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:

Section 1. Subdivision 2 of section 8504 of the education law, as added by chapter 817 of the laws of 1992, is amended to read as follows:

2. Education: have received an education, including completion of an approved associate degree program in respiratory therapy or in a program determined by the department to be the equivalent. To continue to maintain registration as a licensed respiratory therapist in New York state, licensees must subsequently attain, within six years of their initial licensure as a respiratory therapist, a baccalaureate degree or higher in respiratory therapy, or in a program determined by the department to be the equivalent. The department, in its discretion, may issue a temporary educational exemption to a licensee who is unable to complete the baccalaureate degree due to a lack of access to educational programs. Licensees seeking a temporary educational exemption shall provide a copy of their application to two different baccalaureate programs and the corresponding letters from both programs that the applicant is not accepted due to a limited number of seats available in the program. Temporary educational exemptions issued pursuant to this subdivision shall be for a single three year period. The fee for such a temporary educational exemption shall be the same as, and in addition to, the fee for the triennial registration. Any licensee who is notified of the denial of a registration for failure to complete the additional 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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atory therapist without such registration may be subject to disciplinary proceedings pursuant to section sixty-five hundred ten of this title;

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

§ 8510. Requirements for licensure as a respiratory therapy technician. 1. To qualify for a license as a respiratory therapy technician an applicant shall fulfill the following requirements:

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

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

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

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

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

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

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

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

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

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

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