

A6697-A Fahy No Same as

Text Versions: [A 6697-A](#), [A 6697](#)

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Education Law

TITLE....Relates to temporarily authorizing certain applicants for licensure as a nurse or physician to practice

Currently on Assembly Committee Agenda

Higher Education (FAHY)

11:30 AM, Tuesday, May 23, 2023

Room 715 LOB

05/02/23 referred to higher education

05/19/23 amend and recommit to higher education

05/19/23 print number 6697a

FAHY, PAULIN, MCDONALD, LUPARDO, PEOPLES-STOKES, LUNSFORD,
CLARK, JENSEN

Add 6907-a, amd 6526, Ed L

Relates to allowing certain applicants for licensure as a nurse or physician who are currently licensed and in good standing in another state or territory to be granted authorization to practice in this state for a limited period of time pending a determination on licensure.

STATE OF NEW YORK

6697--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 2, 2023

Introduced by M. of A. FAHY, PAULIN, MCDONALD, LUPARDO, PEOPLES-STOKES,

on LUNSFORD, CLARK, JENSEN -- read once and referred to the Committee
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 temporarily
authoriz- ing certain applicants for licensure as a nurse or physician to
prac- tice; and providing for the repeal of such provisions upon the
expira- tion thereof

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

1 Section 1. The education law is amended by adding a new section
6907-a

2 to read as follows:

3 § 6907-a. Temporary authorization. 1. A person who is
currently
4 licensed and in good standing in another state or territory to
practice
5 as a registered nurse and practicing in New York state as of May
twen-
6 ty-second, two thousand twenty-three pursuant to the state
disaster
7 emergency declared by executive order four of two thousand twenty-
one,
8 may be temporarily authorized to practice registered professional
nurs-
9 ing in the state of New York pending a determination on licensure
for
10 which an application has been filed pursuant to section sixty-
nine
11 hundred five of this article, provided such applicant has obtained
the
12 endorsement of the health care facility, health care program, or
health
13 care practice by which he or she was employed pursuant to
executive
14 order four of two thousand twenty-one, that is authorized by New
York
15 state law to provide professional nursing services and acceptable to
the
16 department. Prior to commencing such temporarily authorized
practice:

17 (i) the applicant and an authorized representative of the
employing
18 facility shall jointly provide written notification to the
department,
19 in a form and format acceptable to the department, that such
applicant
20 intends to practice in the state of New York pursuant to this
subdivi-

21 sion; (ii) the applicant shall pay a fee determined by the
department;

EXPLANATION--Matter in italics (underscored) is new; matter in
brackets

[-] is old law to be omitted.

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1 and (iii) the applicant's name must appear on a list of persons
author-
2 ized to temporarily practice registered professional nursing
published
3 on the department's website. Such temporary authorization shall
expire
4 in one hundred eighty days, or ten days after notification that
the
5 applicant does not meet the qualifications for licensure as a
registered
6 nurse, whichever shall occur first.
7 2. A person who is currently licensed and in good standing in
another
8 state or territory of the United States to practice as a licensed
prac-
9 tical nurse and practicing in New York state as of May twenty-
second,
10 two thousand twenty-three pursuant to the state disaster
emergency
11 declared by executive order four of two thousand twenty-one, may
be
12 temporarily authorized to practice licensed practical nursing in
the
13 state of New York pending a determination on licensure for which
an
14 application has been filed pursuant to section sixty-nine hundred six
of
15 this article, provided such applicant has obtained the endorsement
of
16 the health care facility, health care program or health care practice
by
17 which he or she was employed pursuant to executive order four of
two
18 thousand twenty-one, that is authorized by New York state law
to
19 provide professional nursing services. Prior to commencing such
tempo-
20 rarily authorized practice: (i) the applicant and an authorized
repre-
21 sentative of the employing facility shall jointly provide
written
22 notification to the department, in a form and format acceptable to
the
23 department, that such applicant intends to practice in the state of
New
24 York pursuant to this subdivision; (ii) the applicant shall pay a
fee

25 determined by the department; and (iii) the applicant's name must
appear
26 on a list of persons authorized to temporarily practice licensed
practi-
27 cal nursing published on the department's website. Such
temporary
28 authorization shall expire in one hundred eighty days, or ten days
after
29 notification that the applicant does not meet the qualifications
for
30 licensure as a licensed practical nurse, whichever shall occur first.

