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Legislation Impaired Nurses; Series I; File 94

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IN SENATE

March 5, 1985

AN ACT to amend the education law, in relation to withdrawal from practice by professional licensees undergoing treatment for drug or alcohol abuse, and making an appropriation therefor

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

Section 1. The education law is amended by adding a new section sixty-five hundred ten-b to read as follows:

§ 6510-b. Temporary surrender of licenses during treatment for drug or alcohol abuse. 1. The license and registration of a licensee who may be temporarily incapacitated for the active practice of a profession licensed pursuant to title eight of this chapter, except professionals licensed pursuant to article one hundred thirty-one or article one hundred thirty-one thereof, and whose alleged incapacity is the result of a problem of drug or alcohol abuse which has not resulted in harm to a patient or client, may be voluntarily surrendered to the department, which may accept and hold such license during the period of such alleged incapacity or the department may accept the surrender of such license after agreement to conditions to be met prior to the restoration of the license. The department shall give written notification of such surrender to the licensing authorities of any other state or country in which the licensee is authorized to practice. In addition to the foregoing, the department shall also give written notification of such surrender to the department of labor of the state of New York.

EXPLANATION—Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.
treatment or rehabilitation program, and shall include a consent to the
release of all information concerning the licensee's treatment to the
committee. All information concerning an application, other than the
treatment or rehabilitation program, and shall include a consent to the
release of all information concerning the licensee's treatment to the
committee. All information concerning an application, other than the

practice, provided that the department may, by order of
the commissioner, impose reasonable conditions on the licensees, if it
determines that because of the nature and extent of the licensees's for-

health, and welfare of the public. Prompt written notification of such

notices shall be given to all licensing bodies which were notified of
the temporary surrender of a license.

2. There shall be appointed within the department, by the board of
regents, a committee on drug and alcohol abuse, which shall advise
the board on matters relating to practice by persons who come
to see with drug or alcohol abuse problems, and which shall administer
the provisions of this section. The board of regents shall determine the
time, composition, and terms of office of such committees, a majority of
the members of which shall be persons with expertise in problems of drug
or alcohol abuse. The committee shall recommend to the board of regents
such rules as are necessary to carry out the purposes of this section,
including but not limited to procedures for the submission of appli-
cations for the surrender of a license and for the referral of cases for
investigation or prosecution pursuant to section sixty-five hundred ten
of this chapter if a licensee fails to comply with the conditions of an
approved program of treatment. There shall be an executive secretary ap-
pointed by the board of regents to assist the committee. Determinations
by the committee relative to licensees shall be made by panels of at
least three members of the committee designated by the executive se-
cretary, who shall also designate a member of the state board for the
licensees' profession as an ex-officio counting member of each panel.

3. Application for the surrender of a license pursuant to this section
shall be submitted to the committee, and shall include a proposed