# 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:**

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

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

**(i) be defined by a scope of practice to include preoperative assessment and evaluation, administration of anesthesia, intraoperative monitoring and management, and postoperative care of a patient as part of a procedure in a health care facility, in the office of a dentist, oral surgeon or podiatrist who is authorized by law to administer anesthesia, in connection with office based surgery, as defined under section two hundred thirty-d of the public health law, or in a free standing ambulatory surgical center, as defined under article twenty-eight of the public health law, to the extent authorized in accordance to credentialing procedures approved by the governing body and medical staff of a healthcare facility, office based surgery, as defined under section two hundred thirty-d of the public health law, or free standing ambulatory surgical center, as defined under article twenty-eight of the public health law.**

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

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(ii) recognizing that the administration of anesthesia includes the practice of medicine, such practice shall be performed only under the supervision of a physician licensed in New York state who has completed an accredited anesthesia residency program and who is physically present and immediately available; or under the supervision of the operating physician who is physically present and qualified by the governing body and medical staff of a health care facility, free standing ambulatory surgical center, as defined under article twenty-eight of the public health law, or office based surgery, as defined under section two hundred thirty-d of the public health law, to supervise a certified registered nurse anesthetist; or under the supervision of a dentist, oral surgeon or podiatrist who is physically present and who is authorized by law to administer anesthesia, to the extent such person is qualified by law, regulation, hospital appointment, or privilege granted by the governing body of a free standing ambulatory surgical center, as defined under article twenty-eight of the public health law, or office based surgery, as defined under section two hundred thirty-d of the public health law, to perform and supervise the administration of anesthesia.

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

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

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

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

(B) "Development of an anesthesia plan" means the certified registered nurse anesthetist discusses preoperative findings with the supervising physician and develops an individualized anesthesia plan that considers the patient's health status, surgical procedure, and anesthesia requirements based on the preoperative assessment which the supervising physician approves.

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

(ii) "Administration of anesthesia" means anesthesia induction, monitoring during the procedure, maintenance of anesthesia, airway management, and emergence from anesthesia.

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

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

(C) "Maintenance of anesthesia" means management and adjustment of the delivery of anesthesia agents to ensure the patient remains appropriately anesthetized throughout the procedure.

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

(E) "Emergence from anesthesia" means overseeing a patient emerging from anesthesia including ensuring that the patient regains consciousness and is stable before transferring to a recovery room or beginning the discharge process.

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

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

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

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

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

(E) "Imaging" means ordering and evaluating, but not diagnosing, radiographic imaging studies that the certified registered nurse anesthetist is qualified to order and interpret.

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

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

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

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

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

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

(vi) "Physically present" by a physician means the ability to react and respond in an immediate and appropriate manner so as to make possible the continuous exercise of medical judgment throughout the administration of the anesthesia. "Physically present" by a dentist, oral surgeon or podiatrist means the ability of such person who is performing the procedure requiring the administration of anesthesia to react and respond in an immediate and appropriate manner so as to make possible the continuous exercise of professional judgment throughout the administration of the anesthesia.

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

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

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

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

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

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

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

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

(iii) is currently certified by the council on certification of nurse anesthetists or by the council on recertification of nurse anesthetists or other accrediting body which the commissioner finds to be substantially equivalent. A registered professional nurse licensed and currently registered with the department who does not meet the requirements as set forth in this paragraph, shall be permitted to continue the practice of nurse anesthesia only under the supervision of a qualified anesthesiologist until one year after the effective date of this section. Notwithstanding anything to the contrary in this section, a graduate nurse anesthetist awaiting certification shall be permitted to administer anesthesia only in the hospital or ambulatory surgical center setting as provided in this section;

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

2. A person certified under this section shall use the title "nurse anesthetist" or "certified registered nurse anesthetist" or the abbreviation "CRNA".

3. A registered professional nurse duly enrolled in a program of educational preparation under subdivision one of this section may administer anesthesia as a student nurse anesthetist under the direct personal supervision of a certified registered nurse anesthetist who is supervised by a physician licensed in New York state who has completed an accredited anesthesia residency program. The certified registered nurse anesthetist or physician licensed in New York state who has completed an accredited anesthesia residency program shall be continuously present.

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

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

§ 6522. Practice of medicine and use of title "physician". Only a person licensed or otherwise authorized under this article shall practice medicine or use the title "physician". No person unless licensed

or otherwise authorized under this article shall use the title "anesthesiologist" or any other title or abbreviation or in combination with another title or abbreviation that would represent to the public that the person is authorized to practice medicine under this article.

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

§ 6903. Practice of nursing and use of title "registered professional nurse" [~~or~~], "licensed practical nurse", "nurse anesthetist" or "certified registered nurse anesthetist" or the abbreviation "CRNA". Only a person licensed or otherwise authorized under this article shall practice nursing and only a person licensed under section sixty-nine hundred five of this article shall use the title "registered professional nurse" and only a person licensed under section sixty-nine hundred six of this article shall use the title "licensed practical nurse" and only a person licensed under section sixty-nine hundred thirteen of this article shall use only the title "nurse anesthetist" or "certified registered nurse anesthetist" or the abbreviation "CRNA". No person shall use the title "nurse" or any other title or abbreviation that would represent to the public that the person is authorized to practice nursing unless the person is licensed or otherwise authorized under this article.

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

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

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

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