

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6507, 6527, 6902, and 6542 of the Education Law and Chapter 520 of the Laws of 2024.

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

64.7 Provision of certain medical services pursuant to non-patient specific orders and protocols

2. Subdivision (a) of section 64.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Immunizations.

(1) ...

(i) ...

(a) ...

(b) ...

(c) ...

(d) ...

(e) ...

(ii) ...

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

(i) ...

(ii) ...

(3) Order and protocol.

(i) The non-patient specific order shall include, at a minimum, the following:

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

(b) ...

(c) ...

(d) ...

(e) ...

(f) ...

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

(a) each potential recipient is assessed, pursuant to criteria in the protocol, for conditions that would qualify or preclude [him or her] them from receiving the ordered immunizing agent(s);

(b) ...

(c) ...

(d) ...

(e) ...

(f) ...

(g)...

3. Subdivision (b) of section 64.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(b) Anaphylaxis treatment agents.

(1) Pursuant to section 6909(5) the Education Law, a registered professional nurse shall be authorized to administer anaphylaxis treatment agents, including but not limited to epinephrine, for the emergency treatment of anaphylaxis, pursuant to a non-patient specific order and protocol prescribed and ordered by a licensed physician, licensed physician assistant or a certified nurse practitioner, provided the order and protocol meets the requirements of paragraph (2) this subdivision.

(2) Order and protocol.

(i) The registered professional nurse shall either maintain or ensure the maintenance of a copy of the non-patient specific order and protocol prescribed by a licensed physician, licensed physician assistant or a certified nurse practitioner which authorizes a registered professional nurse to administer anaphylaxis treatment agents, including but not limited to epinephrine, for the emergency treatment of anaphylaxis, in accordance with the requirements of paragraph (1) of this subdivision. The order prescribed in subparagraph (ii) of this paragraph shall incorporate a protocol that meets the requirements of subparagraph (iii) of this paragraph. Such order and protocol shall be considered a record of the patient who receives the anaphylaxis treatment agent and maintained as a record for the period of time prescribed in section 29.2(a)(3) of this Title.

(ii) ...

(a) ...

(b) ...

(c) ...

(d) ...

(e) the name, license number, and signature of the licensed physician, licensed physician assistant or certified nurse practitioner who has issued the order.

(iii) ...

(a) ...

(b) ...

(c) ...

(4) Subdivision (c) of section 64.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(c) Tuberculosis tests.

(1) ...

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

(3) Order and protocol.

(i) The non-patient specific order shall include, at a minimum, the following:

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

(b) ...

(c) ...

(d) ...

(f) ...

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

(a) each potential recipient is assessed, pursuant to criteria in the protocol, for conditions that would qualify or preclude [him or her] them from receiving the ordered tuberculosis tests;

(b) ...

(c) ...

(d) ...

(e) ...

(1) ...

(2) ...

(3) ...

(4) ...

(5) ...

5. Subdivision (d) section 64.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(d) Human Immunodeficiency Virus (HIV) tests.

(1) As used in this subdivision, human immunodeficiency virus (HIV) test means HIV-related test as defined in section 63.1 of [this] Title 10 of the New York Codes, Rules, and Regulations.

(2) Pursuant to section 6909(5) of the Education Law, a registered professional nurse shall be authorized to execute an order to administer HIV tests, pursuant to a non-patient specific order and protocol prescribed and ordered by a licensed physician, licensed physician assistant or a certified nurse practitioner, provided the order and protocol meet the requirements of paragraph (3) of this subdivision. The following provisions apply to the administration of an HIV test pursuant to a non-patient specific standing order when such test is administered by a registered professional nurse.

(3) Order and protocol.

(i) The registered professional nurse shall either maintain or ensure the maintenance of a copy of the non-patient specific order and protocol prescribed by a licensed physician, licensed physician assistant or a certified nurse practitioner, which authorizes a registered professional nurse to execute the order to administer an HIV test, in accordance with the requirements of paragraph (2) of this subdivision. The order prescribed in subparagraph (ii) of this paragraph shall incorporate a protocol that meets the requirements of subparagraph (iii) of this paragraph. Such order and protocol shall be considered a record of the patient who has received an HIV test and be maintained as a record for the period of time prescribed in section 29.2(a)(3) of this Title.

(ii) ...

(a) ...

(b) ...

(c) ...

(d) ...

(e) the name, license number, and signature of the licensed physician, licensed physician assistant or certified nurse practitioner that has issued the order.

(iii) The protocol, incorporated into the order prescribed in subparagraph (ii) of this paragraph, shall require the registered professional nurse to meet the following requirements:

(a) ...

(b) ...

(c) ...

(d) a physician, licensed physician assistant or nurse practitioner who issues a non-patient specific order for HIV testing shall retain responsibility for communication of a confirmatory, positive HIV test result to the recipient, or when the recipient lacks capacity to consent, a person authorized pursuant to law to consent to health care for such individual. A registered professional nurse is not authorized to deliver a final confirmatory HIV positive test result through a non-patient specific order. A registered professional nurse may only deliver a confirmatory, positive HIV test result through a patient specific order as directed by the treating physician, licensed physician assistant or nurse practitioner;

(e) ...

