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#139 NURSE
PRACTICE ACTS



LICENSURE TO PRACTICE NURSING

Purpose of Licensure

Protection of the public is the basic purpose of all licensing legislation. Because of its concern for the health and welfare of the public, the American Nurses' Association supports the principle that any person who practices nursing should be licensed. ANA and state nurses' associations, since their establishment, have promoted state laws to regulate the practice of nursing, and they continue to work for the improvement of the existing laws.

Nursing is one of the health professions and occupations regulated by law in every state, the District of Columbia, and U.S. territories—American Samoa, Guam, Puerto Rico, and the Virgin Islands. Individuals desiring to practice nursing must meet the qualifications established by the law of the jurisdiction.

Administration of the Law

Laws regulating the practice of nursing vary from state to state. Generally, the state board of nursing is responsible for—

- evaluating the personal and educational qualifications of applicants for licensure.
- determining by examination an applicant's competence to practice nursing.
- issuing licenses to qualified applicants.
- establishing minimum standards for and approving nursing education programs preparing persons for licensure.
- investigating and taking appropriate action against violators and imposters, and disciplining those who are found unfit to practice nursing.

Procedure for Obtaining a License

Application forms are obtained directly from the board of nursing for the state in which the nurse wishes to be licensed.

Requirements for licensure include the successful completion of an approved program of study in nursing and an examination as determined by the state board of nursing. State laws may also include other requirements. Specific information regarding requirements is provided by the board of nursing from which the application form is obtained.

Application for initial licensure may be made in the state in which the program of study in nursing was completed or in the state in which the individual intends to practice nursing.

A nurse licensed by examination in one state who wishes to practice in another state must submit an application to the board of nursing for that state. The state board of nursing reviews the application and determines if a license may be granted without examination, if examination is indicated, or if supplementary education must be obtained. An examination is usually not required unless the nurse's scores on the initial licensure examination fail to meet the second state's standards.

The procedure for obtaining a license in another state should be completed prior to moving to that state.

The Licensing Examination

Nursing is one of the health professions that utilizes a nationwide standardized examination for licensure. The examinations for registered nurse licensure and practical nurse licensure have been one of the most effective means of facilitating the interstate licensure process for nurses.

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The State Board Test Pool Examinations (SBTPE) were administered for the first time in 1944 and were developed through the cooperative efforts of state boards of nursing, the American Nurses' Association, and the National League of Nursing Education (now the National League for Nursing). The examinations continue to be developed and their use regulated by the National Council of State Boards of Nursing, Inc., in cooperation with the state boards of nursing. The examinations are administered by the individual state boards of nursing. In 1981, the name of the examinations was changed to the National Council Licensure Examinations (NCLEX-RN and NCLEX-PN).

Beginning in July 1982, the examination for registered nurse licensure was changed to an integrated examination. The NCLEX-RN covers the whole of nursing practice and includes questions from the biological, physical, and social sciences, nutrition and diet therapy, and pharmacology. The examination includes approximately 450 multiple-choice items with four answers to choose from, only one of which is correct. The examination is divided into four equal parts, and two days are required for writing the examination. A candidate receives a single score.

The NCLEX-PN is an integrated examination with content appropriate to the beginning practice of practical-vocational nursing. The examination is divided into two parts and includes approximately 250 multiple-choice items with four answers to choose from, only one of which is correct. One day is required for writing the examination. A candidate receives a single score.

The passing score is determined by each state board of nursing.

Applicants should contact the board of nursing for the state in which they are seeking licensure for information about fees, testing dates, and examination centers. The examinations are administered on uniform dates determined by the National Council of State Boards of Nursing.

The test plan for the NCLEX-RN and the test plan for the NCLEX-PN may be purchased from the National Council of State Boards of Nursing, Suite 2010, 308 East Ohio Street, Chicago, Illinois 60611.

Nurses Educated in Other Countries

Nurses from other countries are expected to meet the same qualifications for licensure and to follow the same procedure for obtaining a license as graduates of U.S. schools of nursing.

Before leaving their own country, graduates of foreign nursing schools should take the Commission on Graduates of Foreign Nursing Schools (CGFNS) Qualifying Examination, which tests nursing and English language competency. The CGFNS examination is offered in April and October of each year. The CGFNS examination is similar to, but not a substitute for, the state licensing examination. In many states, passing the CGFNS examination is required before a graduate of a foreign nursing school is permitted to take the state licensing examination.

A certificate issued by the Commission on Graduates of Foreign Nursing Schools is required by the U.S. government before issuing an occupational preference visa for employment as a registered nurse. Application forms and information about the CGFNS Qualifying Examination may be obtained by writing to the Commission on Graduates of Foreign Nursing Schools, 3624 Market Street, Philadelphia, Pennsylvania 19104.

Once they are in the United States, nurses educated in other countries must successfully complete the state licensure examination required by the respective state boards of nursing. Information about the state licensure examination is indicated in the previous section. Specific information about the requirements for licensure should be requested directly from the board of nursing for the state in which the nurse wishes to practice.

Renewal of Licenses

Each state law regulating the practice of nursing specifies when the license to practice nursing shall be renewed. The procedure for renewal includes the completion of an application for renewal and the submission of a renewal fee. Some states have additional requirements for renewal of license such as continuing education.

Nurses who allow their licenses to lapse by failing to renew may be reinstated upon completion of the requirements specified in the law. Nurses who choose to become inactive should inquire whether the state law permits an inactive status, and the requirements for reinstatement to active status. Information about these requirements may be obtained from the state board of nursing.

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NURSE

PRACTICE ACTS

STATE AND TERRITORIAL BOARDS OF NURSING

Alabama

Board of Nursing
Suite 205, One East Bldg.
500 Eastern Boulevard
Montgomery, Alabama 36109
205/832-5717

Alaska

Board of Nursing
142 East Third Avenue
Anchorage, Alaska 99501
907/276-7969

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Board of Nursing
Suite 254, State Occupational and
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602/255-5092

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Board of Nursing
Suite 308, Westmark Bldg.
4120 West Markham Street
Little Rock, Arkansas 72205
501/371-2751

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Board of Registered Nursing
1020 N Street
Sacramento, California 95814
916/322-8350

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1525 Sherman Street
Denver, Colorado 80203
303/892-2871

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Board of Examiners for Nursing
Room 101, 79 Elm Street
Hartford, Connecticut 06115
203/566-3716

Delaware

Board of Nursing
Room 234, Cooper Bldg.
Dover, Delaware 19901
302/678-4752

District of Columbia

Nurses' Examining Board
Room 112, 614 H Street, N.W.
Washington, D.C. 20001
202/629-4542

Florida

Florida State Board of Nursing
Suite 540, 111 Coast Line Drive,
East
Jacksonville, Florida 32202
904/359-6331

Georgia

Board of Nursing
166 Pryor Street, S.W.
Atlanta, Georgia 30323
404/656-3943

For licensing information:

State Examining Boards
166 Pryor Street, S.W.
Atlanta, Georgia 30323
404/656-3900

Guam

Board of Nurse Examiners
P.O. Box 20518
Main Facility, Guam 96921

Hawaii

Board of Nursing
P.O. Box 5469
Honolulu, Hawaii 96801
808/548-7471

Idaho

Board of Nursing
700 West State Street
Boise, Idaho 83720
208/334-3110

Illinois

Nursing Committee
Department of Registration and
Education
320 West Washington Street
Springfield, Illinois 62786
217/785-0893 217/782-4624

For licensing information:

Department of Registration and
Education
17th Floor, 17 North State Street
Chicago, Illinois 60602
312/793-8500

Indiana

Board of Nurses' Registration and
Nursing Education
700 North High School Road
Indianapolis, Indiana 46224
317/633-5787, -5705

Iowa

Board of Nursing
State Office Bldg.
300 Fourth Street
Des Moines, Iowa 50319
515/281-3255

Kansas

Board of Nursing
Box 1098
Topeka, Kansas 66601
913/296-4929

Kentucky

Board of Nursing
No. 430, 4010 Dupont Circle
Louisville, Kentucky 40207
502/897-5143

Louisiana

Board of Nursing
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New Orleans, Louisiana 70112
504/568-5461

Maine

Board of Nursing
295 Water Street
Augusta, Maine 04330
207/289-2921

Maryland

Board of Examiners of Nurses
201 West Preston Street
Baltimore, Maryland 21201
301/383-2084, -2085

Massachusetts

Board of Registration in Nursing
1509 Leverett Saltonstall Bldg.
100 Cambridge Street
Boston, Massachusetts 02202
617/727-3060

Michigan

Board of Nursing
905 Southland, P.O. Box 30018
Lansing, Michigan 48909
517/373-1600

Minnesota

Board of Nursing
717 Delaware Street, S.E.
Minneapolis, Minnesota 55414
612/296-5493

Mississippi

Board of Nursing
Suite 101, 135 Bounds Street
Jackson, Mississippi 39206
601/354-7349

Missouri

Board of Nursing
P.O. Box 656
Jefferson City, Missouri 65101
314/751-2334

Montana

Montana Board of Nursing
Division of Business and
Professional Licensing
Department of Commerce
1424 Ninth Avenue
Helena, Montana 59620
406/449-3737

Nebraska

Board of Nursing
State House Station, Box 95065
Lincoln, Nebraska 68509
402/471-2001

Nevada

Board of Nursing
Suite 209, 1135 Terminal Way
Reno, Nevada 89502
702/786-2778

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New Hampshire
Board of Nursing Education
and Registration
Room 319, 105 Loudon Road
Concord, New Hampshire 03301
603/271-2323

New Jersey
Board of Nursing
Room 319, 1100 Raymond
Boulevard
Newark, New Jersey 07102
201/648-2691

New Mexico
Board of Nursing
Suite 1715, 5301 Central N.E.
Albuquerque, New Mexico 87108
505/842-5026

New York
Board for Nursing
Nursing Education Unit
State Education Department
Cultural Education Center
Empire State Plaza
Albany, New York 12230
518/474-5845, -5844, -3845

For licensing information:
Division of Professional Licensing
Services
State Education Department
Cultural Education Center
Empire State Plaza
Albany, New York 12230
518/474-5817

North Carolina
Board of Nursing
P.O. Box 2129
Raleigh, North Carolina 27602
919/828-0740

North Dakota
Board of Nursing
418 East Rosser
Bismarck, North Dakota 58505
701/224-2974

Ohio
Board of Nursing Education and
Nurse Registration
Suite 509, 65 South Front Street
Columbus, Ohio 43215
614/466-5947

Oklahoma
Board of Nurse Registration and
Nursing Education
Suite 406, 4001 North Lincoln
Boulevard
Oklahoma City, Oklahoma 73105
405/521-2363

Oregon
Board of Nursing
Room 904, 1400 S.W. Fifth Avenue
Portland, Oregon 97201
503/229-5623

Pennsylvania
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P.O. Box 2649
Harrisburg, Pennsylvania 17129
717/783-3622

Rhode Island
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Nursing Education
104 Health Department Bldg.
75 Davis Street
Providence, Rhode Island 02908
401/277-2827

South Carolina
Board of Nursing
Suite 102, 1777 St. Julian Place
Columbia, South Carolina 29204
803/758-2611

South Dakota
Board of Nursing
Suite 205, 304 South Phillips
Avenue
Sioux Falls, South Dakota 57102
605/334-1243

Tennessee
Board of Nursing
R. S. Gass State Office Bldg.
Ben Allen Road
Nashville, Tennessee 37216
615/741-2738

Texas
Board of Nurse Examiners
Suite 216, 510 South Congress
Austin, Texas 78704
512/478-9602

Utah
Board of Nursing
330 East Fourth South Street
Salt Lake City, Utah 84111
801/588-5718

Vermont
Board of Nursing
Pavilion State Office
109 State Street
Montpelier, Vermont 05602
802/828-2364

Virginia
Board of Nursing
Suite 455, Seaboard Bldg.
Richmond, Virginia 23230
804/786-5513

Virgin Islands
Board of Nurse Examiners
P.O. Box 1432
St. Thomas, Virgin Islands 00801
809/744-1321, ext. 254

Washington
Division of Professional Licensing
P.O. Box 9649
Olympia, Washington 98504
206/753-3726

West Virginia
Board of Examiners for Registered
Nurses
Suite 309, Embleton Bldg.
922 Quarrier Street
Charleston, West Virginia 25301
304/348-3596

Wisconsin
Director, Bureau of Nursing
Department of Regulation and
Licensing
1400 East Washington Avenue
Madison, Wisconsin 53702
608/266-3735

Wyoming
Executive Director
Board of Nursing
Suite One, 2223 Warren Avenue
Cheyenne, Wyoming 82002
307/777-7601

SEPARATE STATE BOARDS OF PRACTICAL NURSING

California
Board of Vocational Nurse and
Psychiatric Technician
Examiners
1020 N Street
Sacramento, California 95814
916/445-0793

District of Columbia
Practical Nurses' Examining
Board
614 H Street, N.W.
Washington, D.C. 20001
202/629-4545

Georgia
Board of Examiners of Licensed
Practical Nurses
166 Pryor Street, S.W.
Atlanta, Georgia 30303
404/656-3900

For licensing information:
State Examining Boards
166 Pryor Street, S.W.
Atlanta, Georgia 30303
404/656-3900

Louisiana
Board of Practical Nurse
Examiners
Room 1408, 150 Baronne Street
New Orleans, Louisiana 70112
504/568-5825

Texas
Board of Vocational Nurse
Examiners
Suite 131, Bldg. H, Commerce
Park
5555 North Lamar
Austin, Texas 78751
512/458-1203

Washington
Board of Practical Nursing
Division of Professional Licensing
P.O. Box 9649
Olympia, Washington 98504
206/753-3726

West Virginia
Board of Examiners for Licensed
Practical Nurses
Suite 506, Embleton Bldg.
922 Quarrier Street
Charleston, West Virginia 25301
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THE BULLETIN

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The September 1, 1987 ANA printout shows District 8 with the largest increase in membership. Districts 9, 13, 14, 16, 18, and 22 also show an increase in membership. District 8 also had the largest percentage increase with 34.5%.

FROM THE PRESIDENT'S PEN



Virginia Trotter Betts, M.S.N., J.D., R.N.

This is my first opportunity to bring you greetings from Washington, D.C. I've had only a few days in the Robert Wood Johnson Health Policy Fellowship, but already am tremendously inspired by our speakers from national health care organizations, the Institute of Medicine, and Washington "Think Tanks." Almost every speaker makes me wonder, why was I chosen? What am I doing here? Will I be able to do the job that is expected of me in a credible way? That last question is extremely important to me as I feel that I am representing women in health care, and nursing as a member of the health care system. I feel that it is a wonderful opportunity for me as an individual and for the profession of nursing to be a part of this fellowship program. Already, I notice one important thing -- the only health care disciplines that are even mentioned are medicine and nursing. Does that surprise you? It surprised me. Dentistry is not mentioned. Pharmacy is not mentioned. Psychology, social work, and physical therapy are not. Only medicine and nursing get attention; and, of course, medicine about 90% of the time and nursing about 10%. Believe me, before I leave here, it will be at least 25 to 30% nursing because I have brought up the nursing aspect in every discussion that has gone on so far. That's one of the values of being here. Now, some of my colleague fellows bring up nursing before I have a chance to.

As one of our speakers said so eloquently on Wednesday, "The amount of influence in health care policy making is not dollars, but proximity to Washington and the key Washington players." The fellowship provides that for six individuals each year who work in health care and I am convinced that every year at least one of the six should be a nurse. I will tell you more about this exciting happening for me and for nursing

when I see you at convention.

I'm looking forward to convention because I believe we have some good news to share with each other and we have a wonderful opportunity -- the opportunity to interact with the president of the American Nurses' Association, Margretta Styles, Dr. Styles is, I believe, one of the true leaders and thinkers in the discipline of nursing. I know you are looking forward to association with her as much as I am.

The other good news we will be discussing is the progress the association has made in dealing with the complex issues of social change by planning and having ready for your perusal the latest draft of a new Nurse Practice Act. The Nurse Practice Act Task Force completed its work in September, and sought and received board approval of its latest draft. The draft is, in some cases, radically different from its five predecessors and also somewhat different from strategies being used in any other state of which I am aware. However, I believe you will see as you look through it that perhaps we in Tennessee have the opportunity to develop a model Act which would provide for an orderly and equitable transition for many states who are wrestling with the same goals yet same political problems we are. As a former chairperson of the task force who then became TNA president and continued to work closely with the task force, I am acutely aware of the various kinds of reception that the Nurse Practice Act drafts have received all across the state among TNA members, nonmembers and others, including health care colleagues and their organized associations.

When the Nurse Practice Act Task Force listed out the opposition that we had heard to our Drafts I through V, looked at the kinds of results that are coming out of the National Commission on Nursing's Implementation Project (NCNIP) and the kinds of discussions we had monitored and participated in at the Tennessee Commission on Nursing hearings, the Task Force decided to move forward with a bold new draft. Draft VI addresses each of the complaints, oppositions and concerns that we heard from various interest groups. It is not my expectation (as I am a rational person) that any draft will have the total support of all nurses, our health care colleagues and their associations. However, if those groups voicing opposition have been truthful in their statements about their desire to see nursing move forward and enhance its scope of practice, responsibility and educational base, their arguments are fully addressed in this draft (the essence of which is con-

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tailed in this issue). I urge you to turn to page 4, review the draft and then return to this President's Message for my analysis of our bold new plan.

Draft VI retains the broad language of legislative intent, indicating there will be a board of nursing with power to regulate nursing; that nursing is a professional discipline whose scope of practice and titles will be protected, and that the legislative intent is to recognize that nursing is evolving and will maintain activities, functions, and knowledge that have overlapped with other licensed health care providers. Likewise, we urge the legislative intent to be explicit -- that currently in nursing there are numerous levels of expertise, and that each practitioner should practice to the level of their expertise and be responsible and accountable directly to the consumer for their services in nursing care.

The definition of the registered professional nurse remains very similar to the language in Draft V. However, it was clear especially on the kinds of knowledge that is expected of the professional. We emphasized, therefore, the natural and behavioral sciences and humanities and named the steps of the nursing process. The definition is one that fits with the new scope of practice statement passed by the 1987 ANA House of Delegates, especially in defining the relationship between the professional nurse and the technical nurse. That relationship is one of direction in the performance of nursing services. Please note that the title we are recommending is "registered professional nurse" or "RPN."

The educational qualifications for the registered professional nurse remain the same as that in Draft V. That is, five years from the date of passage the applicant for licensure shall be required to have a minimum of a baccalaureate degree in nursing.

The registered associate nurse definition likewise is similar to but broader than Draft V. It gives the basic knowledge base of the associate nurse. It mandates the use of the nursing process in the care of individuals and families and gives the scope of practice that is consistent with the ANA Scope of Practice document. The registered associate nurse, as you can see from the last line of the definition, will be practicing within organized nursing services and the relationship with the registered professional nurse is one of direction by the RPN for patient care.

The credentials for the registered associate nurse would be that effective five years from the date of passage of this act, the individual sitting for the exam will have completed a program of associate degree nursing education. There will be no one entering the category of registered associate nurse until five years from the date of passage. This is because, as you will notice in Draft VI, we have left the title "licensed practical nurse" in place and are simply recommending that the LPN's scope of practice and definition remain the same as it currently is in the Tennessee Code Annotated in 63-7-108. The ti-

October, 1987

tle as well as the scope of practice will be continued indefinitely as long as the market place requires. However, effective five years from the date of passage, there will be no additional applications for licensure as a licensed practical nurse in Tennessee. Therefore, the stream of education for LPNs in Tennessee will end within five years and yet those holding a license who choose not to change educational backgrounds will be able to continue to practice in the limited scope as currently outlined by Tennessee law.

What is the significance of Draft VI as opposed to Draft V? The major significance is the maintaining of the LPN title, thus having in Tennessee in the future three levels of nursing practice -- registered professional nurse, registered associate nurse and licensed practical nurse. Why did we choose this approach? The answer of course is multifaceted with the main facet being that we believe the current draft can pass in the Tennessee Legislature. We believe it is passable because we expect to receive support not only from our TNA members and the registered nurses of the State of Tennessee, but also the Tennessee Association of Licensed Practical Nurses, the Tennessee Hospital Association, the Tennessee Health Care Association, educators in Associate Degree Programs and the Tennessee Medical Association. These are groups who had, in the past, either demonstrated and acknowledged direct opposition to Draft V or who had little inclination to support it. Let me go over their arguments and how we believe they have been addressed.

The Licensed Practical Nurses were proud of their history as LPNs and wanted no title change. Therefore, we are suggesting that LPNs continue and their title and scope of practice remain the same. They did not want to be grandfathered into an associate nurse category and they will not be. They wanted to keep their own association and their own identification and by maintaining their title, they will be able to do so.

Health care administrators, both in hospitals and in nursing homes, had verbalized concern about eliminating LPNs during this time of a nursing shortage. Although that definitely was not the intent of Draft V, in Draft VI it is clear the LPNs will continue to exist and practice within their current scope. Hospital and nursing administrators had concerns about grandfathering LPNs into the associate nurse category with its broader scope of practice without adequate preparation. Therefore, once the associate nurse category is established, entry into this level will be only through meeting the prescribed educational requirements and passing the licensing exam for that level of practice.

Associate degree educators and community college presidents had many concerns with Draft V. Their concerns indicated they wanted a scope of practice and title for their graduate which clearly reflected their community college preparation and their contribution to health care. The scope of practice in Draft VI does that and it, in fact, consistent with NLN criteria for their

TNA WELCOMES NEW AND REINSTATED MEMBERS

- | | |
|--|--|
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Green Gill Green
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R. Livingston
Marilyn Muirhead
Peggy Phipps
Mary F. Sheton
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Paulette Thurber |
| DISTRICT 2
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Demacopoulos
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Helen E. Overton
Donna L. Struber | DISTRICT 8
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Patricia K. Langley
Martha A. Lason
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Barbara I. Parker
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#139 NURSE PRACTICE ACTS

preparation. It clearly reflects a study of nursing and the basic sciences, as well as use of the nursing process.

The associate degree educators wanted to retain the title "registered nurse" and did not want to have their title changed if others in the registered nurse category would not be required to change. Draft VI reflects a title change for all registered nurses.

A strong objection by this group was the grandfathering of the licensed practical nurse in the same category as the registered associate nurse of the future. With Draft VI that cannot happen. And, associate degree nurse educators wanted their students to be able to be a part of the Tennessee Nurses' Association, the professional organization for nurses. As you know, in 1987, at the ANA House of Delegates, the membership option of including the professional nurse and the associate nurse in the same association passed by an overwhelming majority.

Finally, the Tennessee Medical Association, which had developed a seven-page position statement on nursing, indicated to us they wanted to continue to have experienced LPNs at the bedside. Draft VI allows for the continuation of experienced LPNs at the bedside into perpetuity. TMA encouraged access to educational programs in Tennessee for nurses who voluntarily wish to increase their educational credentials. I am pleased to report that this is

underway throughout the state with more and more articulation programs between LPN schools and ADN schools, ADN schools and BSN schools, and diploma schools and either ADN or BSN schools.

Physicians wanted to make sure there would still be nurses available to work in physicians' offices. Draft VI certainly provides for this. LPNs will continue to be able, under their own practice act, to work in a physician's office and follow a physician's direct orders. The RPN and the RAN can also work in a physician's office. If they work together, they will both be practicing nursing. If only the RAN is working in a physician's office, she/he may do so under the medical practice act delegatory clause which allows physicians to delegate medical functions and tasks to licensed or unlicensed personnel working under their supervision.

It has been an enormous task to meet with all the interested health care and consumer groups to solicit support, understand their concerns, and then draft legislation to deal with these concerns in whole or in part. The entire association should thank the Task Force on the Nurse Practice Act (Cheryl Stegbauer, Rebecca Culpepper, Hazel Fowler, Deanna Naddy, Linda Norman, Susie Sizemore, and Patricia Smith) for their skillful, deliberate and persistent efforts to address the number one priority of the Association for the past two years. Cheryl

Stegbauer as chair and Susie Sizemore as former chair have done outstanding jobs. It gives me a great deal of pleasure as I leave office to believe that we have an act that the board has approved and is awaiting your reaction which will essentially enhance the scope of nursing practice, change titles, and ultimately increase the educational credentials of nurses of the future in Tennessee. I think this is quite an accomplishment for the association and it will ultimately result in a much better health care system for consumers in Tennessee.

I think the act can be passed because 1) it fits national statements on nursing and goals for nursing education; 2) it meets the needs of health care consumers currently and in the future; 3) it meets the needs of health care institutions for the present and the future; 4) it is consistent with the recommendations from the Tennessee Commission on Nursing as they assessed the nursing needs of health care consumers in Tennessee for the year 2000; and 5) it should have the active support or at least neutral agreement by other organized nursing and health care groups who, in the past, have opposed Draft V, as their concerns have been clearly and fully addressed in Draft VI.

I urge you to read and study the draft and my comments and we will have a lively discussion in Memphis in October.

injury or infirmity; the restoration of maximum function; the supervision and teaching of others; and the administration of medications and treatments prescribed by any person authorized by state law to prescribe. Registered professional nurses provide direction to the registered associate nurse and the licensed practical nurse in their performance of nursing services.

Qualifications for the Registered Professional Nurse

Any person holding a license to practice nursing as a registered nurse which is valid upon date of passage of this act shall be deemed to be licensed as a registered professional nurse with all rights and privileges under the provisions of this act and shall be eligible for renewal of such license under conditions present at the time of the applicant's initial licensure.

A new applicant for a license to practice registered professional nursing shall submit to the board evidence in such form as the board may prescribe. The applicant shall:

1. hold a diploma from a four-year accredited high school, or the equivalent thereof, as determined by the board;
2. have successfully completed a course of study in a board approved school of nursing and hold a diploma or degree therefrom; or the approved school shall have certified to the board that the applicant has met all requirements for a diploma or degree; and
3. have committed no acts which are grounds for disciplinary action as set forth in 63-7-(?) of this chapter; or if such act has been committed, board prescribed restitution has been made.

However, effective five (5) years from date of passage, an applicant for initial licensure as a registered professional nurse shall be a graduate of an approved program of nursing granting a minimum of the baccalaureate in nursing. Furthermore, on that date, any person holding a valid license to practice nursing as a registered professional nurse shall continue to be licensed as a registered professional nurse with all rights and privileges under the new provisions of this act, and shall be eligible for renewal of such license under conditions prescribed in this chapter.

Registered Professional Nurse Title

Any person who holds a license to practice as a registered professional nurse in this state shall have the right to use the title "registered professional nurse" and the abbreviation "RPN." No other person shall assume such title or use such abbreviation or any words, letters, signs, or devices to indicate that the person using the same is a registered professional nurse. No person shall use the titles or abbreviations "graduate nurse" ("GN"), "professional nurse" ("PN"), "trained nurse" ("TN"), "nurse" or other such titles or abbreviations that would represent to the public that the person is authorized to practice nursing in this state.

October, 1987

Licensed Practical Nurse Practice Defined

Licensed practical nurse practice means the performance of selected acts required in the nursing care of the ill, injured or infirmed, and/or carrying out medical orders prescribed by a licensed physician or dentist under the direction of a licensed physician, dentist, or registered professional nurse. The licensed practical nurse shall have preparation in and understanding of nursing, but shall not be required to have the same degree of education and preparation as required of a registered professional nurse or registered associate nurse.

Qualifications for the Licensed Practical Nurse

An applicant for license to practice as a licensed practical nurse shall submit to the board evidence in such form as the board may prescribe. The applicant shall:

1. hold a diploma from a four-year accredited high school, or the equivalent thereof, as determined by the board;
2. have successfully completed a course of study in a board approved school of practical nursing, and hold a certificate therefrom; or the approved school shall have certified to the board that the applicant has met all requirements for a certificate; and
3. have committed no acts which are grounds for disciplinary action as set forth in 63-7-(?) of this chapter; or if such act has been committed, board prescribed restitution has been made.

However, five years from date of passage, no additional applications for initial licensure as a licensed practical nurse will be accepted. Furthermore, on that date, any person holding a valid license to practice as a licensed practical nurse shall continue to be licensed as a licensed practical nurse with all rights and privileges and shall continue to be eligible for renewal of such license under conditions as prescribed at the time of the applicant's initial licensure.

Licensed Practical Nurse Title

Any person who holds a license to practice as a licensed practical nurse shall have the right to use the title "licensed practical nurse" and the abbreviation "LPN." No other person shall assume such title or use such abbreviation or any words, letters, signs, or devices to indicate that the person using the same is a licensed practical nurse. No person shall use the titles or abbreviations "graduate practical nurse" ("GPN"), "practical nurse" ("PN"), "nurse" or other such titles or abbreviations that would represent to the public that the person is authorized to practice nursing in this state.

Registered Associate Nurse Practice Defined

Registered associate nurse practice is the performance of nursing services requiring basic knowledge of nursing and the natural and behavioral sciences. The registered associate nurse uses the nursing process in the care of individuals and families who have well-defined health or illness problems

with predictable outcomes. Registered associate nurse practice includes observation and care of the ill, injured, or infirmed, health maintenance care, acts which safeguard life and health, and the administration of medications and treatments prescribed by any person authorized by state law to prescribe. The registered associate nurse practices within organized nursing services under the direction of a registered professional nurse.

Qualifications for the Registered Associate Nurse

Effective five (5) years from date of passage, applications will be accepted for initial licensure as a registered associate nurse. An applicant for a license to practice as a registered associate nurse shall submit to the board evidence in such form as the board may prescribe. The applicant shall:

1. hold a diploma from a four-year accredited high school, or its equivalent thereof, as determined by the board;
2. have successfully completed a course of study in a board approved associate degree nursing program and hold a degree therefrom; or the approved school shall have certified to the board that the applicant has met all the requirements for the degree; and
3. have committed no acts which are grounds for disciplinary action as set forth in 63-7-(?) of this chapter; or if such act has been committed, board prescribed restitution has been made.

Registered Associate Nurse Title

Any person who holds a license to practice as a registered associate nurse in this state shall have the right to use the title "registered associate nurse" and the abbreviation "RAN." No other person shall assume such title or use such abbreviation or any words, letters, signs, or devices to indicate that the person using the same is a registered associate nurse. No person shall use the titles or abbreviations "graduate nurse" ("GN"), "associate nurse" ("AN"), "trained nurse" ("TN"), "nurse" or other such titles or abbreviations that would represent to the public that the person is authorized to practice nursing in this state.

SELECTED SECTIONS FROM PROPOSED NURSE PRACTICE ACT — DRAFT VI

PURPOSE

An act to provide for the regulation of the practice of nursing, a practice affecting the public health, safety and welfare; to provide for a state board of nursing; and to define the powers and duties of that board, including licensure of practitioners of nursing, application of standards for nursing practice, establishment of criteria for nursing educational programs, and prescription of penalties for violation of the provisions of this act.

The Legislature of the State of Tennessee hereby declares it a policy of this state that in order to safeguard life, health, property, and the public welfare of the people of this state and in order to protect the people of the State of Tennessee from the unauthorized, unqualified, and improper application of services by individuals in the practice of nursing, it is necessary that a regulatory authority be established and adequately provided for. The Legislature further declares that a state board of nursing be this regulatory authority with the power to enforce the provisions of this act, including the regulation of nursing practice. Any person who practices or offers to practice nursing or who represents oneself as a registered professional nurse, a registered associate nurse, or a licensed practical nurse without qualifying under the provisions of this act endangers the public health thereby.

The Legislature recognizes that nursing is a dynamic field and its practice is continually evolving to include more sophisticated patient care activities. It is the intent of the Legislature to provide clear legal authority for functions and procedures that have common acceptance and usage in the profession and to recognize the overlapping functions of licensed health care providers in the delivery of health care services.

The Legislature recognizes that there are various levels of expertise among those engaged in the practice of nursing and that each nurse is responsible for practicing nursing in accordance with one's level of education and experience as evidenced by skill, knowledge, and abilities. Each practitioner of nursing is directly accountable and responsible to the consumer for the quality of nursing care rendered.

Registered Professional Nurse Practice Defined

Registered professional nurse practice is the performance of nursing services requiring substantial knowledge of nursing, the natural and behavioral sciences, and the humanities as the basis for assessment, diagnosis, planning, intervention and evaluation. Registered professional nurse practice includes but is not limited to the promotion and maintenance of health; the identification and management of illness,

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THE NURSE PRACTICE ACT
OF NEW YORK STATE*

*AS CONTAINED IN

ARTICLES 130 AND 139 OF TITLE VIII
OF THE EDUCATION LAW FROM
MCKINNEY'S CONSOLIDATED LAWS
OF NEW YORK STATE ANNOTATED (BOOK 16)
INCLUDING AMENDMENTS ENACTED THROUGH 1981

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New York State Education Law

Title VIII

THE PROFESSIONS*

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- 131. Medicine.
- 131-A. Physical therapy.
- 131-B. Physician's Assistants and specialist's assistants.
- 132. Chiropractic.
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Article 130
General Provisions

- Subarticle 1. Introductory summary.
- Section 6500. Introduction.
- 6501. Admission to a profession (licensing).
- 6502. Duration and registration of a license.
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Subarticle 2. State management.

- Section 6506. Supervision by the board of regents.
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6508. Assistance by state boards for the professions.

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6510-a. Proceedings in cases of professional misconduct involving the medical profession.
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- Section 6512. Unauthorized practice a crime.
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6514. Criminal proceedings.
6515. Restraint of unlawful acts.

Subarticle 1. Introductory summary.

§6500. Introduction.

This title provides for the regulation of the admission to and the practice of certain professions. This first article applies to all the professions included in this title, except that prehearing procedures and hearing procedures in connection with the regulation of professional conduct of the profession of medicine shall be conducted pursuant to the provisions of Title II-A of article two of the public health law. Each of the remaining articles applies to a particular profession.

§6501. Admission to a profession (licensing).

Admission to practice of a profession in this state is accomplished by a license being issued to a qualified applicant by the education department. To qualify for a license an applicant shall meet the requirements prescribed in the article for the particular profession.

§6502. Duration and registration of a license.

1. A license shall be valid during the life of the holder unless revoked, annulled or suspended by the board of regents. A licensee must register biennially with the department to practice in this state.

2. The department shall establish the beginning dates of the two-year registration for each profession and mail an application for registration to every licensee currently registered at least four months prior to the beginning of the registration period for the respective profession.

3. An application for registration and the required registration fee shall be submitted together with or as a part of the application for license. A person initially licensed or a licensee resuming practice after a lapse of registration in the last four months of a two-year registration period shall be registered for the succeeding registration period without an additional registration fee.

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The department shall renew the registration of each licensee upon receipt of a proper application, on a form prescribed by the department, and the registration fee. Any licensee who fails to register by the beginning of the appropriate registration period shall be required to pay an additional fee for late filing of five dollars for each month that registration has been delayed while such licensee continued to practice his profession. The licensee resuming practice after a lapse of registration shall be permitted to practice without actual possession of the registration certificate for not more than four months after mailing to the department the required application fee.

4. Any licensee who is not engaging in the practice of his profession in this state and does not desire to register shall so advise the department. Such licensee may subsequently register and resume practice without paying an additional fee for failure to register at the beginning of the registration period.

5. Licensees shall notify the department of any change of name or mailing address within thirty days of such change.

§6503. Practice of a profession.

Admission to the practice of a profession (1) entitles the licensee to practice the profession as defined in the article for the particular profession, (2) entitles the individual licensee to use the professional title as provided in the article for the particular profession, and (3) subjects the licensee to the procedures and penalties for professional misconduct as prescribed in this article (sections sixty-five hundred nine, sixty-five hundred ten, and sixty-five hundred eleven).

§6504. Regulation of the professions.

Admission to the practice of the professions (licensing) and regulation of such practice shall be supervised by the board of regents (section sixty-five hundred six) and administered by the education department (section sixty-five hundred seven), assisted by a state board for each profession (section sixty-five hundred eight).

§6505. Construction.

No definition of the practice of a profession shall be construed to restrain or restrict the performance of similar acts authorized in the definition of other professions.

Subarticle 2. State management.

§6506. Supervision by the board of regents.

The board of regents shall supervise the admission to and the practice of the professions. In supervising, the board of regents may:

1. Promulgate rules;

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2. Establish by rule, high school, preprofessional, professional and other educational qualifications required for licensing in the professions regulated by this title;

3. Charter schools offering educational programs for the professions regulated by this title, and no such school shall operate in this state without such a charter, except Columbia University, any school chartered by special act of the legislature prior to September one, nineteen hundred seventy-one, and schools specifically authorized to conduct such programs by the regents;

4. Appoint such committees as it deems necessary and compensate members of such committees who are not members of the board of regents or the department up to one hundred dollars per day for each day devoted to committee functions, together with their necessary expenses;

5. Waive education, experience and examination requirements for a professional license prescribed in the article relating to the profession, provided the board of regents shall be satisfied that the requirements of such article have been substantially met;

6. Indorse a license issued by a licensing board of another state or country upon the applicant fulfilling the following requirements:

- (a) Application: file an application with the department;
- (b) Education: meet educational requirements in accordance with the commissioner's regulations;
- (c) Experience: have experience satisfactory to the board and in accordance with the commissioner's regulations;
- (d) Examination: pass an examination satisfactory to the board and in accordance with the commissioner's regulations;
- (e) Age: be at least twenty-one years of age;
- (f) Citizenship: be a United States citizen, or file a declaration of intention to become a citizen, unless such requirement is waived, in accordance with the commissioner's regulations;
- (g) Character: be of good moral character as determined by the department; and
- (h) Fees: pay a fee to the department for indorsement of forty dollars.

