



PAs: State Laws and Regulations

21st Edition, January 2021

New York

The information contained in this summary is paraphrased and accurate as of January 1, 2021. This document is intended for background purposes only. For a complete and current version of the statutes and regulations, AAPA encourages you to visit the state's legislative and regulatory website.

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.

[...]

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.

[...]

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

A physician assistant may perform any function in conjunction with a medical service lawfully performed by the physician assistant, in any health care setting, that a statute authorizes or directs a physician to perform and that is

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

To qualify for a license as a physician assistant, each person shall [...] submit satisfactory evidence, verified by oath or affirmation, that he or she:

- (a) At the time of application is at least twenty-one years of age;

- (b) Is of good moral character;
- (c) Has received an education including a bachelor's or equivalent degree in accordance with the commissioner's regulations;
- (d) Has satisfactorily completed an approved program for the training of physician assistants. The approved program for the training of physician assistants shall include not less than forty weeks of supervised clinical training and thirty-two credit hours of classroom work. Applicants for a license as a physician assistant who have completed an approved program leading to a bachelor's degree or equivalent in physician assistant studies shall be deemed to have satisfied this paragraph. The commissioner is empowered to determine whether an applicant possesses equivalent education and training, such as experience as a nurse or military corpsman, which may be accepted in lieu of all or part of an approved program; and
- (e) In the case of an applicant for a license as a physician assistant, has obtained a passing score on an examination acceptable to the department.

N.Y. EDUC. LAW § 6541(1)

TEMPORARY/NEW GRADUATE PERMIT

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

1. Eligibility. A person who fulfills all requirements to be licensed as a physician assistant except that relating to the examination shall be eligible for a limited permit.
2. Limit of practice. A permittee shall be authorized to practice as a physician assistant only under the direct supervision of a physician.
3. Duration. 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 a license has been denied. A limited permit shall be extended upon application for one additional year, provided that the permittee's request for such extension is endorsed by a physician who either has supervised or will supervise the permittee, except that such extension may be denied by the department for cause which shall be stated in writing. 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.

[...]

N.Y. EDUC. LAW § 6546

BOARD NOTIFICATION

No provision

CME/RENEWAL REQUIREMENTS

Renewal of registration is dependent on satisfactory completion of such continuing education requirements as may be established by the commissioner of health.

N.Y. EDUC. LAW § 6541(3)

Every person licensed under title eight of the education law to treat humans, registered under the federal controlled substances act and in possession of a registration number from the drug enforcement administration, United States Department of Justice or its successor agency, and every medical resident who is prescribing under a facility registration number from the drug enforcement administration, United States Department of Justice or its successor agency, shall, on or before July first, two thousand seventeen and once within each three year period thereafter, complete three hours of course work or training in pain management, palliative care, and addiction approved by the department.

N.Y. PUB. HEALTH LAW § 3309-a(3)(a)

TITLE/PRACTICE PROTECTION

Only a person licensed as physician assistant by the [Education] department may use the title "physician assistant" or the letters "PA" after his or her name.

N.Y. EDUC. LAW § 6543

IDENTIFICATION

[Grounds for professional misconduct] Failing to wear an identifying badge, which shall be conspicuously displayed and legible, indicating the practitioner's name and professional title authorized pursuant to this chapter, while practicing as an employee or operator of a hospital, clinic, group practice or multi-professional facility, or at a commercial establishment offering health services to the public.

N.Y. EDUC. LAW § 6530(37)

PHYSICIAN LIABILITY

[See regulation]

FEE/RENEWAL SCHEDULE

To qualify for a license as a physician assistant, each person shall pay a fee of one hundred fifteen dollars to the department for admission to a department conducted examination, a fee of forty-five dollars for each reexamination and a fee of seventy dollars for persons not requiring admission to a department conducted examination [...].

N.Y. EDUC. LAW § 6541(1)

[...] Renewal periods shall be triennial and the renewal fee shall be forty-five dollars.

N.Y. EDUC. LAW § 6541(3)

The fee for each limited permit shall be one hundred five dollars.

N.Y. EDUC. LAW § 6546(4)

PROGRAM APPROVAL

The term "approved program" means a program for the education of physician assistants which has been formerly approved by the department.

