

# STATE OF NEW YORK

8378--A

2023-2024 Regular Sessions

## IN ASSEMBLY

December 13, 2023

Introduced by M. of A. PAULIN, LUPARDO, BICHOTTE HERMELYN, GUNTHER -- 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 and the public health law, in relation to amending physician assistant practice standards; and providing for the repeal of certain provisions upon expiration thereof

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

- 1 Section 1. Section 6542 of the education law, as amended by chapter 48  
2 of the laws of 2012, subdivisions 3 and 5 as amended by section 1 of  
3 part T of chapter 57 of the laws of 2013, is amended to read as follows:  
4 § 6542. Performance of medical services. 1. Notwithstanding any other  
5 provision of law, a physician assistant may perform medical services,  
6 but only when under the supervision of a physician and only when such  
7 acts and duties as are assigned to [~~him or her~~] such physician assistant  
8 are within the scope of practice of such supervising physician.  
9 2. Supervision shall be continuous but shall not be construed as  
10 necessarily requiring the physical presence of the supervising physician  
11 at the time and place where such services are performed.  
12 3. No physician shall employ or supervise more than [~~four~~] six physi-  
13 cian assistants in [~~his or her~~] such physician's private practice at one  
14 time.  
15 4. Nothing in this article shall prohibit a hospital from employing  
16 physician assistants, provided that they work under the supervision of a  
17 physician designated by the hospital and not beyond the scope of prac-  
18 tice of such physician. The numerical limitation of subdivision three of  
19 this section shall not apply to services performed in a hospital.  
20 5. Notwithstanding any other provision of this article, nothing shall  
21 prohibit a physician employed by or rendering services to the department

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

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1 of corrections and community supervision under contract from supervising  
2 no more than [~~six~~] eight physician assistants in [~~his or her~~] such  
3 physician's practice for the department of corrections and community  
4 supervision at one time.

5 6. Notwithstanding any other provision of law, a trainee in an  
6 approved program may perform medical services when such services are  
7 performed within the scope of such program.

8 7. A physician assistant may prescribe and order a non-patient specif-  
9 ic regimen to a registered professional nurse, pursuant to regulations  
10 promulgated by the commissioner, and consistent with the public health  
11 law, for:

12 (a) administering immunizations.

13 (b) the emergency treatment of anaphylaxis.

14 (c) administering purified protein derived (PPD) tests or other tests  
15 to detect or screen for tuberculosis infections.

16 (d) administering tests to determine the presence of the human immuno-  
17 deficiency virus.

18 (e) administering tests to determine the presence of the hepatitis C  
19 virus.

20 (f) the urgent or emergency treatment of opioid related overdose or  
21 suspected opioid related overdose.

22 (g) screening of persons at increased risk of syphilis, gonorrhea, and  
23 chlamydia.

24 (h) administering electrocardiogram tests to detect signs and symptoms  
25 of acute coronary syndrome.

26 (i) administering point-of-care blood glucose tests to evaluate acute  
27 mental status changes in persons with suspected hypoglycemia.

28 (j) administering tests and intravenous lines to persons that meet  
29 severe sepsis and septic shock criteria.

30 (k) administering tests to determine pregnancy.

31 (l) administering tests to determine the presence of COVID-19 or its  
32 antibodies or influenza virus.

33 8. Nothing in this article, or in article thirty-seven of the public  
34 health law, shall be construed to authorize physician assistants to  
35 perform those specific functions and duties specifically delegated by  
36 law to those persons licensed as allied health professionals under the  
37 public health law or this chapter.

38 § 2. Subdivision 1 of section 3702 of the public health law, as  
39 amended by chapter 48 of the laws of 2012, is amended to read as  
40 follows:

41 1. Inpatient medical orders. A licensed physician assistant employed  
42 or extended privileges by a hospital may, if permissible under the  
43 bylaws, rules and regulations of the hospital, write medical orders,  
44 including those for controlled substances and durable medical equipment,  
45 for inpatients under the care of the physician responsible for [~~his or~~  
46 ~~her~~] the supervision of such physician assistant. Countersignature of  
47 such orders may be required if deemed necessary and appropriate by the  
48 supervising physician or the hospital, but in no event shall countersig-  
49 nature be required prior to execution.

50 § 3. Subdivision 5 of section 6810 of the education law, as added by  
51 chapter 881 of the laws of 1972, is amended to read as follows:

52 5. Records of all prescriptions filled or refilled shall be maintained  
53 for a period of at least five years and upon request made available for  
54 inspection and copying by a representative of the department. Such  
55 records shall indicate date of filling or refilling, [~~doctor's~~]  
56 prescriber's name, patient's name and address and the name or initials

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1 of the pharmacist who prepared, compounded, or dispensed the  
2 prescription. Records of prescriptions for controlled substances shall  
3 be maintained pursuant to requirements of article thirty-three of the  
4 public health law.

5 § 4. This act shall take effect three months after it shall have  
6 become a law; provided, however, that paragraph (1) of subdivision 7 of  
7 section 6542 of the education law, as added by section one of this act,  
8 shall expire and be deemed repealed July 1, 2026. Effective immediate-  
9 ly, the state education department and the department of health are  
10 authorized to promulgate, amend and/or repeal any rule or regulation  
11 necessary for the implementation of section one of this act on or before  
12 such effective date.