31 3. Any person practicing as a registered nurse or licensed
practical
32 nurse in New York state pursuant to this section shall be subject to
the
33 personal and subject matter jurisdiction and disciplinary and
regulatory
34 authority of the board of regents as if he or she is a licensee and
as
35 if the temporary authorization pursuant to this section is a
license.
36 Such person shall comply with applicable provisions of this title
and
37 the rules of the board of regents relating to professional
practice,
38 professional misconduct, disciplinary proceedings and penalties
for
39 professional misconduct. Failure to adhere to the
notification
40 provisions of this section may be considered unauthorized
practice
41 pursuant to section sixty-five hundred twelve of this title.

42 4. Persons eligible for the temporary authorization pursuant to
this
43 section shall provide the required written notification and fee to
the
44 department within three months of the effective date of this section
and
45 shall not be authorized to practice until the applicant's name
appears
46 on the lists of persons authorized to temporarily practice published
on
47 the department's website.

48 § 2. Subdivision 10 of section 6526 of the education law, as
amended
49 by chapter 199 of the laws of 2019, is amended to read as follows:

50 10. (a) Any physician who is licensed and in good standing in
another
51 state or territory, and who has a written agreement to provide
medical
52 services to athletes and team personnel of a United States sports
team
53 recognized by the United States Olympic committee or an out-of-
state
54 secondary school, institution of postsecondary education, or
profes-

55 sional athletic organization sports team, may provide medical
services
56 to such athletes and team personnel at a discrete sanctioned team
sport-

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1 ing event in this state as defined by the commissioner in
regulations,
2 provided such services are provided only to such athletes and
team
3 personnel at the discrete sanctioned team sporting event. Any
such
4 medical services shall be provided only five days before through
three
5 days after each discrete sanctioned team sporting event.

6 (b) A person who is currently licensed and in good standing in
another
7 state or territory to practice as a physician and practicing in New
York
8 state as of May twenty-second, two thousand twenty-three pursuant to
the
9 state disaster emergency declared by executive order four of two
thou-
10 sand twenty-one, may be temporarily authorized to practice medicine
in
11 the state of New York under the supervision of a New York state
licensed
12 and registered physician, pending a determination on licensure for
which
13 an application has been filed pursuant to section sixty-five
hundred
14 twenty-four of this article, provided such applicant: has obtained
the
15 endorsement of an employing health care facility, health care
program,
16 or health care practice that is authorized by New York state law
to
17 provide medical services and acceptable to the department; has
graduated
18 from a duly accredited school of medicine located in the United
States
19 or Canada; and is currently board certified by a physician
certification
20 board acceptable to the department. Prior to commencing
temporarily
21 authorized practice: (i) the applicant and supervising physician
shall
22 jointly provide written notification to the department, in a form
and
23 format acceptable to the department, that such applicant intends
to
24 practice in the state of New York pursuant to this subdivision; (ii)
the
25 applicant shall pay a fee determined by the department; and (iii)
the
26 applicant's name must appear on a list of persons authorized to
tempo-

27 rarily practice medicine published on the department's website.
Such
28 temporary authorization shall expire in one hundred eighty days or
ten
29 days after notification that the applicant does not meet the
qualifica-
30 tions for licensure as a physician, whichever shall occur first.
Persons
31 eligible for the temporary authorization pursuant to this
paragraph
32 shall provide the required written notification and fee to the
depart-
33 ment within three months of the effective date of the chapter of
the
34 laws of two thousand twenty-three that amended this subdivision
and
35 shall not be authorized to practice until the applicant's name
appears
36 on the lists of persons authorized to temporarily practice published
on
37 the department's website.
38 (c) Any person practicing as a physician in New York state pursuant
to
39 this subdivision shall be subject to the personal and subject
matter
40 jurisdiction and disciplinary and regulatory authority of the board
of
41 regents and the state board for professional medical conduct
established
42 pursuant to section two hundred thirty of the public health law as if
he
43 or she is a licensee and as if the exemption pursuant to this
subdivi-
44 sion is a license. Such individual shall comply with
applicable
45 provisions of this title, the public health law, the rules of the
board
46 of regents, the state board for professional medical conduct
established
47 pursuant to section two hundred thirty of the public health law, and
the
48 regulations of the commissioner and the commissioner of health,
relating
49 to professional misconduct, disciplinary proceedings and penalties
for
50 professional misconduct. Failure to adhere to the
notification
51 provisions of paragraph (b) of this subdivision may be considered
unau-
52 thorized practice pursuant to section sixty-five hundred twelve of
this
53 title.
54 § 3. This act shall take effect immediately and shall expire and
be
55 deemed repealed one year after it shall have become a law.