(f) ...

(g) ...

6. Subdivision (e) of section 64.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(e) Opioid related overdose treatment.

(1) ...

(2) A registered professional nurse may administer opioid related overdose treatment for the urgent or emergency treatment of opioid related overdose or suspected opioid related overdose pursuant to a written non-patient specific order and protocol prescribed or ordered by a licensed physician, licensed physician assistant or a certified nurse practitioner, provided that the requirements of this subdivision are met.

(3) Order and protocol.

(i) The non-patient specific order shall include, at a minimum, the following:

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

(b) ...

(c) ...

(d) ...

(e) ...

(f) ...

(ii) The written protocol, incorporated into the order prescribed in subparagraph (i) of this paragraph, shall, at a minimum, include instructions for administering the opioid related overdose treatment and require the registered professional nurse to ensure that:



(a) each potential recipient is assessed, pursuant to criteria in the protocol, for conditions that would qualify or preclude [him or her] them from receiving the ordered opioid related overdose treatment;

(b) ...

(c) ...

(d) ...

7. Subdivision (f) of section 64.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(f) Hepatitis C tests.

(1) ...

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

(3) Order and protocol.

(i) The non-patient specific order shall include, at a minimum, the following:

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

(b) ...

(c) ...

(d) ...

(e) ...

(f) ...

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

(a) each potential recipient is assessed, pursuant to criteria in the protocol, for conditions that would qualify or preclude [him or her] them from receiving the ordered hepatitis C tests;

(b) ...

(c) confirmatory, positive hepatitis C test results are not disclosed to the test recipient or the recipient's authorized representative by the registered professional nurse without a patient specific order from a licensed physician, licensed physician assistant or certified nurse practitioner; and

(d) ...

8. Subdivision (g) of section 64.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(g) Screening for syphilis, gonorrhea and/or chlamydia infections.

(1) ...

(2) A registered professional nurse may screen persons at increased risk for syphilis, gonorrhea and/or chlamydia pursuant to a written non-patient specific order and protocol prescribed or ordered by a licensed physician, licensed physician assistant or a certified nurse practitioner, provided that the requirements of this subdivision are met.

(3) Order and protocol.

(i) The non-patient specific order shall include, at a minimum, the following:

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

(b) ...

(c) ...

(d) ...

(e) ...

(f) ...

(ii) The written protocol, incorporated into the order prescribed in subparagraph (i) of this paragraph, shall, at a minimum, include instructions for screening for syphilis, gonorrhea and/or chlamydia infections and require the registered professional nurse(s) to ensure that:

(a) each potential recipient is assessed, pursuant to criteria in the protocol, for conditions that would qualify or preclude [him or her] them from receiving the ordered screening tests for syphilis, gonorrhea and/or chlamydia infections;

(b) ...

(c) ...

(d) ...

9. Subdivision (h) of section 64.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(h) COVID-19 tests and influenza tests.

(1) As used in this subdivision:

(i) ...

(ii) ...

(2) registered professional nurse may administer a COVID-19 test or an influenza test pursuant to a written non-patient specific order and protocol prescribed or ordered by a licensed physician, licensed physician assistant or a certified nurse practitioner, provided that the requirements of this subdivision are met.

(3) Order and protocol.

(i) The non-patient specific order shall include, at a minimum, the following:

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

(b) ...

(c) ...

(d) ...

(e) ...

(f) ...

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

(a) each potential recipient is assessed, pursuant to criteria in the protocol, for conditions that would qualify or preclude [him or her] them from receiving the ordered test;

(b) ...

(c) ...

(d) ...

9. Subdivision (i) of section 64.7 of the Regulations of the Commissioner of Education is amended read as follows:

(i) Emergency medical care.

(1) As used in this subdivision:

(i) ...

(ii) Standing order means a written non-patient specific order and protocol prescribed or ordered by a licensed physician, licensed physician assistant for tests defined herein in sections (64.7)(i)(1)(iii)(v)(b) and (64.7)(i)(1)(iii)(v)(c) or certified nurse practitioner for providing emergency medical care to patients.

(iii) ...

(v) ...

(a) ...

(b) ...

(c) ...

(d) ...

(2) ...

(i) ...

(ii) ...

(3) Standing order.

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

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

(b) ...

(c) ...

(d) ...

(e) ...

(f) ...

(g) ...

(ii) ...

(a) ...

(b) ...

(c) ...

(d) ...

(e) ...

(f) ...

(iii) ...

(iv) ...

10. Subdivision (j) of section 64.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(j) Pregnancy tests.

(1) ...

(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, licensed physician assistant 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, licensed physician assistant or certified nurse practitioner who orders or prescribes the non-patient specific order and protocol;

(b) ...

(c) ...

(d) ...

(e) ...

(f) ...

(ii) ...

(a) ...

(b) ...

(c) ...

(d) ...

