

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  
2 new subdivision 4 to read as follows:  
3 4. (a) The administration of anesthesia to a patient shall  
be  
4 performed only by a qualified anesthesia practitioner as legally  
author-  
5 ized under this title.  
6 (b) The practice of professional nursing by a registered nurse  
anesth-  
7 etist, certified under section sixty-nine hundred twelve of this  
arti-  
8 cle, shall (i) include the administration of anesthesia to a patient  
but  
9 only under the supervision of an anesthesiologist who is  
immediately  
10 available; or under the supervision of the operating physician who  
is  
11 physically present; or under the supervision of a dentist, oral  
surgeon  
12 or podiatrist who is physically present and who is authorized by law  
to  
13 administer anesthesia, to the extent such person is qualified by  
law,  
14 regulation or hospital appointment to perform and supervise the  
adminis-

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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01-7

S. 4422

2

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.

S. 4422

3

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.