

Text Versions: S 4422

STATE OF NEW YORK

4422

2017-2018 Regular Sessions

IN SENATE

February 14, 2017

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education 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 Assembled, do enact as follows:

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

3 4. (a) The administration of anesthesia to a patient shall be performed only by a qualified anesthesia practitioner as legally authorized and supervised under this title.

6 (b) The practice of professional nursing by a registered nurse anesthetist, certified under section sixty-nine hundred twelve of this article, shall (i) include the administration of anesthesia to a patient but only under the supervision of an anesthesiologist who is immediately available; or under the supervision of the operating physician who is physically present; 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 regulation or hospital appointment to perform and supervise the

10 administration of anesthesia.

15 tration of anesthesia; and
16 (ii) include the execution of medical regimens prescribed by
the
17 supervisory physician, dentist, oral surgeon or podiatrist who
is
18 authorized by law to prescribe; and
19 (iii) be consistent with policies and procedures approved by
the
20 medical staff and governing body of the health care facility, or
free
21 standing ambulatory surgical center defined under article twenty-
eight
22 of the public health law, where applicable, and as legally
authorized
23 under this title and in accordance with applicable regulations of
the
24 commissioner of health.
25 (c) The following terms shall have the following meanings:

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

[-] is old law to be omitted.

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1 (i) "Administration of anesthesia" in the hospital or
ambulatory
2 surgical center means anesthesia services shall be directed by a
physi-
3 cian who has responsibility for the clinical aspects of organization
and
4 delivery of all anesthesia services provided by the hospital or
ambula-
5 tory surgical center. That physician or another individual qualified
by
6 education and experience shall direct the administrative aspects of
the
7 service, and shall be responsible, in conjunction with the
medical
8 staff, for recommending to the governing body privileges to
those
9 persons qualified to administer anesthetics, including the
procedures
10 each person is qualified to perform and the levels of required
super-
11 vision as appropriate. Administration of anesthesia in office
based
12 surgery venues means the anesthesia component of the medical or
dental
13 procedure shall be supervised by an anesthesiologist, physician,
dentist
14 or podiatrist qualified to supervise the administration of
anesthesia
15 who is physically present and available to immediately diagnose
and
16 treat the patient for anesthesia complications or emergencies, and
nurse

17 anesthetists with the appropriate training and experience may be
permit-
18 ted to administer unconscious or deep sedation, and/or general
anes-
19 thesia, regional anesthesia, and/or monitor the patient.
20 (ii) "Conscious sedation" or "sedation analgesia" means a
minimally
21 depressed level of consciousness that retains the patient's ability
to
22 maintain adequate cardiorespiratory function and the ability to
inde-
23 pendently and continuously maintain an open airway, a regular
breathing
24 pattern, protective reflexes, and respond purposefully and rationally
to
25 tactile stimulation and verbal command. This does not include
unsupple-
26 mented oral pre-operative medications or nitrous oxide analgesia.
27 (iii) "General anesthesia" means the administration of a medication
by
28 the parenteral or inhalation routes which results in a controlled
state
29 of unconsciousness accompanied by a complete loss of protective
reflexes
30 including loss of the ability to independently and continuously
maintain
31 patient airway and a regular breathing pattern. There is also
an
32 inability to respond purposefully to verbal commands and/or
tactile
33 stimulation.
34 (iv) "Immediately available" means remaining in physical proximity
so
35 as to allow the anesthesiologist to return to re-establish
direct
36 contact with the patient in order to meet the patient's medical
needs
37 and address any urgent or emergent clinical problems.
38 (v) "Local anesthesia" means the introduction of a local
anesthetic
39 agent into a localized part of the body by topical application or
local
40 infiltration in close proximity to a nerve, which produces a
transient
41 and reversible loss of sensation. All local anesthetics possess
both
42 excitatory (seizure) and depressant (loss of consciousness)
central
43 nervous system effects in sufficient blood levels and may have
profound
44 cardiovascular depressant effects. There may also be interactive
effects
45 between local anesthetic agents and sedative medications.
46 (vi) "Monitoring" means the continual clinical observation
of a
47 patient and the use of instruments to measure, display, and record
the

48 values of certain physiologic variables such as pulse, oxygen
satu-
49 ration, level of consciousness, blood pressure, and respiration.
50 (vii) "Office-based surgery" means any surgical or other
invasive
51 procedure, requiring general anesthesia, moderate sedation, or
deep
52 sedation, and any liposuction procedure, where such surgical or
other
53 invasive procedure or liposuction is performed by a licensee
in a
54 location other than a hospital, as such term is defined in article
twen-
55 ty-eight of the public health law, excluding minor procedures and
proce-
56 dures requiring minimal sedation.

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1 (viii) "Patient" means an individual who is under the care of a
physi-
2 cian in a licensed facility or, in an office, under the care of a
physi-
3 cian, dentist, oral surgeon or podiatrist.

4 (ix) "Peri-operative period" means the period of time commencing
upon
5 the medical evaluation of the patient before surgery and ending upon
the
6 patient's medical discharge from the recovery room.

7 (x) "Physically present" by a physician means the ability to react
and
8 respond in an immediate and appropriate manner so as to make
possible

9 the continuous exercise of medical judgment throughout the
adminis-
10 tration of the anesthesia. "Physically present" by a dentist,
oral
11 surgeon or podiatrist means the ability of such person who is
performing

12 the procedure requiring the administration of anesthesia to react
and

13 respond in an immediate and appropriate manner so as to make
possible
14 the continuous exercise of professional judgment throughout the
adminis-
15 tration of the anesthesia.

