

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6506, 6507, 6905 of the Education Law, Chapter 502 of the Laws of 2017 and Chapter 380 of the Laws of 2018.

Section 64.1 of the Regulations of the Commissioner of Education is amended to read as follows:

§64.1 Professional study of nursing.

(a) Registered professional nursing. To meet the professional education requirement for licensure, the applicant shall have graduated from:

(1) ...

(2) ...

(3) ...

(b) Licensed practical nursing. To meet the education requirements for licensure, the applicant shall have graduated from high school or its equivalent, and shall have:

1. ...

2. ...

3.

4. ...

(c) Baccalaureate or higher degree requirement for registered professional nurses.

(1) In order to maintain registration as a registered professional nurse in New York State, a registered professional nurse shall attain a baccalaureate or higher degree in

nursing within ten years after being issued a registered professional nurse license by the department in accordance with this subdivision. A baccalaureate or higher degree in nursing is an academic degree in the principles of nursing practice, nursing science, nursing education, nursing administration or nursing leadership, issued by a college or university that is registered by the department or accredited by an accreditation organization acceptable to the department, which may include, but is not limited to:

(i) a Bachelor of Science Degree (BS) with a major in Nursing;

(ii) a Bachelor of Nursing (BN) Degree;

(iii) a Bachelor of Science in Nursing Degree (BSN BScN);

(iv) a Master of Science in Nursing (MSN) Degree;

(v) a Master's Degree in Nursing;

(vi) a Doctor of Nursing Practice Degree (DNP);

(vii) a Doctor of Philosophy Degree (PhD) in Nursing; and

(viii) a Doctor of Nursing Science Degree (DNS, DSN, DNSc).

(2) The following registered professional nurses are exempt from the requirement to attain a baccalaureate or higher degree in nursing within ten years after being issued a registered professional nurse license by the department as set forth in this subdivision:

(i) any individual who was issued an unrestricted license as a registered professional nurse in New York State, another state or United States Territory on or before December 18, 2017;

(ii) any unlicensed graduate professional nurse who was eligible and applied to take the National Council Licensure Examination in New York State, another state or United States Territory on or before December 18, 2017, provided such unlicensed

graduate professional nurse has submitted documentation acceptable to the department demonstrating eligibility to take the National Council Licensure Examination on or before such date;

(iii) any student who entered a baccalaureate or higher degree program registered by the department preparing registered professional nurses on or before June 18, 2020, provided such student was enrolled in such program on a continuous basis until completion of such program;

(iv) any student who entered a program preparing registered professional nurses registered by the department on or before December 18, 2017, provided such student was enrolled in such program on a continuous basis until completion of such program;
and

(v) any student who had an application pending in a program preparing registered professional nurses registered by the department on or before December 18, 2017, provided such student can submit corroborating documentation acceptable to the department, which shall be certified by the higher education institution or institutions at issue, that demonstrates that the student had an application pending with such registered program or programs.

(3) (i) Conditional registration. The department, in its discretion, may issue a conditional registration to a registered professional nurse who fails to complete a baccalaureate or higher degree in nursing as set forth in this subdivision, but who agrees to meet such requirement within one year. The fee for such a conditional registration shall be the same as, and in addition to, the fee for the triennial registration as set forth in section 6905 of the Education Law. The duration of such conditional registration shall be

for one year and may be extended, with the payment of a fee as determined by the department, for no more than one additional year. Provided, however, that the duration of such conditional registration may be extended for more than one additional year, with the payment of a fee as determined by the department, where the applicant can show good cause acceptable to the department for the failure to meet the requirements of this subdivision.

(ii) Temporary educational exemption. The department, in its discretion, may issue a temporary educational exemption to a registered professional nurse who is unable to complete the baccalaureate or higher degree in nursing requirement set forth in this subdivision due to a lack of access to educational programs. Registered professional nurses seeking a temporary educational exemption shall provide evidence satisfactory to the department of applying on at least two occasions to a baccalaureate degree program or programs and subsequently being denied access to such program or programs on at least two occasions due to there being a limited number of seats in such program or programs. Temporary educational exemptions issued pursuant to this subdivision shall be for a single two-year period. The fee for a temporary educational exemption shall be the same as, and in addition to, the fee for the triennial registration as set forth in section 6905 of the Education Law.

(iii) Additional provisions regarding conditional registration and temporary educational exemption. A registered professional nurse shall only be eligible for either a conditional registration or a temporary educational exemption as set forth in subparagraphs (i) and (ii) of this paragraph.

(4) Any registered professional nurse who is notified of the denial of a registration for failure to complete the educational requirements set forth in this subdivision and who practices as a registered professional nurse without such registration may be subject to disciplinary proceedings pursuant to section 6510 of the Education law.