



PA: State Laws and Regulations

21st Edition, January 2021

New York

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NEW YORK STATUTE

STATUTE

New York Education Law, § 6523, § 6530, § 6532, § 6540 *et seq.* New York Public Health Law, § 3700 *et seq.* § 3309-a

DATE

Enacted 1972

REGULATORY BODY

New York Board of Regents, State Education Department; New York State Department of Health

PA DEFINED

The term "physician assistant" means a person who is licensed as a physician assistant pursuant to section sixty-five hundred forty-one of the education law.

N.Y. PUB. HEALTH LAW § 3700

The term "physician assistant" means a person who is licensed as a physician assistant pursuant to this article.

N.Y. EDUC. LAW § 6540

SCOPE OF PRACTICE

1. Notwithstanding any other provision of law, a physician assistant may perform medical services, but only when under the supervision of a physician and only when such acts and duties as are assigned to him or her are within the scope of practice of such supervising physician.

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4. Nothing in this article shall prohibit a hospital from employing physician assistants provided they work under the supervision of a physician designated by the hospital and not beyond the scope of practice of such physician. The numerical limitation of subdivision three of this section shall not apply to services performed in a hospital.

5. Notwithstanding any other provision of this article, nothing shall prohibit a physician employed by or rendering services to the department of corrections and community supervision under contract from supervising no more than six physician assistants in his or her practice for the department of corrections and community supervision.

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7. Nothing in this article, or in article thirty-seven of the public health law, shall be construed to authorize physician assistants to perform those specific functions and duties specifically delegated by law to those persons licensed as allied health professionals under the public health law or this chapter.

N.Y. EDUC. LAW § 6542

1. Inpatient medical orders. A licensed physician assistant employed or extended privileges by a hospital may, if permissible under the bylaws, rules and regulations of the hospital, write medical orders, including those for controlled substances, for inpatients under the care of the physician responsible for his or her supervision. Countersignature of such orders may be required if deemed necessary and appropriate by the supervising physician or the hospital, but in no event shall countersignature be required prior to execution.

2. Withdrawing blood. A licensed physician assistant or certified nurse practitioner acting within his or her lawful scope of practice may supervise and direct the withdrawal of blood for the purpose of determining the alcoholic or drug content therein under subparagraph one of paragraph (a) of subdivision four of section eleven hundred ninety-four of the vehicle and traffic law, notwithstanding any provision to the contrary in clause (ii) of such subparagraph.

3. Prescriptions for controlled substances. A licensed physician assistant, in good faith and acting within his or her lawful scope of practice, and to the extent assigned by his or her supervising physician, may prescribe controlled substances as a practitioner under article thirty-three of this chapter, to patients under the care of such physician responsible for his or her supervision. The commissioner, in consultation with the commissioner of education, may promulgate such regulations as are necessary to carry out the purposes of this section.

N.Y. PUB. HEALTH LAW § 3702

appropriate to the education, training and experience of the licensed physician assistant and within the ordinary practice of the supervising physician. This section shall not be construed to increase or decrease the lawful scope of practice of a physician assistant under the education law.

N.Y. PUB. HEALTH LAW § 3703

PRESCRIBING/DISPENSING

1. Inpatient medical orders. A licensed physician assistant employed or extended privileges by a hospital may, if permissible under the bylaws, rules and regulations of the hospital, write medical orders, including those for controlled substances, for inpatients under the care of the physician responsible for his or her supervision. Countersignature of such orders may be required if deemed necessary and appropriate by the supervising physician or the hospital, but in no event shall countersignature be required prior to execution.

¶ _

3. Prescriptions for controlled substances. A licensed physician assistant, in good faith and acting within his or her lawful scope of practice, and to the extent assigned by his or her supervising physician, may prescribe controlled substances as a practitioner under article thirty-three of this chapter, to patients under the care of such physician responsible for his or her supervision. The commissioner, in consultation with the commissioner of education, may promulgate such regulations as are necessary to carry out the purposes of this section.

N.Y. PUB. HEALTH LAW § 3702(1),(3)

COLLABORATION /SUPERVISION

Supervision shall be continuous but shall not be construed as necessarily requiring the physical presence of the supervising physician at the time and place where such services are performed.

N.Y. EDUC. LAW § 6542(2)

CHART REVIEW/ CO-SIGNATURE

Inpatient medical orders. A licensed physician assistant employed or extended privileges by a hospital may, if permissible under the bylaws, rules and regulations of the hospital, write medical orders, including those for controlled substances, for inpatients under the care of the physician responsible for his or her supervision. Countersignature of such orders may be required if deemed necessary and appropriate by the supervising physician or the hospital, but in no event shall countersignature be required prior to execution.

N.Y. PUB. HEALTH LAW § 3702(1)

PAs PER PHYSICIAN

No physician shall employ or supervise more than four physician assistants in his or her private practice.

Nothing in this article shall prohibit a hospital from employing physician assistants provided they work under the supervision of a physician designated by the hospital and not beyond the scope of practice of such physician. The numerical limitation of subdivision three of this section shall not apply to services performed in a hospital.

Notwithstanding any other provision of this article, nothing shall prohibit a physician employed by or rendering services to the department of corrections and community supervision under contract from supervising no more than six physician assistants in his or her practice for the department of corrections and community supervision.

N.Y. EDUC. LAW § 6542 (3)-(5)

APPLICATION

The department shall furnish to each person applying for a license pursuant to this section an application form calling for such information as the department deems necessary and shall issue to each applicant who satisfies the requirements of subdivision one of this section a license as a physician assistant in a particular medical specialty for the period expiring December thirty-first of the first odd-numbered year terminating subsequent to the issuance of such license.

N.Y. EDUC. LAW § 6541(2)

QUALIFICATIONS

The commissioner may promulgate such other regulations as are necessary to carry out the purposes of this article.
N.Y. EDUC. LAW § 6544

DISCIPLINARY POWERS

11. Permitting, aiding or abetting an unlicensed person to perform activities requiring a license;
12. Practicing the profession while the license is suspended or inactive as defined in subdivision thirteen of section two hundred thirty of the public health law, or willfully failing to register or notify the department of education of any change of name or mailing address, or, if a professional service corporation, willfully failing to comply with sections fifteen hundred three and fifteen hundred fourteen of the business corporation law or, if a university faculty practice corporation willfully failing to comply with paragraphs (b), (c) and (d) of section fifteen hundred three and section fifteen hundred fourteen of the business corporation law;
13. A willful violation by a licensee of subdivision eleven of section two hundred thirty of the public health law;
14. A violation of section twenty-eight hundred three-d, twenty-eight hundred five-k or subparagraph [ii] of paragraph [h] of subdivision ten of section two hundred thirty of the public health law; or
15. Failure to comply with an order issued pursuant to subdivision seven, paragraph (a) of subdivision ten, and subdivision seventeen of section two hundred thirty of the public health law;
16. A willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine;
17. Exercising undue influence on the patient, including the promotion of the sale of services, goods, appliances, or drugs in such manner as to exploit the patient for the financial gain of the licensee or of a third party;
18. Directly or indirectly offering, giving, soliciting, or receiving or agreeing to receive, any fee or other

STUDENTS

Notwithstanding any other provision of law, a trainee in an approved program may perform medical services when such services are performed within the scope of such program.

N.Y. EDUC. LAW

PAs: