

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6507, 6527, 6902, and 6909 of the Education Law and Chapter 193 of the Laws of 2023.

1. The title of Section 64.7 of the Regulations of the Commissioner of Education is amended to read as follows:

64.7 [Administration of immunizations, emergency treatment of anaphylaxis, tuberculosis tests, human immunodeficiency virus (HIV) tests, opioid related overdose treatments, hepatitis C tests and screening for syphilis, gonorrhea, COVID-19, influenza and/or chlamydia infections] Provision of certain medical services pursuant to non-patient specific orders and protocols

2. Section 64.7 of the Regulations of the Commissioner of Education is amended by adding a new subdivision (i) to read as follows:

(i) Emergency medical care.

(1) As used in this subdivision:

(i) *Hospital* means a general hospital as defined in subdivision 10 of section 2801 of the public health law.

(ii) *Standing order* means a written non-patient specific order and protocol prescribed or ordered by a licensed physician or certified nurse practitioner for providing emergency medical care to patients.

(iii) *Patient* means a person receiving medical care in a hospital or from another health care provider.

(v) *Emergency medical care* means medical care that is ordered or prescribed to expedite the detection of signs and symptoms of certain emergency medical conditions

in patients or expedite medical intervention for emergency medical conditions or suspected emergency medical conditions. Such emergency medical care includes:

(a) administering an electrocardiogram to detect electrocardiographic changes and/or arrhythmias associated with acute coronary syndrome, as set forth in a standing order;

(b) administering point-of-care tests that are approved by the United States Food and Drug Administration to determine blood glucose levels in patients with suspected hypoglycemia for the purpose of evaluating acute mental status changes, as set forth in a standing order;

(c) administering tests, which may include laboratory or point-of-care tests that are approved by the United States Food and Drug Administration or the department of health, to patients who meet criteria for severe sepsis and septic shock as set forth in a standing order; and

(d) establishing peripheral venous access on patients who meet severe sepsis and septic shock criteria as set forth in a standing order.

(2) A registered professional nurse may provide emergency medical care pursuant to a standing order, provided that the requirements of this subdivision are met.

The registered professional nurse shall:

(i) be certified in cardio-pulmonary resuscitation, basic life support or more advanced life support by the American Red Cross, the American Heart Association, or an equivalent organization, acceptable to the department, which provides cardio-pulmonary resuscitation or life support training programs; or

(ii) be trained in or credentialed in basic or more advanced life support in a hospital if the registered professional nurse works in the hospital.

(3) Standing order.

(i) The standing order shall include, at a minimum:

(a) the name, license number and signature of the licensed physician or certified nurse practitioner who orders or prescribes the standing order;

(b) the name of the medical condition(s) for which the emergency medical care is ordered or prescribed to screen for;

(c) the name of the specific laboratory or point of care test(s), other medical test(s), or medical procedure(s) to be performed;

(d) a protocol for providing the ordered emergency medical care or a specific reference to a separate written protocol for providing the ordered emergency medical care, which shall meet the requirements of subparagraph (ii) of this paragraph;

(e) the period of time that the order is effective, including the beginning and ending dates;

(f) a description of the group(s) of patients or persons who may receive the ordered emergency medical care; and

(g) the name and license number of the registered professional nurse(s) authorized to execute the standing order or the name of the entity that employs or contracts with registered professional nurses to execute the standing order, provided that the registered professional nurses execute the standing order only in the course of such employment or pursuant to such contract and provided further that the entity is

legally authorized to employ or contract with registered professional nurses to provide nursing services.

(ii) The written protocol, incorporated into the standing order prescribed in subparagraph (i) of this paragraph, shall, at a minimum, ensure that:

(a) each potential recipient of ordered emergency medical care is assessed, pursuant to measurable criteria in the protocol, for conditions that would qualify or preclude them from receiving the ordered emergency medical care;

(b) consent to provide the ordered emergency medical care pursuant to criteria in the protocol if the potential recipient is capable of providing it or from a person authorized by law to consent to health care on behalf of the potential recipient, if immediately available;

(c) instructions necessary for providing the ordered emergency medical care;

(d) any follow up actions to be undertaken by the registered professional nurse are described, including, but not limited to, disclosing test results to a third party or the recipient of the ordered test;

(e) when ordered emergency medical care is provided outside of a hospital, the recipient of the medical care is transferred to a general hospital for follow-up care in accordance with criteria in the protocol; and

(f) the provision of the ordered emergency medical care is documented in the patient's medical record and the documentation relating to the ordered emergency medical care is maintained in accordance with section 29.2(a)(3) of this Title.

(iii) Nothing in this subdivision shall construed to authorize a registered professional nurse to determine or rule out any medical diagnosis or determine any medical treatment to be provided.

(iv) Nothing in this subdivision shall be construed to delay access to medical services to be provided by a licensed physician, or emergency transportation to a hospital.

3. Section 64.7 of the Regulations of the Commissioner of Education is amended by adding a new subdivision (j) to read as follows:

j. Pregnancy tests.

(1) As used in this subdivision, pregnancy test means a laboratory or point-of-care test that is approved by the United States Food and Drug Administration to determine pregnancy.

(2) A registered professional nurse may administer a pregnancy test pursuant to a non-patient specific order and protocol prescribed or ordered by a licensed physician or a certified nurse practitioner, provided that the requirements of this subdivision are met.

(3) Order and protocol.

(i) The order shall include, at a minimum:

(a) the name, license number and signature of the licensed physician or certified nurse practitioner who orders or prescribes the non-patient specific order and protocol;

(b) the name of the specific pregnancy test to be administered;

(c) a protocol for administering the ordered pregnancy test or a specific reference to a separate written protocol administering the ordered pregnancy test, which shall meet the requirements of subparagraph (ii) of this paragraph;

(d) the period of time that the order is effective, including the beginning and ending dates;

(e) a description of the group(s) of persons to be tested; and

(f) the name and license number of the registered professional nurse(s) authorized to execute the non-patient specific order and protocol to administer the pregnancy test, or the name of the entity that employs or contracts with registered professional nurses to execute the non-patient specific order and protocol only in the course of such employment or pursuant to such contract and provided further that the entity is legally authorized to employ or contract with registered professional nurses to provide nursing services.

(ii) The written protocol, incorporated into the order prescribed in subparagraph (i) of this paragraph, shall, at a minimum, ensure that:

(a) each potential recipient is screened, pursuant to criteria in the protocol, for conditions that would qualify or preclude them from receiving the ordered pregnancy test;

(b) informed consent for administering the ordered pregnancy test or disclosing the test results to a third party (if applicable) has been obtained pursuant to criteria in the protocol from the recipient or when the recipient lacks capacity to consent, a person authorized by law to consent to health care for the recipient;

(c) any follow up actions to be undertaken by the registered professional nurse are described, including, but not limited to, disclosing test results to a third party or the recipient of the ordered test; and

(d) the administration of the ordered pregnancy tests is documented in the recipient's medical record in accordance with criteria in the protocol, and that documentation relating to the pregnancy test is maintained in accordance with section 29.2(a)(3) of this Title.