7. Direct the department to remedy any error, omission, delay or other circumstance in the issuance or registration of a license;

8. Designate a professional conduct officer on recommendation of the commissioner in connection with professional licensing and misconduct proceedings and criminal matters, such officer to be empowered to issue subpoenas and administer oaths in connection with such proceedings;

9. Establish by rule, standards of conduct with respect to advertising, fee

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splitting, practicing under a name other than that of the individual licensee (when not specifically authorized), proper use of academic or professional degrees or titles tending to imply professional status, and such other ethical practices as such board shall deem necessary; and

(10) Delegate to department officers the disposition of any licensing matters pursuant to rules.

§6507. Administration by the education department.

1. The commissioner and the department shall administer the admission to and the practice of the professions.

2. In administering, the commissioner may:

- (a) Promulgate regulations;
- (b) Conduct investigations;
- (c) Issue subpoenas;

(d) Grant immunity from prosecution in accordance with section 50.20 of the criminal procedure law to anyone subpoenaed in any investigation or hearing conducted pursuant to this title; and

(e) Excuse, for cause acceptable to the commissioner, the failure to register biennially. Such excuse shall validate and authorize such practitioner's right to practice pending registration.

3. The department assisted by the board for each profession, shall:

- (a) Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession;
- (b) Review qualifications in connection with licensing requirements; and
- (c) Provide for licensing examinations and reexaminations.

4. The department shall:

- (a) Register or approve educational programs designed for the purpose of providing professional preparation which meet standards established by the department;
- (b) Issue licenses, registrations, and limited permits to qualified applicants;
- (c) (i) Issue a certificate of authority to a qualified professional service corporation being organized under section fifteen hundred three of the business corporation law on payment of a fee of twenty-five dollars, (ii) file a certified copy of each certificate of incorporation and amendment thereto within thirty days after the filing of such certificate or amendment on payment of a fee of ten dollars, (iii) file the annual statement required by section fifteen hundred fourteen of the business corporation law on payment of a fee of ten dollars;

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- (d) Revoke limited permits on the recommendation of the committee on professional conduct for the profession concerned;
- (e) Maintain public records of licenses issued and retain in its files identifying data concerning each person to whom a license has been issued; and
- (f) Collect the fees prescribed by this title or otherwise provided by law.

5. The Commissioner and the department shall perform any other functions necessary to implement this title.

§6508. Assistance by state boards for the professions.

1. A board for each profession shall be appointed by the board of regents on the recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing, practice, and conduct. The composition of each board shall be as prescribed in the article relating to each profession. Within each board a committee on licensing and one or more committees on professional conduct may be appointed by the board chairman.

Except as provided in paragraph (a) of this subdivision, the membership of each professional licensing board shall be increased by one member, and each such board shall have at least one public representative who shall be selected by the board of regents from the general public.

- (a) The membership of the professional licensing boards created under sections sixty-five hundred twenty-three, sixty-eight hundred four, sixty-nine hundred three, and seventy-four hundred three of this chapter shall be increased by two members, and each such board shall have at least two public representatives, who shall be selected by the board of regents from the general public.
- (b) For the purposes of this title, a "public representative" shall be a person who is a consumer of services provided by those licensed or otherwise supervised or regulated by the boards created hereunder, and shall not be, nor within five years immediately preceding appointment have been:
 - (i) a licensee or person otherwise subject to the supervision or regulation of the board to which appointed; or
 - (ii) a person maintaining a contractual relationship with a licensee of such board, which would constitute more than two percentum of the practice or business of any such licensee, or an officer, director, or representative of such person or group of persons.

2. Each board, or its committee on licensing, shall select or prepare examinations, may conduct oral and practical examinations and re-examinations, shall fix passing grades, and assist the department in other licensing matters as prescribed by the board of regents.

3. Each board, or its committee or committees on professional conduct, shall conduct disciplinary proceedings as prescribed in this article and shall assist in other professional conduct matters as prescribed by the board of regents. Former

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members of each board may be re-appointed by the board of regents, on the recommendation of the commissioner, to serve as members of the board and of its committee or committees on professional conduct for the sole purpose of conducting disciplinary proceedings pursuant to this article. Former board members so appointed may not comprise a majority of any hearing panel.

4. Members of each board shall be appointed by the board of regents for five-year terms except that the terms of those first appointed shall be arranged so that as nearly as possible an equal number shall terminate annually. A vacancy occurring during a term shall be filled by an appointment by the board of regents for the unexpired term. Each state professional association or society may nominate one or more candidates for each appointment to be made to the board for its profession, but the board of regents shall not be required to appoint candidates so nominated.

5. Each member of a board shall receive a certificate of appointment, shall before beginning his term of office file a constitutional oath of office with the secretary of state, shall receive up to one hundred dollars as prescribed by the board of regents for each day devoted to board work, and shall be reimbursed for his necessary expenses. No member shall serve beyond the age of seventy. Any member may be removed from a board by the board of regents for misconduct, incapacity or neglect of duty.

6. Each board shall elect from its members a chairman and vice-chairman annually, shall meet upon call of the chairman or the department, and may adopt bylaws consistent with this title and approved by the board of regents. A quorum for the transaction of business by the board shall be a majority of members but not less than five members.

7. An executive secretary to each board shall be appointed by the board of regents on recommendation of the commissioner. Such executive secretary shall not be a member of the board, shall hold office at the pleasure of, and shall have the powers, duties and annual salary prescribed by the board of regents.

Subarticle 3. Professional misconduct.

§6509. Definitions of professional misconduct.

Each of the following is professional misconduct, and any licensee found guilty of such misconduct under the procedures prescribed in section sixty-five hundred ten shall be subject to the penalties prescribed in section sixty-five hundred eleven:

1. Obtaining the license fraudulently;
2. Practicing the profession fraudulently, beyond its authorized scope, with gross incompetence, with gross negligence on a particular occasion or negligence or incompetence on more than one occasion;
3. Practicing the profession while the ability to practice is impaired by alcohol, drugs, physical disability, or mental disability;
4. Being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;

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5. Being convicted of committing an act constituting a crime under:
 - (a) New York State law or,
 - (b) Federal law or,
 - (c) The law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York State law.
6. Refusing to provide professional service to a person because of such person's race, creed, color, or national origin;
7. Permitting, aiding or abetting an unlicensed person to perform activities requiring a license;
8. Practicing the profession while the license is suspended, or willfully failing to register or notify the department of any change of name or mailing address, or, if a professional service corporation willfully failing to comply with sections fifteen hundred three and fifteen hundred fourteen of the business corporation law, or
9. Committing unprofessional conduct, as defined by the board of regents in its rules or by the commissioner in regulations approved by the board of regents;
10. A willful violation by a licensed physician of subdivision eleven of section two hundred thirty of the public health law.
11. A violation of section twenty-eight hundred three-d of the public health law.

§6509-a. Additional definition of professional misconduct; limited application

Notwithstanding any inconsistent provision of this article or of any other provision of law to the contrary, the license or registration of a person subject to the provisions of articles one hundred thirty-one, one hundred thirty-one-a, one hundred thirty-two, one hundred thirty-three, one hundred thirty-seven, one hundred thirty-nine, one hundred forty-one, one hundred forty-three, one hundred forty-four, one hundred fifty-six and one hundred fifty-nine of this chapter may be revoked, suspended or annulled or such person may be subject to any other penalty provided in section sixty-five hundred eleven of this article in accordance with the provisions and procedure of this article for the following:

That any person subject to the above enumerated articles, has directly or indirectly requested, received or participated in the division, transference, assignment, rebate, splitting or refunding of a fee for, or has directly requested, received or profited by means of a credit or other valuable consideration as a commission, discount or gratuity in connection with the furnishing of professional care, or service, including x-ray examination and treatment, or for or in connection with the sale, rental, supplying or furnishing of clinical laboratory services or supplies, x-ray laboratory services or supplies, inhalation therapy service or equipment, ambulance service, hospital or medical supplies, physiotherapy or other therapeutic service or equipment, artificial limbs, teeth or eyes, orthopedic or surgical appliances or supplies, optical appliances, supplies or equipment, devices for aid of hearing, drugs, medication or medical supplies or any other goods, services or supplies prescribed for medical diagnosis, care or treatment under this chapter, except payment, not to exceed thirty-three and one-third per centum of any

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fee received for x-ray examination, diagnosis or treatment, to any hospital furnishing facilities for such examination, diagnosis or treatment. Nothing contained in this section shall prohibit such persons from practicing as partners, in groups or as a professional corporation nor from pooling fees and moneys received, either by the partnerships, professional corporations or groups by the individual members thereof, for professional services furnished by any individual professional member, or employee of such partnership, corporation or group, nor shall the professionals constituting the partnerships, corporations or groups be prohibited from sharing, dividing or apportioning the fees and moneys received by them or by the partnership, corporation or group in accordance with a partnership or other agreement; provided that no such practice as partners, corporations or in groups or pooling of fees or moneys received or shared, division or apportionment of fees shall be permitted with respect to care and treatment under the workmen's compensation law except as expressly authorized by the workmen's compensation law. Nothing contained in this chapter shall prohibit a medical or dental expense indemnity corporation pursuant to its contract with the subscriber from prorating a medical or dental expense indemnity allowance among two or more professionals in proportion to the services rendered by each such professional at the request of the subscriber, provided that prior to payment thereof such professionals shall submit both to the medical or dental expense indemnity corporation and to the subscriber statements itemizing the services rendered by each such professional and the charges therefor.

