

# STATE OF NEW YORK

236--A

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. MAGNARELLI, SAYEGH, COOK, BUTTENSCHON, GONZALEZ-ROJAS, McDONALD, MILLER -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the license requirements for the practice of respiratory therapy

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

1 Section 1. Subdivision 2 of section 8504 of the education law, as  
2 added by chapter 817 of the laws of 1992, is amended to read as follows:  
3 2. Education: have received an education, including completion of an  
4 approved associate degree program in respiratory therapy or in a program  
5 determined by the department to be the equivalent. To continue to  
6 maintain registration as a licensed respiratory therapist in New York  
7 state, licensees must subsequently attain, within six years of their  
8 initial licensure as a respiratory therapist, a baccalaureate degree  
9 or higher in respiratory therapy, or in a program determined by the  
10 department to be the equivalent. The department, in its discretion, may  
11 issue a temporary educational exemption to a licensee who is unable to  
12 complete the baccalaureate degree due to a lack of access to educational  
13 programs. Licensees seeking a temporary educational exemption shall  
14 provide a copy of their application to two different baccalaureate  
15 programs and the corresponding letters from both programs that the  
16 applicant is not accepted due to a limited number of seats available in  
17 the program. Temporary educational exemptions issued pursuant to this  
18 subdivision shall be for a single three year period. The fee for such a  
19 temporary educational exemption shall be the same as, and in addition  
20 to, the fee for the triennial registration. Any licensee who is noti-  
21 fied of the denial of a registration for failure to complete the addi-  
22 tional educational requirements and who practices as a licensed respir-

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

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1 atory therapist without such registration may be subject to disciplinary  
2 proceedings pursuant to section sixty-five hundred ten of this title;

3 § 2. Section 8510 of the education law, as added by chapter 817 of the  
4 laws of 1992, is amended to read as follows:

5 § 8510. Requirements for licensure as a respiratory therapy techni-  
6 cian. 1. To qualify for a license as a respiratory therapy technician an  
7 applicant shall fulfill the following requirements:

8 [~~1-~~] (a) Application: file an application with the department;

9 [~~2-~~] (b) Education: have received an education including completion of  
10 high school or its equivalent and have completed an approved one-year  
11 certificate respiratory therapy education program, or a program deter-  
12 mined equivalent, in accordance with the commissioner's regulations;

13 [~~3-~~] (c) Experience: have experience satisfactory to the board and in  
14 accordance with the commissioner's regulations;

15 [~~4-~~] (d) Examination: pass an examination satisfactory to the board  
16 and in accordance with the commissioner's regulations;

17 [~~5-~~] (e) Age: be at least eighteen years of age;

18 [~~6-~~] (f) Character: be of good moral character as determined by the  
19 department; and

20 [~~7-~~] (g) Fees: pay a fee of ninety dollars to the department for  
21 admission to a department conducted examination and for an initial  
22 license; a fee of sixty dollars for each re-examination; a fee of fifty  
23 dollars for an initial license for persons not requiring admission to a  
24 department conducted examination and a fee of ninety dollars for each  
25 triennial registration period commencing on and after June first, nine-  
26 teen hundred ninety-three.

27 2. All new applicants who satisfy the requirements of this section may  
28 receive an initial respiratory therapy technician license valid for a  
29 single three year period. During or after this initial licensure period  
30 respiratory therapy technicians shall subsequently satisfy the licensure  
31 requirements for an initial respiratory therapist license pursuant to  
32 subdivision two of section eighty-five hundred four of this article and  
33 obtain such license in order to continue the practice of respiratory  
34 therapy in New York state.

35 § 3. The provisions of this act shall not apply to any person  
36 licensed as a respiratory therapist or respiratory therapy technician as  
37 of the effective date of this act.

38 § 4. Any individual covered by section three of this act shall be  
39 deemed fully licensed provided that such individual meets the require-  
40 ments set forth by article 164 of the education law.

41 § 5. This act shall take effect immediately; provided, however that  
42 section one of this act shall take effect three years after this act  
43 shall have become a law.