 ing procedures approved by the governing body and medical staff of a
16 healthcare facility, office based surgery, as defined under section two
17 hundred thirty-d of the public health law, or free standing ambulatory
18 surgical center, as defined under article twenty-eight of the public
19 health law.

20 (ii) recognizing that the administration of anesthesia includes the
21 practice of medicine, such practice shall be performed only under the

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

LBD07215-03-6

1 supervision of a physician licensed in New York state who has completed
2 an accredited anesthesia residency program and who is physically present
3 and immediately available; or under the supervision of the operating
4 physician who is physically present and qualified by the governing body
5 and medical staff of a health care facility, free standing ambulatory
6 surgical center, as defined under article twenty-eight of the public
7 health law, or office based surgery, as defined under section two
8 hundred thirty-d of the public health law, to supervise a certified
9 registered nurse anesthetist; or under the supervision of a dentist,
10 oral surgeon or podiatrist who is physically present and who is author-
11 ized by law to administer anesthesia, to the extent such person is qual-
12 ified by law, regulation, hospital appointment, or privilege granted by
13 the governing body of a free standing ambulatory surgical center, as
14 defined under article twenty-eight of the public health law, or office
15 based surgery, as defined under section two hundred thirty-d of the
16 public health law, to perform and supervise the administration of anes-
17 thesia.

18 (iii) be consistent with policies and procedures approved by the
19 medical staff and governing body of the health care facility, free
20 standing ambulatory surgical center defined under article twenty-eight
21 of the public health law, or office based surgery, as defined under
22 section two hundred thirty-d of the public health law, where applicable,
23 and as legally authorized under this title and in accordance with appli-
24 cable regulations of the commissioner of health.

25 (b) For purposes of this subdivision, the following terms shall have
26 the following meanings:

27 (i) "Preoperative assessment and evaluation" means patient history and
28 assessment, development of an anesthesia plan, and patient education.

29 (A) "Patient history and assessment" means assessing the patient's
30 medical history, including current medications, allergies, comorbid
31 conditions, and previous anesthesia experiences.

32 (B) "Development of an anesthesia plan" means the certified registered
33 nurse anesthetist discusses preoperative findings with the supervising
34 physician and develops an individualized anesthesia plan that considers
35 the patient's health status, surgical procedure, and anesthesia require-
36 ments based on the preoperative assessment which the supervising physi-
37 cian approves.

38 (C) "Patient education" means providing education to patients regard-
39 ing the anesthetic process, potential risks, and post-operative care.

40 (ii) "Administration of anesthesia" means anesthesia induction, moni-
41 toring during the procedure, maintenance of anesthesia, airway manage-
42 ment, and emergence from anesthesia.

43 (A) "Anesthesia induction" means being responsible for inducing anes-
44 thesia, which can involve the administration of general anesthesia,
45 regional anesthesia, or sedation, depending on the procedure and patient
46 needs.

47 (B) "Monitoring" means the continual clinical observation of a patient
48 and the use of instruments to measure, display, and record the values of
49 certain physiologic variables such as pulse, oxygen saturation, level of
50 consciousness, blood pressure, and respiration.

51 (C) "Maintenance of anesthesia" means management and adjustment of the
52 delivery of anesthesia agents to ensure the patient remains appropri-
53 ately anesthetized throughout the procedure.

54 (D) "Airway management" means advanced airway management techniques,
55 including endotracheal intubation, laryngeal mask airway (LMA)
56 insertion, and other methods of maintaining a secure airway.

1 (E) "Emergence from anesthesia" means overseeing a patient emerging
2 from anesthesia including ensuring that the patient regains conscious-
3 ness and is stable before transferring to a recovery room or beginning
4 the discharge process.

5 (iii) "Intraoperative monitoring and management" means patient vital
6 signs monitoring, vascular access, fluid and blood management, testing,
7 imaging, and emergent interventions.

8 (A) "Patient vital signs monitoring" means assessing and maintaining
9 the patient's vital signs throughout the surgical procedure.