§6510. Proceedings in cases of professional misconduct.

In cases of professional misconduct the proceedings shall be as follows:

1. Preliminary procedures.
 - (a) Complaint. A complaint of a licensee's professional misconduct may be made by any person to the education department.
 - (b) Investigation. The department shall investigate each complaint which alleges conduct constituting professional misconduct. The results of the investigation shall be referred to the professional conduct officer designated by the board of regents pursuant to section sixty-five hundred six of this article. If such officer decides that there is not substantial evidence of professional misconduct or that further proceedings are not warranted, no further action shall be taken. If such officer, after consultation with a professional member of the applicable state board for the profession, determines that there is substantial evidence of professional misconduct, and that further proceedings are warranted, such proceedings shall be conducted pursuant to this section. If the complaint involved a question of professional expertise, then such officer may seek, and if so shall obtain, the concurrence of at least two members of a panel of three members of the applicable board.
 - (c) Charges. In all disciplinary proceedings other than those terminated by an administrative warning pursuant to paragraph (a) of subdivision two of this section, the department shall prepare the charges. The charges shall state the alleged professional misconduct and shall state concisely the material facts but not the evidence by which the charges are to be proved.
 - (d) Service of charges and of notice of hearing. A copy of the charges and notice of any hearing pursuant to subdivision two or three of this section shall be served on the licensee personally by the department at least fifteen days before the hearing. If personal service cannot be made after due

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diligence and such fact is certified under oath, a copy of the charges and the notice of hearing shall be served by certified mail, return receipt requested to the licensee's last known address by the department at least twenty days before the hearing.

2. Expedited procedures.

- (a) Violations. Violations involving professional misconduct of a minor or technical nature may be resolved by expedited procedures as provided in paragraph (b) or (c) of this subdivision. For purposes of this subdivision, violations of a minor or technical nature shall include, but shall not be limited to, isolated instances of violations concerning professional advertising or record keeping, and other isolated violations which do not directly affect or impair the public health, welfare or safety. The board of regents shall make recommendations to the legislature on or before June first, nineteen hundred eighty-one, for the further definition of violations of a minor or technical nature. The initial instance of any violation of a minor or technical nature may be resolved by the issuance of an administrative warning pursuant to paragraph (b) of this subdivision. Subsequent instances of similar violations of a minor or technical nature within a period of three years may be resolved by the procedure set forth in paragraph (c) of this subdivision.
- (b) Administrative warning. If a professional conduct officer, after consultation with a professional member of the state board, determines that there is substantial evidence of professional misconduct but that it is an initial violation of a minor or technical nature which would not justify the imposition of a more severe disciplinary penalty, the matter may be terminated by the issuance of an administrative warning. Such warnings shall be confidential and shall not constitute an adjudication of guilt or be used as evidence that the licensee is guilty of the alleged misconduct. However, in the event of a further allegation of similar misconduct by the same licensee, the matter may be reopened and further proceedings instituted as provided in this section.
- (c) Determination of penalty on uncontested minor violations. If a professional conduct officer, after consultation with a professional member of the state board, determines that there is substantial evidence of a violation of a minor or technical nature, and of a nature justifying a penalty as specified in this paragraph, the department may prepare and serve charges either by personal service or by certified mail, return receipt requested. Such charges shall include a statement that unless an answer is received within twenty days denying the charges, the matter shall be referred to a violations committee consisting of five members of the state board for the profession, at least one of whom shall be a public representative for determination. The violations panel shall be appointed by the executive secretary of the state board. The licensee shall be given at least fifteen days notice of the time and place of the meeting of the violations committee and shall have the right to appear in person and by an attorney and to make a statement to the committee in mitigation or explanation of the misconduct. The department may appear and make a statement in support of its position. The violations committee may issue a censure and reprimand, and in addition, or in the alternative, may impose a fine not to exceed five hundred dollars for each specification of minor, or technical misconduct. If the fine is not paid within three months the matter may be re-opened and shall be subject to the

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hearing and regents decision procedures of this section. The determination of the panel shall be final and shall not be subject to the regents decision procedures of this section. If an answer is filed denying the charges, the matter shall be processed as provided in subdivision three of this section.

- (d) Convictions of crimes or administrative violations. In cases of professional misconduct based solely upon a violation of subdivision five of section sixty-five hundred nine of this article, the professional conduct officer may prepare and serve the charges and may refer the matter directly to a regents review committee for its review and report of its findings, determination as to guilt, and recommendation as to the measure of discipline to be imposed. In such cases the notice of hearing shall state that the licensee may file a written answer or brief; that the licensee may appear personally before the regents review committee and may be represented by counsel, and the notice may contain such other information as may be considered appropriate by the department. In lieu of referring the matter to the board of regents, the regents review committee may refer any such matter for further proceedings pursuant to paragraph (b) or (c) of this subdivision or subdivision three of this section.

3. Adversary proceedings. Contested disciplinary proceedings and other disciplinary proceedings not resolved pursuant to subdivision two of this section shall be tried before a hearing panel of the appropriate state board as provided in this subdivision.

- (a) Notice of hearing. The department shall set the time and place of the hearing and shall prepare the notice of hearing. The notice of hearing shall state (1) the time and place of the hearing, (2) that the licensee may file a written answer to the charges prior to the hearing, (3) that the licensee may appear personally at the hearing and may be represented by counsel, (4) that the licensee shall have the right to produce witnesses and evidence in his behalf, to cross-examine witnesses and examine evidence produced against him, and to issue subpoenas in accordance with the provisions of the civil practice law and rules, (5) that a stenographic record of the hearing will be made, and (6) such other information as may be considered appropriate by the department.
- (b) Hearing panel. The hearing shall be conducted by a panel of five or more members of the applicable state board for the profession, at least one of whom shall be a public representative. The executive secretary for the applicable state board shall appoint the panel and shall designate its chairperson. In addition to said panel members, the department shall designate an administrative officer, admitted to practice as an attorney in the state of New York, who shall have the authority to rule on all motions, procedures and other legal objections and shall draft a report for the hearing panel which shall be subject to the approval of and signature by the panel chairperson on behalf of the panel. The administrative officer shall not be entitled to a vote.
- (c) Conduct of hearing. The evidence in support of the charges shall be presented by an attorney for the department. The licensee shall have the rights required to be stated in the notice of hearing. The panel shall not be bound by the rules of evidence, but its determination of guilt shall be based on substantial legal evidence. A hearing which has been initiated shall not be discontinued because of the death or incapacity to serve of one member of the hearing panel.

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(d) Results of hearing. The hearing panel shall render a written report which shall include (1) findings of fact, (2) a determination of guilty or not guilty on each charge, (3) in the event of a determination of guilty, a recommendation of the penalty to be imposed. For the panel to make a determination of guilty, a minimum of four of the voting members of the panel must vote for such a determination. A copy of the report of the hearing panel shall be transmitted to the licensee.

4. Regents decision procedures.

(a) Regents review committee. The transcript and report of the hearing panel shall be reviewed at a meeting by a regents review committee appointed by the board of regents. The regents review committee shall consist of three members, at least one of whom shall be a regent.

(b) Regents review committee meetings. The review shall be based on the transcript and the report of the hearing panel. The licensee may appear at the meeting, and the regents review committee may require the licensee to appear. The licensee may be represented by counsel. The department shall notify the licensee at least seven days before the meeting (1) of the time and place of the meeting, (2) of his right to appear, (3) of his right to be represented by counsel, (4) whether or not he is required to appear, and (5) of such other information as may be considered appropriate. After the meeting, the regents review committee shall transmit a written report of its review to the board of regents. In cases referred directly to the regents review committee pursuant to paragraph (d) of subdivision two of this section, the review shall be based upon the charges, the documentary evidence submitted by the department, and any answer, affidavits or brief the licensee may wish to submit.

(c) Regents decision and order. The board of regents (1) shall consider the transcript, the report of the hearing panel, and the report of the regents review committee, (2) shall decide whether the licensee is guilty or not guilty on each charge, (3) shall decide what penalties, if any, to impose as prescribed in section sixty-five hundred eleven of this article, and (4) shall issue an order to carry out its decisions. Such decisions shall require the affirmative vote of a majority of the members of the board of regents. If the board of regents disagrees with the hearing panel's determination of not guilty, it shall remand the matter to the original panel for reconsideration or to a new panel for a new hearing. The panel's determination of not guilty or reconsideration or a new hearing shall be final. The order shall be served upon the licensee personally or by certified mail to the licensee's last known address and such service shall be effective as of the date of the personal service or five days after mailing by certified mail. The licensee shall deliver to the department the license and registration certificate which has been revoked, annulled, suspended, or surrendered within five days after the effective date of the service of the order. If the license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, the licensee shall submit an affidavit to that effect, and shall deliver such license or certificate to the department when located.

5. Court review procedures. The decisions of the board of regents may be reviewed pursuant to the proceedings under article seventy-eight of the civil practice law and rules. Such proceedings shall be returnable before the appellate division of the third judicial department, and such decisions shall not be stayed or enjoined except upon application to such appellate division after notice to the department and to the attorney general and upon a showing that the petitioner has a substantial likelihood of success.

