



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: Professional Practice Committee

FROM: David H. Hamilton *David H. Hamilton*

SUBJECT: Proposed Amendment of Section 64.1 of the Regulations of the Commissioner of Education Relating to the Professional Study of Nursing

DATE: December 4, 2025

AUTHORIZATION(S):

Don N. B. *Betty M.*
SUMMARY

Issue for Discussion

Should the Board of Regents adopt the proposed amendment of section 64.1 of the Regulations of the Commissioner of Education relating to the professional study of nursing?

Reason for Consideration

Required by State statute (Chapter 502 of the Laws of 2017 and Chapter 380 of the Laws of 2018).

Proposed Handling

The proposed amendment will be presented to the Professional Practice Committee for discussion at the December 2025 Regents meeting. A copy of the proposed rule (Attachment A) is attached.

Procedural History

A Notice of Proposed Rule Making will be published in the State Register on December 31, 2025. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

Chapter 502 of the Laws of 2017 (Chapter 502), also referred to as New York State's "BSN in 10 Law," amended Education Law §6905 to require registered professional nurses to attain a baccalaureate or higher degree in nursing within 10 years of being issued a New York State license, in order to register to practice nursing in the State beyond the 10 years of issuance, effective June 18, 2019. This law was amended by Chapter 380 of the Laws of 2018, which, among other things, extended the effective date of certain provisions in Chapter 502 until June 18, 2020.

The BSN in 10 Law exempts certain registered professional nurses from the requirement to attain a baccalaureate or higher degree in nursing within 10 years of being issued a New York State license. Chapter 502, as amended by Chapter 380, provides certain exemptions from the statute, including: (1) individuals who were already issued a license as a registered professional nurse; (2) unlicensed graduate professional nurses who were eligible to take the National Council Licensure Examination; (3) students who entered a baccalaureate or higher degree program preparing registered professional nurses; (4) students who entered a program preparing registered professional nurses; and (5) students who had an application pending in a program preparing registered professional nurses.

Additionally, the BSN in 10 Law allows registered professional nurses who are subject to the baccalaureate or higher degree requirement to apply for a "conditional registration" or "temporary exemption" if they demonstrate that they require additional time (beyond the 10 years) to complete a baccalaureate or higher degree in nursing. The law authorizes the Department to issue such "conditional registrations" and "temporary exemptions" to allow these registered professional nurses to practice temporarily while they complete the degree requirement. The law also states that any registered professional nurse who is notified of the denial of a registration for failure to complete the degree requirement and who continues to practice may be subject to disciplinary action.

According to the sponsor's memorandum, the purpose of the BSN in 10 Law is to improve registered professional nurse practice in an increasingly complex healthcare system by requiring additional education for licensure. The law is grounded in evidence demonstrating better outcomes when patients receive care from registered professional nurses with baccalaureate or higher degrees in nursing. In addition, the National Advisory Council on Nursing Education and Practice, policy advisors to Congress and the U.S. Secretary of Health and Education, previously recommended that two-thirds of nurses should hold a baccalaureate or higher degree by 2010. This position was based on an analysis of evolving needs associated with patient care and public protection. Shorter lengths of stays, higher patient acuity, and more sophisticated technologies and procedures are increasing the complexity of patient care, which in turn places greater demands on nurses.

The Department previously amended section 64.1 of the Commissioner's Regulations to implement BSN in 10; however, the Department has determined that technical amendments are necessary to further prescribe which baccalaureate or higher degrees are acceptable to the Department for satisfying the requirement that registered

professional nurses must attain such degree in nursing within 10 years of licensure to continue practicing in New York. These amendments are also intended to clarify the requirements for exemptions.

Proposed Amendment

The proposed amendment of section 64.1 of the Commissioner's regulations clarifies the intent of Chapters 502 and 380 by further:

- prescribing which baccalaureate or higher degrees are acceptable to the Department to satisfy the requirement that registered professional nurses must attain such degree in nursing within 10 years of licensure to continue practicing in the State; and
- clarifying the BSN in 10 law's exemptions for certain registered professional nurses from the requirement of attaining a baccalaureate or higher degree in nursing within 10 years of being issued a New York State registered professional nurse license.

Related Regents Items

[September 2020: Proposed Amendment to Section 64.1 of the Regulations of the Commissioner of Education Relating to the Professional Study of Nursing](https://www.regents.nysed.gov/sites/regents/files/920brca8.pdf)
(<https://www.regents.nysed.gov/sites/regents/files/920brca8.pdf>)

Recommendation

Not applicable.

Timetable for Implementation

It is anticipated that the proposed amendment will be presented to the Board of Regents for permanent adoption at its April 2026 meeting. If adopted at the April 2026 meeting, the proposed rule will become effective as a permanent rule on April 29, 2026.

Attachment A

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.

1. Subdivision (c) of section 64.1 of the Regulations of the Commissioner of Education are amended to read as follows:

(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 10 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, or in other nursing related fields, that is issued by a college or university that is registered by the department or accredited by an accreditation organization acceptable to the department[, which] or determined by the department to be substantially equivalent to such registered or accredited program. Baccalaureate or higher degrees in nursing may include, but [is] are 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] 10 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] a United States Territory or Canada on or before [December 18, 2017] June 18, 2020;

(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 or Canada on or before [December 18, 2017,] June 18, 2020, 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 or accredited by an accreditation organization acceptable to the department, or determined to be substantially equivalent at 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 or accredited by an accreditation organization acceptable to the department, or determined to be substantially equivalent on or before [December 18, 2017] June 18, 2020, 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 or accredited by an accreditation organization acceptable to the department, or determined to be substantially equivalent on or before [December 18, 2017] June 18, 2020, 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)...

(4) ...