



TO: The Honorable the Members of the Board of Regents

FROM: Douglas E. Lentivech 

SUBJECT: Proposed Amendment to Sections 60.8 and 60.11 of the Regulations of the Commissioner of Education Relating to the Licensure of Physician Assistants and Registration of Specialist Assistants

DATE: July 13, 2015

AUTHORIZATION(S): 

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents amend section 60.8 of the Regulations of the Commissioner of Education relating to the licensure of physician assistants and registration of specialist assistants, amend subdivision (c) of section 60.8 of the Regulations of the Commissioner of Education to remove obsolete regulatory provisions relating to the licensure of physician assistants, and add section 60.11 to the Regulations of the Commissioner of Education relating to the registration of specialist assistants?

Reason for Consideration

Required by State statute (L. 2012, Ch. 48) and review and clarification of policy.

Proposed Handling

The proposed amendment will be presented to the Full Board for action at the July 2015 meeting of the Board of Regents. A copy of the proposed amendment is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

Procedural History

The proposed amendment was presented to the Professional Practice Committee for discussion at the April 2015 meeting of the Board of Regents. A Notice of Proposed Rule Making was published in the State Register on April 29, 2015 for a 45-day public comment period. The Department received no comments on the proposed amendment. Therefore, an Assessment of Public Comment is not required.

Background Information

Chapter 48 of the Laws of 2012 amended the Education Law to make technical corrections in references to physician assistants; to change physician assistants' authorization to practice from "registered" to "licensed"; and to move references to, and the authorization of, specialist assistants from Article 131-B of the Education Law to a new Article 131-C of the Education Law.

Physician assistants (PAs) are health care professionals, who provide medical services under the supervision of a physician. PAs provide a wide range of care within the area of practice of their supervising physician. PAs are educated in the medical model designed to complement physician training and, as part of their responsibilities, PAs conduct physical exams, diagnose and treat illnesses, order and interpret tests, counsel on preventive health care, and assist in surgery. Prior to the enactment of Chapter 48, the authorizing statute did not state that PAs were "licensed" which resulted in New York PAs facing various inappropriate limitations on their ability to practice. For instance, New York PAs have been unable to participate in out-of-state humanitarian relief efforts because these relief efforts only accept "licensed" health care professionals. Chapter 48's change from "registration" to "licensure" did not alter the PA's scope of practice.

New York is the only state in the nation that registers specialist assistants (SAs). For registration as an SA, a high school diploma is required. SAs provide medical care under the supervision of a physician in one of the four following specialty areas: orthopedics, acupuncture, radiology, and urology.

Since the licensing requirements and scopes of practice of PAs and SAs are significantly different, the proposed amendment implements Chapter 48 by clarifying and distinguishing their respective licensure and registration requirements and scopes of practice.

The proposed amendment to section 60.8 of the Regulations of the Commissioner of Education and the proposed addition of section 60.11 to the Regulations of the Commissioner of Education conform the regulations to the provisions of Chapter 48 by separating the licensure requirements for physician assistants from the registration requirements for specialist assistants.

The proposed amendment to section 60.8 of the Regulations of the Commissioner of Education also removes all references to specialist assistants and replaces all references to "registration" with the term "licensure." All references to physician assistants have been retained.

All of the references to SAs, which were contained in section 60.8 of the Regulations of the Commissioner of Education, have been moved to proposed section 60.11 of the Regulations of the Commissioner of Education.

The proposed amendment would also remove certain regulatory provisions relating to physician assistant licensure in subdivision (c) of section 60.8 of the Regulations of the Commissioner of Education, as those provisions no longer have any application.

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That section 60.8 of the Regulations of the Commissioner of Education be amended, and section 60.11 of the Regulations of the Commissioner of Education be added, as submitted, effective August 5, 2015.

Timetable for Implementation

If adopted at the July 2015 Regents meeting, the proposed amendment will take effect on August 5, 2015.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6501, 6504, 6507, 6540, 6541, 6544, 6546, 6547, 6548 and 6549-b of the Education Law and Chapter 48 of the Laws of 2012.

1. Section 60.8 of the Regulations of the Commissioner of Education is amended, effective August 5, 2015, to read as follows:

§60.8 [Registration] Licensure of physician assistants [or specialist assistants].

(a) General requirements. An applicant for [registration] licensure as a physician assistant [or specialist assistant] shall submit the required application form to the department and shall have met the requirements of section 6541 of the Education Law.

(b) Professional study.

(1) An applicant who has completed a program for the training of physician assistants [or specialist assistants], which has been approved by the department, shall be eligible for [registration] licensure.

(2) An applicant who has completed a program for the training of physician assistants [or specialist assistants] outside New York State shall be eligible for [registration] licensure if the applicant meets the requirements of section 6541 of the Education Law and the program is determined by the department to be substantially equivalent to programs registered in New York State.

(3) Equivalent education and training. In lieu of all or part of a registered program for the training of physician assistants [or specialist assistants], the commissioner may accept evidence of an extensive health oriented education and of appropriate experience and training. The commissioner may require such an applicant to pass an examination acceptable to the department as set forth in subdivision (c) of this section and to make up any deficiencies in education or experience prior to [registration] licensure.

(c) An applicant for [registration] licensure as a physician assistant shall provide evidence of having obtained a passing score on an examination acceptable to the department. [The examination requirement shall apply to all applicants for initial registration whose applications are received on or after January 1, 1991 and shall also apply to any applicant whose acceptable educational program was completed after January 1, 1991 regardless of the applicant's date of application.] The department shall accept passing grades on an examination that adequately assesses entry level skills for the profession of physician assistant and does not unreasonably restrict access to the profession.

(d) Permits limited as to eligibility, practice and duration, shall be issued by the department to eligible applicants as follows:

(1) A person who fulfills all requirements for [registration] licensure as a physician assistant except that relating to the examination shall be eligible for a limited permit.

(2) A permittee shall be authorized to practice as a physician assistant only under the direct supervision of a licensed physician.

(3) A limited permit shall expire one year from the date of issuance or upon notice to the permittee by the department that the application for [registration] licensure has been denied. A limited permit shall be extended upon application for one additional year in accordance with the requirements of section [6548(3)] 6546(3) of the Education Law. If the permittee is awaiting the results 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 permittee of the result of such examination.

[(e) Registration designations. Registration as a specialist assistant shall be for a particular field of practice as defined by the Commissioner of Health pursuant to section 3701 of the Public Health Law.]

2. Section 60.11 of the Regulations of the Commissioner of Education is added, effective August 5, 2015, to read as follows:

§60.11 Registration of specialist assistants.

(a) General requirements. An applicant for registration as a special assistant shall submit the required application form to the department and shall have met the requirements of section 6548 of the Education Law.

(b) Professional study.

(1) An applicant who has completed a program for the training of specialist assistants, which has been approved by the department, shall be eligible for registration.

(2) An applicant who has completed a program for the training of specialist assistants outside New York State shall be eligible for registration if the applicant meets the requirements of section 6548 of the Education Law and the program is determined by the department to be substantially equivalent to programs registered in New York State.

(3) Equivalent education and training. In lieu of all or part of a registered program for the training of specialist assistants, the commissioner may accept evidence of an extensive health oriented education and of appropriate experience and training. The commissioner may require such an applicant to make up any deficiencies in education or experience prior to registration.

(c) Registration designations. Registration as a specialist assistant shall be for a particular field of practice as defined by the Commissioner of Health pursuant to section 3711 of the Public Health Law.