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6. The provisions of subdivisions one through four of this section shall not be applicable to proceedings in cases of professional misconduct involving the medical profession.

7. Notwithstanding any other provision of law, persons who assist the department as consultants or expert witnesses in the investigation or prosecution of alleged professional misconduct shall not be liable for damages in any civil action or proceeding as a result of such assistance, except upon proof of actual malice. The attorney general shall defend such persons in any such action or proceeding, in accordance with section seventeen of the public officers law.

8. The files of the department relating to the investigation of possible instances of professional misconduct, or the unlawful practice of any profession licensed by the board of regents, or the unlawful use of a professional title or the moral fitness of an applicant for a professional license or permit, shall be confidential and not subject to disclosure at the request of any person, except upon the order of a court in a pending action or proceeding. The provisions of this subdivision shall not apply to documents introduced in evidence at a hearing held pursuant to this chapter and shall not prevent the department from sharing information concerning investigations with other duly authorized public agencies responsible for professional regulation or criminal prosecution.

§6510-a. Proceedings in cases of professional misconduct involving the medical profession.

1. Prehearing procedures, hearing procedures and summary action procedures. Prehearing procedures, hearing procedures and summary action procedures in cases of professional misconduct involving the medical profession shall be conducted pursuant to the provisions of Title II-A of article two of the public health law.

2. Regents decision and order. Within sixty days of the transfer of a case of professional misconduct involving the medical profession by the commissioner of health pursuant to section two hundred thirty of the public health law, the board of regents (a) shall consider the transcript, exhibits and other evidence, if any, the findings, conclusions and recommendation of the committee on professional misconduct and the recommendation of the commissioner of health, (b) shall decide whether the licensee is guilty or not guilty on each charge, (c) shall decide what penalties, if any, to impose as prescribed in section sixty-five hundred eleven of this article, and (d) shall issue an order to carry out its decisions. Such decisions shall require the affirmative vote of a majority of the members of the board.

3. Time limitations. a. No failure to comply with a provision of this section requiring that a specified action shall be taken within a specified period of time shall affect the validity of the action taken. b. The time limitations specified in this section for the completion of specified actions may be extended, upon application of a licensee or his attorney, for good cause shown, upon application made prior to the expiration of such time limitations.

4. Court review procedures. The decisions of the board of regents may be reviewed pursuant to the proceedings under article seventy-eight of the civil practice law and rules. Such proceedings shall be returnable before the appellate division of the third judicial department, and such decisions shall not be stayed or enjoined except upon application to such appellate division after notice to the attorney general.

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§6511. Penalties for professional misconduct.

The penalties which may be imposed by the board of regents on a present or former licensee found guilty of professional misconduct (under the definitions and proceedings prescribed in sections sixty-five hundred nine, sixty-five hundred ten and sixty-five hundred ten-a of this article) are: (1) censure and reprimand, (2) suspension of license, (a) wholly, for a fixed period of time; (b) partially, until the licensee successfully completes a course of retraining in the area to which the suspension applies; (c) wholly, until the licensee successfully completes a course of therapy or treatment prescribed by the regents; (3) revocation of license, (4) annulment of license or registration, (5) limitation on registration or issuance of any further license, (6) a fine not to exceed ten thousand dollars, upon each specification of charges of which the respondent is determined to be guilty, (7) a requirement that a licensee pursue a course of education or training, and (8) a requirement that a licensee perform up to one hundred hours of public service, in a manner and at a time and place as directed by the board. The board of regents may stay such penalties in whole or in part, may place the licensee on probation and may restore a license which has been revoked. Any fine imposed pursuant to this section or pursuant to subdivision two of section sixty-five hundred ten of this article may be sued for and recovered in the name of the people of the state of New York in an action brought by the attorney general. In such action the findings and determination of the board of regents or of the violations committee shall be admissible evidence and shall be conclusive proof of the violation and the penalty assessed.

Subarticle 4. Unauthorized acts.

§6512. Unauthorized practice a crime.

1. Anyone not authorized to practice under this title who practices or offers to practice or holds himself out as being able to practice in any profession in which a license is a prerequisite to the practice of the acts, or who practices any profession as an exempt person during the time when his professional license is suspended, revoked or annulled, or who aids or abets an unlicensed person to practice a profession, or who fraudulently sells, files, furnishes, obtains, or who attempts fraudulently to sell, file, furnish or obtain any diploma, license, record or permit purporting to authorize the practice of a profession, shall be guilty of a class A misdemeanor.

2. Anyone who knowingly aids or abets three or more unlicensed persons to practice a profession or employs or holds such unlicensed persons out as being able to practice in any profession in which a license is a prerequisite to the practice of the acts, or who knowingly aids or abets three or more persons to practice any profession as exempt persons during the time when the professional licenses of such persons are suspended, revoked or annulled, shall be guilty of a class E felony.

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§6513. Unauthorized use of a professional title a crime.

1. Anyone not authorized to use a professional title regulated by this title, and who uses such professional title, shall be guilty of a class A misdemeanor.

2. Anyone who knowingly aids or abets three or more persons not authorized to use a professional title regulated by this title, to use such professional title, or knowingly employs three or more persons not authorized to use a professional title regulated by this title, who use such professional title in the course of such employment, shall be guilty of a class E felony.

§6514. Criminal proceedings.

1. All alleged violations of sections sixty-five hundred twelve or sixty-five hundred thirteen of this article shall be reported to the department which shall cause an investigation to be instituted. If the investigation substantiates that violations exist, such violations shall be reported to the attorney general with a request for prosecution.

2. The attorney general shall prosecute such alleged offenses in the name of the state provided, however, in the event of alleged violations of article one hundred fifty-five of this title occurring in cities with a population of one million or more, a district attorney may prosecute such alleged offenses in the name of the state provided, however, that any district attorney may prosecute such offenses where they are incidental to a criminal prosecution instituted by him under other statutes.

3. All criminal courts having jurisdiction over misdemeanors are hereby empowered to hear, try and determine alleged violations under this title, which constitute misdemeanors, without indictment and to impose applicable punishment of fines or imprisonments or both. It shall be necessary to prove in any prosecution under this title only a single prohibited act or a single holding out without proving a general course of conduct.

4. A proceeding before a committee on professional conduct shall not be deemed to be a criminal proceeding within the meaning of this section.

§6515. Restraint of unlawful acts.

Where a violation of this title is alleged to have occurred, the attorney general or, in the event of alleged violations of article one hundred fifty-five of this title occurring in cities having a population of one million or more, the corporation counsel may apply to the supreme court within the judicial district in which such violation is alleged to have occurred for an order enjoining or restraining commission or continuance of the unlawful acts complained of. The court shall have jurisdiction of the proceedings and shall have power to grant such temporary relief or restraining order as it deems just and proper. In any such proceeding it shall be unnecessary to allege or prove that an adequate remedy at law does not exist or that irreparable damage would result if such order were not granted. The remedy provided in this section shall be in addition to any other remedy provided by law or to the proceedings commenced against a licensee under this title.

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ARTICLE 139

NURSING

- Section 6900. Introduction.
6901. Definitions.
6902. Definition of practice of nursing.
6903. Practice of nursing and use of title "registered professional nurse" or "licensed practical nurse".
6904. State board for nursing.
6905. Requirements for a license as a registered professional nurse.
6906. Requirements for a license as a licensed practical nurse.
6907. Limited permits.
6908. Exempt persons.
6909. Special provision.

§6900. Introduction.

This article applies to the profession of nursing. The general provisions for all professions contained in article one hundred thirty of this title apply to this article.

§6901. Definitions.

As used in section sixty-nine hundred two:

1. "Diagnosing" in the context of nursing practice means that identification of and discrimination between physical and psychosocial signs and symptoms essential to effective execution and management of the nursing regimen. Such diagnostic privilege is distinct from a medical diagnosis.

2. "Treating" means selection and performance of those therapeutic measures essential to the effective execution and management of the nursing regimen, and execution of any prescribed medical regimen.

3. "Human Responses" means those signs, symptoms, and processes which denote the individual's interaction with an actual or potential health problem.

§6902. Definition of practice of nursing.

1. The practice of the profession of nursing as a registered professional nurse is defined as diagnosing and treating human responses to actual or potential health

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problems through such services as casefinding, health teaching, health counseling, and provision of care supportive to or restorative of life and well-being, and executing medical regimens prescribed by a licensed or otherwise legally authorized physician or dentist. A nursing regimen shall be consistent with and shall not vary any existing medical regimen.

2. The practice of nursing as a licensed practical nurse is defined as performing tasks and responsibilities within the framework of casefinding, health teaching, health counseling, and provision of supportive and restorative care under the direction of a registered professional nurse or licensed or otherwise legally authorized physician or dentist.

§6903. Practice of nursing and use of title "registered professional nurse" or "licensed practical nurse".

Only a person licensed or otherwise authorized under this article shall practice nursing and only a person licensed under section sixty-nine hundred five shall use the title "registered professional nurse" and only a person licensed under section sixty-nine hundred six of this article shall use the title "licensed practical nurse".

§6904. State board for nursing.

A state board for nursing shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing and professional conduct in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than fifteen members, eleven of whom shall be registered professional nurses and four of whom shall be licensed practical nurses all licensed and practicing in this state for at least five years. An executive secretary to the board shall be appointed by the board of regents on recommendation of the commissioner and shall be a registered professional nurse registered in this state.

