

AMENDMENT TO THE RULES OF THE BOARD OF REGENTS AND THE
REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6507, 6509 and 6902 of the Education Law and
Part D of Chapter 56 of the Laws of 2014

1. Subdivision (a) of section 29.14 of the Rules of the Board of Regents is
amended, effective January 1, 2015, to read as follows:

(a) Unprofessional conduct in the practice of nursing shall include all conduct
prohibited by sections 29.1 and 29.2 of this Part, except as provided in this section, and
shall also include the following:

(1) ...

(2) ...

(3) Failure by a nurse practitioner to comply with either the requirements relating
to collaboration with a physician of paragraph (a) of subdivision (3) of section 6902 of
the Education Law or the collaborative relationships requirements of paragraph (b) of
subdivision (3) of section 6902 of the Education Law.

2. Subdivision (g) of section 64.5 of the Regulations of the Commissioner of
Education is added, effective January 1, 2015, to read as follows:

(g) Collaborative relationships.

(1) Definitions. As used in this subdivision:

(i) Collaborative relationships shall mean that a nurse practitioner communicates,
in person, by telephone, or through written means including electronically, with a
physician who is qualified to collaborate in the specialty involved, or in the case of a
hospital, the nurse practitioner communicates with a physician qualified to collaborate in
the specialty involved and who has privileges at such hospital, for the purposes of

exchanging information, as needed, in order to provide comprehensive patient care and to make referrals, as necessary.

(ii) Physician shall mean a New York State licensed and registered physician.

(iii) Hospital shall mean a hospital as defined by Public Health Law section 2801(1).

(2) Notwithstanding any provision in this section to the contrary and insofar as authorized by Education Law section 6902(3)(b), in lieu of complying with the requirements relating to collaboration with a physician, collaborative practice agreements and practice protocols as set forth in subdivisions (a), (b), (c), (d) and (e) of this section, a nurse practitioner may have collaborative relationships, with one or more physicians or a hospital, as such terms are defined in paragraph (1) of this subdivision, provided that the following criteria are met:

(i) The nurse practitioner shall have more than three thousand six hundred hours of experience practicing as a licensed or certified nurse practitioner pursuant to the laws of New York or any other state or as a nurse practitioner while employed by the United States Veterans Administration, the United States Armed Forces or the United States Public Health Service.

(ii) The nurse practitioner shall complete and maintain a form, prescribed by the department, to which the nurse practitioner shall attest, that describes the nurse practitioner's current collaborative relationships. The nurse practitioner shall also acknowledge on the form that if reasonable efforts to resolve any dispute that may arise with the collaborating physician, or, in the case of a collaboration with a hospital, with a physician qualified to collaborate in the specialty involved and having professional privileges at such hospital, about a patient's care are not successful, the

recommendation of the physician shall prevail. The form shall be updated as needed and may be subject to review by the department, upon its request.

(iii) In addition to the form required by subparagraph (ii) of this paragraph, the nurse practitioner shall maintain documentation in written or electronic form that supports his or her collaborative relationships.