

STATE OF NEW YORK

4985--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 10, 2025

Introduced by M. of A. BICHOTTE HERMELYN, WEPRIN, DAVILA, SEAWRIGHT, TAYLOR, GRIFFIN, SANTABARBARA, BURROUGHS, SAYEGH, WILLIAMS -- Multi-Sponsored by -- M. of A. SIMON -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- 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.

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

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

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

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

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

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

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

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

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

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

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

53 (C) "Maintenance of anesthesia" means management and adjustment of the
54 delivery of anesthesia agents to ensure the patient remains appropriate-
55 ly anesthetized throughout the procedure.

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

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

8 (iii) "Intraoperative monitoring and management" means patient vital
9 signs monitoring, vascular access, fluid and blood management, testing,
10 imaging, and emergent interventions.

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

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

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

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

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

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

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

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

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

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

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

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

53 (vii) "Immediately available" means remaining in physical proximity so
54 as to allow a physician licensed in New York state who has completed an
55 accredited anesthesia residency program to return to re-establish direct

1 contact with the patient in order to meet the patient's medical needs
2 and address any urgent or emergent clinical problems.

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

5 § 6913. Certification of nurse anesthetists. 1. For issuance of a
6 certificate to practice as a certified registered nurse anesthetist
7 under subdivision four of section sixty-nine hundred two of this arti-
8 cle, the applicant shall fulfill the following requirements:

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

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

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

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

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

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

38 2. A person certified under this section shall use the title "nurse
39 anesthetist" or "certified registered nurse anesthetist" or the abbrevi-
40 ation "CRNA".

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

50 4. The commissioner may promulgate regulations to implement this
51 section.

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

54 § 6522. Practice of medicine and use of title "physician". Only a
55 person licensed or otherwise authorized under this article shall prac-
56 tice medicine or use the title "physician". No person unless licensed

1 or otherwise authorized under this article shall use the title "anesthe-
2 siologist" or any other title or abbreviation or in combination with
3 another title or abbreviation that would represent to the public that
4 the person is authorized to practice medicine under this article.

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

7 § 6903. Practice of nursing and use of title "registered professional
8 nurse" ~~[or]~~, "licensed practical nurse", "nurse anesthetist" or "certi-
9 fied registered nurse anesthetist" or the abbreviation "CRNA". Only a
10 person licensed or otherwise authorized under this article shall prac-
11 tice nursing and only a person licensed under section sixty-nine hundred
12 five of this article shall use the title "registered professional nurse"
13 and only a person licensed under section sixty-nine hundred six of this
14 article shall use the title "licensed practical nurse" and only a person
15 licensed under section sixty-nine hundred thirteen of this article shall
16 use only the title "nurse anesthetist" or "certified registered nurse
17 anesthetist" or the abbreviation "CRNA". No person shall use the title
18 "nurse" or any other title or abbreviation that would represent to the
19 public that the person is authorized to practice nursing unless the
20 person is licensed or otherwise authorized under this article.

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

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

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

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