STATE OF NEW YORK

10371

IN ASSEMBLY

March 3, 2026

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

AN ACT to amend the education law, in relation to expanding circumstances when direct support staff may administer medications; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Subparagraph (v) of paragraph (a) of subdivision 1 of section 6908 of the education law, as added by section 1 of part A of chapter 58 of the laws of 2014, is amended to read as follows:

(v) tasks provided by a direct support staff in programs certified or approved by the office for people with developmental disabilities, **including self-direction,** when [~~performed under~~] the [~~supervision of a registered professional nurse and pursuant to a memorandum of understanding between the office for people with~~] **direct support staff has completed training provided by the individual with an intellectual or** developmental [~~disabilities and the department, in accordance with and pursuant to an~~] **disability, or, when applicable, by the individual's parent, legal guardian, or other legally** authorized [~~practitioner's ordered care, provided that: (1) a registered professional nurse determines~~] **representative**, in [~~his or her professional judgment, which tasks are to be performed based upon the complexity of the tasks,~~] **accordance with consumer-directed principles. The commissioner shall establish appropriate protocols to ensure** the [~~skill and experience of the~~] **safe administration of medications and to ensure that a** direct support staff[~~, and~~] **shall not assess** the [~~health status of the~~] **medication needs of an** individual [~~being cared for; (2) only a~~]**. A** direct support staff [~~who~~] has completed training as required by the commissioner of the office for people with developmental disabilities [~~may perform tasks~~] pursuant to this subparagraph[~~; (3)~~] **provided that the commissioner establish** appropriate protocols shall be established to ensure safe administration of medications[~~; (4)~~] **and to ensure that** a direct support staff shall not assess the medication needs of an individual[~~; (5) adequate nursing supervision is provided, including training and~~

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

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~~periodic inspection of performance of the tasks. The amount and type of nursing supervision shall be determined by the registered professional nurse responsible for supervising such task based upon the complexity of the tasks, the skill and experience of the direct support staff, and the health status of the individual being cared for; (6) a~~]. A direct support staff shall not be authorized to perform any tasks or activities pursuant to this subparagraph that are outside the scope of practice of a licensed practical nurse[~~; (7) a~~]. A direct support staff shall not represent [~~himself or herself~~] themselves, or accept employment, as a person licensed to practice nursing under the provisions of this article[~~; (8)~~]. A direct support staff providing medication administration, tube feeding, or diabetic care shall be separately certified, and shall be recertified on an annual basis[~~; (9) the registered professional nurse shall ensure that there is a consumer specific~~]. If an individual with an intellectual or developmental disability is unable to self-administer medication [~~sheet for each medication that is administered; and (10) appropriate staffing ratios shall be determined by the office for people with developmental disabilities and the department to ensure adequate nursing supervision. No direct support staff shall perform tasks under this subparagraph until the office for people with developmental disabilities and the department have entered into a memorandum of understanding to effectuate the provisions of this subparagraph. The office for people with developmental disabilities shall complete a criminal background check pursuant to section 16.33 of the mental hygiene law and an agency background check pursuant to section 16.34 of the mental hygiene law on the direct support staff prior to the commencement of any provision of service provided under this subparagraph if such direct support staff is a new hire. Individuals providing supervision or~~] , a parent, legal guardian, or other legally authorized representative may authorize a trained direct support [~~tasks pursuant to this subparagraph shall have protection pursuant~~] professional to [~~sections seven hundred forty and seven hundred forty-one of~~] administer medications on the [~~labor law, where applicable~~] individual's behalf;

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall expire and be deemed repealed July 1, 2030. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.