N.Y. PUB. HEALTH LAW § 3700; N.Y. EDUC. LAW § 6540(3)

BOARD REPRESENTATION/ADVISORY COMMITTEE

A state board for medicine shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than twenty physicians licensed in this state for at least five years, two of whom shall be doctors of osteopathy. To the extent such physician appointees are available for appointment, at least one of the physician appointees to the state board for medicine shall be an expert on reducing health disparities among demographic subgroups, and one shall be an expert on women's health. The board shall also consist of not less than two physician's assistants licensed to practice in this state. The participation of physician's assistant members shall be limited to matters relating to article one hundred thirty-one-B of this chapter. An executive secretary to the board shall be appointed by the board of regents on recommendation of the commissioner and shall be either a physician licensed in this state or a non-physician, deemed qualified by the commissioner and board of regents.

N.Y. EDUC. LAW § 6523

BOARD POWERS

[Public health] Commissioner shall have the following powers and duties:

1. to promulgate regulations defining and restricting duties to be assigned to PAs by supervising physician, degree of supervision required and the manner in which such duties may be performed;
2. to conduct and support continuing studies on nature and scope of PA duties in order to promote their effective functioning as members of the health care team;
3. to determine the desirability of and establish rules for requiring continuing education;
4. to furnish the education department with suggested criteria which may be used by the education department to help determine whether an applicant for licensure as a physician assistant possesses equivalent education and training, such as experience as a nurse or military corpsman, which may be accepted in lieu of all or part of an approved program;
5. to adopt such other rules and regulations as may be necessary or appropriate to carry out the purposes of this article.

N.Y. PUB. HEALTH LAW § 3701

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

The board of professional medical conduct and the department of health shall enforce, administer and interpret this article. Before issuing a declaratory ruling pursuant to section two hundred four of the state administrative procedure act with respect to this article, the department of health shall fully consult with the department of education. Neither the commissioner of education, the board of regents nor the commissioner of health may promulgate any rules or regulations concerning this article.

N.Y. EDUC. LAW § 6532

VIOLATIONS/PENALTY

Each of the following is professional misconduct, and any licensee found guilty of such misconduct under the procedures prescribed in section two hundred thirty of the public health law shall be subject to penalties as prescribed in section two hundred thirty-a of the public health law except that the charges may be dismissed in the interest of justice:

1. Obtaining the license fraudulently;
 2. Practicing the profession fraudulently or beyond its authorized scope;
 3. Practicing the profession with negligence on more than one occasion;
 4. Practicing the profession with gross negligence on a particular occasion;
 5. Practicing the profession with incompetence on more than one occasion;
 6. Practicing the profession with gross incompetence;
 7. Practicing the profession while impaired by alcohol, drugs, physical disability, or mental disability;
 8. Being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects, except for a licensee who is maintained on an approved therapeutic regimen which does not impair the ability to practice, or having a psychiatric condition which impairs the licensee's ability to practice;
 9. (a) Being convicted of committing an act constituting a crime under:
 - (i) New York state law or,
 - (ii) federal law or,
 - (iii) the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law;(b) Having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state;
 - (c) Having been found guilty in an adjudicatory proceeding of violating a state or federal statute or regulation, pursuant to a final decision or determination, and when no appeal is pending, or after resolution of the proceeding by stipulation or agreement, and when the violation would constitute professional misconduct pursuant to this section;
 - (d) Having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state;
 - (e) Having been found by the commissioner of health to be in violation of article thirty-three of the public health law;
10. Refusing to provide professional service to a person because of such person's race, creed, color or national origin;

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 consideration to or from a third party for the referral of a patient or in connection with the performance of professional services;
19. Permitting any person to share in the fees for professional services, other than: a partner, employee, associate in a professional firm or corporation, professional subcontractor or consultant authorized to practice medicine, or a legally authorized trainee practicing under the supervision of a licensee. This prohibition shall include any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment or personnel services used by a licensee constitutes a percentage of, or is otherwise dependent upon, the income or receipts of the licensee from such practice, except as otherwise provided by law with respect to a facility licensed pursuant to article twenty-eight of the public health law or article thirteen of the mental hygiene law;
20. Conduct in the practice of medicine which evidences moral unfitness to practice medicine;
21. Willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, or willfully impeding or obstructing such filing, or inducing another person to do so;
22. Failing to make available to a patient, upon request, copies of documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client;
23. Revealing of personally identifiable facts, data, or information obtained in a professional capacity without the prior consent of the patient, except as authorized or required by law;
24. Practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform, or performing without adequate supervision professional services which the licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger;
25. Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience, or by licensure, to perform them;
- 25-a. With respect to any non-emergency treatment, procedure or surgery which is expected to involve local or general anesthesia, failing to disclose to the patient the identities of all physicians, except medical residents in certified training programs, podiatrists and dentists, reasonably anticipated to be actively involved in such treatment, procedure or surgery and to obtain such patient's informed consent to said practitioners' participation;
26. Performing professional services which have not been duly authorized by the patient or his or her legal representative;
27. Advertising or soliciting for patronage that is not in the public interest.