§6905. Requirements for a license as a registered professional nurse.

To qualify for a license as a registered professional nurse, an applicant shall fulfill the following requirements:

1. Application: file an application with the department;
2. Education: have received an education, and a diploma or degree in professional nursing, in accordance with the commissioner's regulations;
3. Experience: meet no requirement as to experience;
4. Examination: pass an examination satisfactory to the board and in accordance with the commissioner's regulations;
5. Age: be at least eighteen years of age;
6. Citizenship: meet no requirement as to United States citizenship;
7. Character: be of good moral character as determined by the department; and

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8. Fees: pay a fee of fifty dollars to the department for admission to a department conducted examination and for an initial license, a fee of twenty dollars for each reexamination, a fee of thirty dollars for an initial license for persons not requiring admission to a department conducted examination, and a fee of ten dollars for each biennial registration.

§6906. Requirements for a license as a licensed practical nurse.

To qualify for a license as a licensed practical nurse, an applicant shall fulfill the following requirements:

1. Application: file an application with the department;
2. Education: have received an education, and have completed a program in practical nursing, in accordance with the commissioner's regulations, or completion of equivalent study satisfactory to the department in a program conducted by the armed forces of the United States or in an approved program in professional nursing;
3. Experience: meet no requirement as to experience;
4. Examination: pass an examination satisfactory to the board and in accordance with the commissioner's regulations;
5. Age: be at least seventeen years of age;
6. Citizenship: meet no requirements as to United States citizenship;
7. Character: be of good moral character as determined by the department; and
8. Fees: pay a fee of fifty dollars to the department for admission to a department conducted examination and for an initial license, a fee of twenty dollars for each reexamination, a fee of thirty dollars for an initial license for persons not requiring admission to a department conducted examination, and a fee of ten dollars for each biennial registration.

§6907. Limited permits.

1. A permit to practice as a registered professional nurse or a permit to practice as a licensed practical nurse may be issued by the department upon the filing of an application for a license as a registered professional nurse or as a licensed practical nurse and submission of such other information as the department may require to (i) graduates of schools of nursing registered by the department, (ii) graduates of schools of nursing approved in another state, province, or country, or (iii) applicants for a license in practical nursing whose preparation is determined by the department to be the equivalent of that required in this state.

2. Such limited permit shall expire one year from the date of issuance or upon notice to the applicant by the department that the application for license has been denied, or ten days after notification to the applicant of failure on the professional licensing examination, whichever shall first occur. Notwithstanding the foregoing provisions of this subdivision, if the applicant is waiting the result of a licensing examination at the time such limited permit expires, such permit shall continue to be valid until ten days after notification to the applicant of the results of such examination.

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3. A limited permit shall entitle the holder to practice nursing only under the supervision of a nurse currently registered in this state and with the endorsement of the employing agency.

4. Fees. The fee for each limited permit and for each renewal shall be ten dollars.

5. Graduates of schools of nursing registered by the department may be employed to practice nursing under supervision of a professional nurse currently registered in this state and with the endorsement of the employing agency for ninety days immediately following graduation from a program in nursing and pending receipt of a limited permit for which an application has been filed as provided in this section.

§6908. Exempt persons.

1. This article shall not be construed:

- (a) As prohibiting the care of the sick by any person, provided such person is employed primarily in a domestic capacity and does not hold himself or herself out, or accept employment as a person registered to practice nursing under the provision of this article, or as preventing any person from the domestic administration of family remedies or the furnishing of nursing assistance in case of an emergency;
- (b) As including services given by attendants in institutions under the jurisdiction of or subject to the visitation of the state department of mental hygiene if adequate medical and nursing supervision is provided;
- (c) As prohibiting such performance of nursing service by students enrolled in registered schools or programs as may be incidental to their course of study;
- (d) As prohibiting or preventing the practice of nursing in this state by any legally qualified nurse or practical nurse of another state, province, or country whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of such engagement provided such person does not represent or hold himself or herself out as a nurse or practical nurse registered to practice in this state;
- (e) As prohibiting or preventing the practice of nursing in this state during an emergency or disaster by any legally qualified nurse or practical nurse of another state, province, or country who may be recruited by the American National Red Cross or pursuant to authority vested in the state civil defense commission for such emergency or disaster service, provided such person does not represent or hold himself or herself out as a nurse or practical nurse registered to practice in this state;
- (f) As prohibiting or preventing the practice of nursing in this state, in obedience to the requirements of the laws of the United States, by any commissioned nurse officer in the armed forces of the United States or by any nurse employed in the United States veterans administration or United States public health service while engaged in the performance of

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the actual duties prescribed for him or her under the United States statutes, provided such person does not represent or hold himself or herself out as a nurse registered to practice in this state; or

- (g) As prohibiting the care of the sick when done in connection with the practice of the religious tenets of any church.

§6909. Special provision.

1. Notwithstanding any inconsistent provision of any general, special, or local law, any licensed registered professional nurse or licensed practical nurse who voluntarily and without the expectation of monetary compensation renders first aid or emergency treatment at the scene of an accident or other emergency, outside a hospital, doctor's office or any other place having proper and necessary medical equipment, to a person who is unconscious, ill or injured shall not be liable for damages for injuries alleged to have been sustained by such person or for damages for the death of such person alleged to have occurred by reason of an act or omission in the rendering of such first aid or emergency treatment unless it is established that such injuries were or such death was caused by gross negligence on the part of such registered professional nurse or licensed practical nurse. Nothing in this subdivision shall be deemed or construed to relieve a licensed registered professional nurse or licensed practical nurse from liability for damages for injuries or death caused by an act or omission on the part of such nurse while rendering professional services in the normal and ordinary course of her practice.

2. Nothing in this article shall be construed to confer the authority to practice medicine or dentistry.

3. An applicant for a license as a registered professional nurse or licensed practical nurse by endorsement of a license of another state, province or country whose application was filed with the department under the laws in effect prior to August thirty-first, nineteen hundred seventy-one shall be licensed only upon successful completion of the appropriate licensing examination unless satisfactory evidence of the completion of all educational requirements is submitted to the department prior to September one, nineteen hundred seventy-seven.

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AMENDMENT TO NURSE PRACTICE ACT

GENERAL PROVISIONS - EDUCATION LAW AND PUBLIC OFFICERS LAW

Chapter 228, Laws of 1981 (Senate 3517) amends Article 130, General Provisions, section 6510 by adding additional services for which persons who assist the Department as consultants or expert witnesses shall not be held liable for damages in any civil action or proceeding as a result of such assistance, except upon proof of any actual malice. The additional services include licensure matters, restoration proceedings, or criminal prosecutions for unauthorized practice.

The amended statute reads as follows:

7. Notwithstanding any other provision of law, persons who assist the department as consultants or expert witnesses in the investigation or prosecution of alleged professional misconduct, licensure matters, restoration proceedings, or criminal prosecutions for unauthorized practice, shall not be liable for damages in any civil action or proceeding as a result of such assistance, except upon proof of actual malice. The attorney general shall defend such persons in any such action or proceedings, in accordance with section seventeen of the public officers law.

The bill also amends the Public Officers Law for the same purpose.

The act took effect June 15, 1981. This bill was part of the Regents 1981 legislative program.

GENERAL PROVISIONS - HEARING PANELS

Chapter 99, Laws of 1981 (Senate 3508) amends Article 130, General Provisions, section 6508. Assistance by state boards for the professions. Subsection 3 is amended and new subsection 4 is added in relation to the use of former members of state boards for the professions on hearing panels.

The amended statute reads as follows:

3. Each board [, or its committee or committees on professional conduct,] shall conduct disciplinary proceedings as prescribed in this article and shall assist in other professional conduct matters as prescribed by the board of regents. Former members of each board may be re-appointed by the board of regents, on the recommendation of the commissioner, to serve as members of the board and of its committee or committees on professional conduct for the sole purpose of conducting disciplinary proceedings pursuant to this article. Former board members so appointed may not comprise a majority of any hearing panel.

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4. Former members of a board may be re-appointed by the board of regents, on the recommendation of the commissioner, to serve as members of the board solely for the purposes of disciplinary proceedings, proceedings relating to the moral character of an applicant for licensure, and proceedings relating to applications for the restoration of a professional license. Former board members so appointed may not comprise a majority of any panel.

The act becomes effective September 1, 1982. This bill was sponsored by the Licensed Practical Nurses and Technicians of New York, Inc.

EDUCATIONAL REQUIREMENTS FOR A LICENSE FOR PRACTICAL NURSING

Chapter 330, Laws of 1981 (Senate 4020 - Assembly 5440) amends Article 139, Nursing, sections 6905 (2) and (4) in relation to educational requirements for a license for practical nursing. Subsection (2) is amended to require that the applicant for P.N. license must have received an education "including completion of high school or its equivalent." Subsection (4) requires that the applicant must have met the educational requirements in subdivision (2) before being admitted to the P.N. examination.

The amended subdivisions read as follows:

(2) Education: have received an education including completion of high school or its equivalent, and have completed a program in practical nursing, in accordance with the commissioner's regulations, or completion of equivalent study satisfactory to the department in a program conducted by the armed forces of the United States or in an approved program in professional nursing;

(4) Examination: pass an examination satisfactory to the board and in accordance with the commissioner's regulations, provided, however, that the educational requirements set forth in subdivision two of this section are met prior to admission for the licensing examination;

The act becomes effective September 1, 1982. This bill was sponsored by the Licensed Practical Nurses and Technicians of New York, Inc.