16 (xi) "Qualified anesthesia practitioner" means a physician,
dentist,
17 podiatrist or certified registered nurse anesthetist whose
professional
18 practice is subject to the department of health for professional
medical
19 or professional conduct or the state education department office
of
20 professional discipline.

21 (xii) "Regional anesthesia" means the administration of local
anes-
22 thesia agents to interrupt nerve impulses in a major region of the
body.

23 Included in this category, for example, are spinal, epidural,
caudal,
24 upper or lower extremity plexus block anesthesia, and
intravenous
25 regional anesthesia.
26 (xiii) "Supervision" means that a physician, dentist, oral surgeon
or
27 podiatrist shall perform a pre-anesthetic examination and
evaluation,
28 prescribe the anesthesia, including post-operative medications as
needed
29 for pain and discomfort, including nausea and vomiting, remain
phys-
30 ically present during the entire peri-operative period and
immediately
31 available for diagnosis, treatment, and management of anesthesia-
related
32 complications or emergencies, and assure the provision of
indicated
33 post-anesthesia care.
34 (xiv) "Supplemented local anesthesia" means the use of local
anes-
35 thesia supplemented with conscious sedation.
36 (xv) "Unconscious or deep sedation" means the administration of
medi-
37 cation by the oral, parenteral, or inhalation routes which results in
a
38 controlled state of depressed consciousness accompanied by partial
loss
39 of protective reflexes. There may be an inability to independently
and
40 continuously maintain an open airway and/or regular breathing
pattern
41 with unconscious or deep sedation, and the ability to appropriately
and
42 rationally respond to physical stimuli and verbal commands is lost.
43 (xvi) "Unsupplemented local anesthesia" means the use of local
anes-
44 thesia without supplementing with conscious sedation.
45 (d) The provisions of this section shall not operate to modify
the
46 scope of practice of certified registered nurse anesthetists pursuant
to
47 statute or the rules and regulations of the commissioner of health
in a
48 hospital or in a free-standing ambulatory surgery center as defined
in
49 article twenty-eight of the public health law.
50 § 2. The education law is amended by adding a new section 6912 to
read
51 as follows:
52 § 6912. Certification of nurse anesthetists. 1. For issuance
of a
53 certificate to practice as a certified registered nurse
anesthetist
54 under subdivision four of section sixty-nine hundred two of this
arti-
55 cle, the applicant shall fulfill the following requirements:

1 (a) Application: file an application with the department. Such
appli-
2 cation shall be in such form as provided by the commissioner;
3 (b) License: be licensed as a registered professional nurse in
this
4 state;
5 (c) Education: (i) have satisfactorily completed a prescribed
course
6 of study in a school of nurse anesthesia accredited by the council
on
7 accreditation of nurse anesthesia education programs or schools or
other
8 accrediting body which the commissioner finds to be substantially
equiv-
9 alent; and
10 (ii) have passed the national certifying examination given by
the
11 council on certification of nurse anesthetists or other certifying
exam-
12 ination which the commissioner finds to be substantially equivalent;
and
13 (iii) is currently certified by the council on certification of
nurse
14 anesthetists or by the council on recertification of nurse
anesthetists
15 or other accrediting body which the commissioner finds to be
substan-
16 tially equivalent. A registered professional nurse licensed and
current-
17 ly registered with the department who does not meet the requirements
as
18 set forth in this paragraph, shall be permitted to continue the
practice
19 of nurse anesthesia only under the supervision of a qualified
anesthe-
20 siologist until one year after the effective date of this
section.
21 Notwithstanding anything to the contrary in this section, a
graduate
22 nurse anesthetist awaiting certification shall be permitted to
adminis-
23 ter anesthesia only in the hospital or ambulatory surgical
center
24 setting as provided in this section;
25 (d) Fees: pay to the department a fee of fifty dollars for
initial
26 certification and a triennial registration fee of thirty dollars.
After
27 a certified registered nurse anesthetist's initial registration,
regis-
28 tration under this section shall be coterminous with the
certified
29 registered nurse anesthetist's registration as a professional nurse.
30 2. Only a person certified under this section shall use the
title
31 "nurse anesthetist" or "certified registered nurse anesthetist".

32 3. A registered professional nurse duly enrolled in a program
of
33 educational preparation under subdivision one of this section may
admin-
34 ister anesthesia as a student nurse anesthetist under the
direct
35 personal supervision of a certified registered nurse anesthetist who
is
36 supervised by an anesthetist or an anesthesiologist. The
certified
37 registered nurse anesthetist or anesthesiologist shall be
continuously
38 present.

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

41 § 3. Notwithstanding any other provision of law to the
contrary, a
42 registered professional nurse certified as a certified registered
nurse
43 anesthetist on, before or within one year after the effective date
of
44 sections one and two of this act may administer anesthesia as a
certi-
45 fied registered nurse anesthetist, and shall be deemed to be
certified
46 as a certified registered nurse anesthetist under section 6911 of
the
47 education law as added by section two of this act, until one year
after
48 the effective date of sections one and two of this act; provided
that
49 certification under such section shall be by a national certifying
body
50 that has been certifying registered nurse anesthetists for at least
five
51 years prior to such section becoming a law.

52 § 4. This act shall take effect immediately, except that sections
one
53 and two of this act shall take effect on the first of April
next
54 succeeding the date on which it shall have become a law.