10 (B) "Vascular access" means insertion of indwelling arterial catheters
11 as well as peripheral and central intravenous catheters.

12 (C) "Fluid and blood management" means management of intravenous
13 fluids and administration of blood products as necessary based on the
14 patient's condition.

15 (D) "Testing" means ordering and evaluating, but not diagnosing, labo-
16 ratory and diagnostic test results and performing point-of-care testing
17 that the certified registered nurse anesthetist is qualified to perform.

18 (E) "Imaging" means ordering and evaluating, but not diagnosing, radi-
19 ographic imaging studies that the certified registered nurse anesthetist
20 is qualified to order and interpret.

21 (F) "Emergent interventions" means when changes in the patient's
22 condition are recognized, including adverse reactions to anesthesia,
23 intraoperative complications, and emergency situations the certified
24 registered nurse anesthetist shall take action necessary in response to
25 the emergency and inform the supervising physician immediately, so that
26 a plan for further diagnostic and therapeutic management can be initi-
27 ated.

28 (iv) "Postoperative care" means post-anesthesia care, pain management,
29 and discharge process.

30 (A) "Post-anesthesia care" means monitoring and assessing patients
31 during the recovery phase and managing post-anesthesia care unit needs
32 such as pain management, nausea, and respiratory function.

33 (B) "Pain management" means developing and implementing pain manage-
34 ment strategies, including the use of opioid and non-opioid analgesics,
35 regional blocks, or other methods to control postoperative pain.

36 (C) "Discharge process" means physician review and approval of the
37 final discharge of a patient.

38 (v) "Supervision" means that a physician, dentist, oral surgeon or
39 podiatrist is physically present and immediately available to diagnose,
40 treat, and provide patient care as needed.

41 (vi) "Physically present" by a physician means the ability to react
42 and respond in an immediate and appropriate manner so as to make possi-
43 ble the continuous exercise of medical judgment throughout the adminis-
44 tration of the anesthesia. "Physically present" by a dentist, oral
45 surgeon or podiatrist means the ability of such person who is performing
46 the procedure requiring the administration of anesthesia to react and
47 respond in an immediate and appropriate manner so as to make possible
48 the continuous exercise of professional judgment throughout the adminis-
49 tration of the anesthesia.

50 (vii) "Immediately available" means remaining in physical proximity so
51 as to allow a physician licensed in New York state who has completed an
52 accredited anesthesia residency program to return to re-establish direct
53 contact with the patient in order to meet the patient's medical needs
54 and address any urgent or emergent clinical problems.

55 § 2. The education law is amended by adding a new section 6913 to read
56 as follows:

1 § 6913. Certification of nurse anesthetists. 1. For issuance of a
2 certificate to practice as a certified registered nurse anesthetist
3 under subdivision four of section sixty-nine hundred two of this arti-
4 cle, the applicant shall fulfill the following requirements:

5 (a) Application: file an application with the department. Such appli-
6 cation shall be in such form as provided by the commissioner;

7 (b) License: be licensed as a registered professional nurse in this
8 state;

9 (c) Education: (i) have satisfactorily completed a prescribed course
10 of study in a school of nurse anesthesia accredited by the council on
11 accreditation of nurse anesthesia education programs or schools or other
12 accrediting body which the commissioner finds to be substantially equiv-
13 alent; and

14 (ii) have passed the national certifying examination given by the
15 council on certification of nurse anesthetists or other certifying exam-
16 ination which the commissioner finds to be substantially equivalent; and

17 (iii) is currently certified by the council on certification of nurse
18 anesthetists or by the council on recertification of nurse anesthetists
19 or other accrediting body which the commissioner finds to be substan-
20 tially equivalent. A registered professional nurse licensed and current-
21 ly registered with the department who does not meet the requirements as
22 set forth in this paragraph, shall be permitted to continue the practice
23 of nurse anesthesia only under the supervision of a qualified aneste-
24 siologist until one year after the effective date of this section.
25 Notwithstanding anything to the contrary in this section, a graduate
26 nurse anesthetist awaiting certification shall be permitted to adminis-
27 ter anesthesia only in the hospital or ambulatory surgical center
28 setting as provided in this section;

29 (d) Fees: pay to the department a fee of fifty dollars for initial
30 certification and a triennial registration fee of thirty dollars. After
31 a certified registered nurse anesthetist's initial registration, regis-
32 tration under this section shall be coterminous with the certified
33 registered nurse anesthetist's registration as a professional nurse.

34 2. A person certified under this section shall use the title "nurse
35 anesthetist" or "certified registered nurse anesthetist" or the abbrevi-
36 ation "CRNA".

37 3. A registered professional nurse duly enrolled in a program of
38 educational preparation under subdivision one of this section may admin-
39 ister anesthesia as a student nurse anesthetist under the direct
40 personal supervision of a certified registered nurse anesthetist who is
41 supervised by a physician licensed in New York state who has completed
42 an accredited anesthesia residency program. The certified registered
43 nurse anesthetist or physician licensed in New York state who has
44 completed an accredited anesthesia residency program shall be contin-
45 uously present.

46 4. The commissioner may promulgate regulations to implement this
47 section.

48 § 3. Section 6522 of the education law, as added by chapter 987 of the
49 laws of 1971, is amended to read as follows:

50 § 6522. Practice of medicine and use of title "physician". Only a
51 person licensed or otherwise authorized under this article shall prac-
52 tice medicine or use the title "physician". No person unless licensed
53 or otherwise authorized under this article shall use the title "aneste-
54 siologist" or any other title or abbreviation or in combination with
55 another title or abbreviation that would represent to the public that
56 the person is authorized to practice medicine under this article.

1 § 4. 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", "nurse anesthetist" or "certi-
5 fied registered nurse anesthetist" or the abbreviation "CRNA". Only a
6 person licensed or otherwise authorized under this article shall prac-
7 tice nursing and only a person licensed under section sixty-nine hundred
8 five of this article shall use the title "registered professional nurse"
9 and only a person licensed under section sixty-nine hundred six of this
10 article shall use the title "licensed practical nurse" and only a person
11 licensed under section sixty-nine hundred thirteen of this article shall
12 use only the title "nurse anesthetist" or "certified registered nurse
13 anesthetist" or the abbreviation "CRNA". No person shall use the title
14 "nurse" or any other title or abbreviation that would represent to the
15 public that the person is authorized to practice nursing unless the
16 person is licensed or otherwise authorized under this article.

17 § 5. Section 6909 of the education law is amended by adding a new
18 subdivision 12 to read as follows:

19 12. A nurse anesthetist or certified registered nurse anesthetist
20 shall not use any title or representation that would reasonably cause a
21 patient to believe that such individual is licensed to practice medicine
22 during patient interactions in a health care facility, free standing
23 ambulatory surgical center, or office based surgery center. A nurse
24 anesthetist or certified registered nurse anesthetist shall not use the
25 title or identify as a "resident" or "resident nurse anesthetist" or
26 "fellow" unless the person is a graduate of a medical school and is
27 receiving graduate medical training. A nurse anesthetist or certified
28 registered nurse anesthetist who violates this subdivision shall be
29 subject to license revocation or suspension and other disciplinary
30 action.

31 § 6. Notwithstanding any other provision of law to the contrary, a
32 registered professional nurse certified as a certified registered nurse
33 anesthetist on, before or within one year after the effective date of
34 sections one and two of this act may administer anesthesia as a certi-
35 fied registered nurse anesthetist, and shall be deemed to be certified
36 as a certified registered nurse anesthetist under section 6913 of the
37 education law as added by section two of this act, until one year after
38 the effective date of sections one and two of this act; provided that
39 certification under such section shall be by a national certifying body
40 that has been certifying registered nurse anesthetists for at least five
41 years prior to such section becoming a law.

42 § 7. This act shall take effect immediately, provided, however, that
43 sections one and two of this act shall take effect on the first of April
44 next succeeding the date on which it shall have become a law.