- (a) Advertising or soliciting not in the public interest shall include, but not be limited to, advertising or soliciting that:
 - (i) is false, fraudulent, deceptive, misleading, sensational, or flamboyant;
 - (ii) represents intimidation or undue pressure;
 - (iii) uses testimonials;
 - (iv) guarantees any service;
 - (v) makes any claim relating to professional services or products or the costs or price therefor which cannot be substantiated by the licensee, who shall have the burden of proof;
 - (vi) makes claims of professional superiority which cannot be substantiated by the licensee, who shall have the burden of proof; or
 - (vii) offers bonuses or inducements in any form other than a discount or reduction in an established fee or price for a professional service or product.
 - (b) The following shall be deemed appropriate means of informing the public of the availability of professional services:
 - (i) informational advertising not contrary to the foregoing prohibitions; and
 - (ii) the advertising in a newspaper, periodical or professional directory or on radio or television of fixed prices, or a stated range of prices, for specified routine professional services, provided that if there is an additional charge for related services which are an integral part of the overall service being provided by the licensee, the advertisement shall so state, and provided further that the advertisement indicates the period of time for which the advertised prices shall be in effect.
 - (c)
 - (i) All licensees placing advertisements shall maintain, or cause to be maintained, an exact copy of each advertisement, transcript, tape or video tape thereof as appropriate for the medium used, for a period of one year after its last appearance. This copy shall be made available for inspection upon demand of the department of health;
 - (ii) A licensee shall not compensate or give anything of value to representatives of the press, radio, television or other communications media in anticipation of or in return for professional publicity in a news item;
 - (d) No demonstrations, dramatizations or other portrayals of professional practice shall be permitted in advertising on radio or television;
28. Failing to respond within thirty days to written communications from the department of health and to make available any relevant records with respect to an inquiry or complaint about the licensee's professional misconduct. The period of thirty days shall commence on the date when such communication was delivered personally to the licensee. If the communication is sent from the department of health by registered or certified mail, with return receipt requested, to the address appearing in the last registration, the period of thirty days shall commence on the date of delivery to the licensee, as indicated by the return receipt;
29. Violating any term of probation or condition or limitation imposed on the licensee pursuant to section two hundred thirty of the public health law;
30. Abandoning or neglecting a patient under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care, or abandoning a professional employment by a group practice, hospital, clinic or other health care facility, without reasonable notice and under circumstances which seriously impair the delivery of professional care to patients or clients;
31. Willfully harassing, abusing, or intimidating a patient either physically or verbally;
32. Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, provided, however, that a physician who transfers an original mammogram to a medical institution, or to a physician or health care provider of the patient, or to the patient directly, as otherwise provided by law, shall have no obligation under this section to maintain the original or a copy thereof. Unless otherwise provided by law, all patient records must be retained for at least six years. Obstetrical records and records of minor patients must be retained for at least six years, and until one year after the minor patient reaches the age of eighteen years;
33. Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensee;
34. Guaranteeing that satisfaction or a cure will result from the performance of professional services;

35. Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient;
36. Claiming or using any secret or special method of treatment which the licensee refused to divulge to the department of health;
37. Failing to wear an identifying badge, which shall be conspicuously displayed and legible, indicating the practitioner's name and professional title authorized pursuant to this chapter, while practicing as an employee or operator of a hospital, clinic, group practice or multi-professional facility, or at a commercial establishment offering health services to the public;
38. Entering into an arrangement or agreement with a pharmacy for the compounding and/or dispensing of coded or specially marked prescriptions;
39. With respect to all professional practices conducted under an assumed name, other than facilities licensed pursuant to article twenty-eight of the public health law or article thirteen of the mental hygiene law, failing to post conspicuously at the site of such practice the name and licensure field of all of the principal professional licensees engaged in the practice at that site (i.e., principal partners, officers or principal shareholders);
40. Failing to provide access by qualified persons to patient information in accordance with the standards set forth in section eighteen of the public health law as added by chapter 497 of the laws of 1986;
41. Knowingly or willfully performing a complete or partial autopsy on a deceased person without lawful authority;
42. Failing to comply with a signed agreement to practice medicine in New York state in an area designated by the commissioner of education as having a shortage of physicians or refusing to repay medical education costs in lieu of such required service, or failing to comply with any provision of a written agreement with the state or any municipality within which the licensee has agreed to provide medical service, or refusing to repay funds in lieu of such service as consideration of awards made by the state or any municipality thereof for his or her professional education in medicine, or failing to comply with any agreement entered into to aid his or her medical education;
43. Failing to complete forms or reports required for the reimbursement of a patient by a third party. Reasonable fees may be charged for such forms or reports, but prior payment for the professional services to which such forms or reports relate may not be required as a condition for making such forms or reports available;
44. In the practice of psychiatry, (a) any physical contact of a sexual nature between licensee and patient except the use of films and/or other audiovisual aids with individuals or groups in the development of appropriate responses to overcome sexual dysfunction and (b) in therapy groups, activities which promote explicit physical sexual contact between group members during sessions; and
45. In the practice of ophthalmology, failing to provide a patient, upon request, with the patient's prescription including the name, address, and signature of the prescriber and the date of the prescription.
46. A violation of section two hundred thirty-nine of the public health law by a professional.
47. Failure to use scientifically accepted barrier precautions and infection control practices as established by the department of health pursuant to section two hundred thirty-a of the public health law.
48. A violation of section two hundred thirty-d of the public health law or the regulations of the commissioner of health enacted thereunder.
49. Except for good cause shown, failing to provide within one day any relevant records or other information requested by the state or local department of health with respect to an inquiry into a report of a communicable disease as defined in the state sanitary code, or HIV/AIDS.
50. Performing a pelvic examination or supervising the performance of a pelvic examination in violation of subdivision seven of section twenty-five hundred four of the public health law.

N.Y. EDUC. LAW § 6530

PAYMENT FOR SERVICES

No provision

GRANDFATHER CLAUSE

No provision

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 § 6542(6)

NEW YORK REGULATIONS

REGULATIONS

Official Compilation of Codes, Rules, & Regulations of the State of New York; Title 8 (Education), Title 10 (Health)

DATE

Revised 3/17

REGULATORY BODY

New York State Education Department and New York State Department of Health

PA DEFINED

Licensed physician assistant means an individual who is currently licensed as a physician assistant by the New York State Department of Education.

N.Y. COMP. CODES R. & REGS. tit. 10, § 94.1(a)

SCOPE OF PRACTICE

(a) A licensed physician assistant or a registered specialist assistant may perform medical services but only when under the supervision of a physician. Such supervision shall be continuous but shall not necessarily require the physical presence of the supervising physician at the time and place where the services are performed. The licensed physician assistant or registered specialist assistant shall retain records documenting the continuous supervision by the physician who is responsible for such supervision.

(b) Medical acts, duties and responsibilities performed by a licensed physician assistant or registered specialist assistant must:

- (1) be assigned to him or her by the supervising physician;
- (2) be within the scope of practice of the supervising physician; and
- (3) be appropriate to the education, training and experience of the licensed physician assistant or registered specialist assistant.

N.Y. COMP. CODES R. & REGS. tit. 10, § 94.2(a)-(b)

PRESCRIBING/DISPENSING

Prescriptions, certifications and medical orders may be issued by a licensed physician assistant as provided in this subdivision when assigned by the supervising physician.

- (1) A licensed physician assistant may issue prescriptions for a patient who is under the care of the physician responsible for the supervision of the licensed physician assistant. The prescription shall be issued in accordance with Section 281 and Article 33 of the Public Health Law and Part 80 of this Title, written on the blank form of the supervising physician and shall include the name, address and telephone number of the supervising physician and the name of the licensed physical assistant. The prescription shall also bear the name, the address, the age of the patient and the date on which the prescription was issued.
- (2) 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 33 of the Public Health Law, to patients under the care of such physician responsible for his or her supervision. Licensed physician assistants may issue prescriptions for controlled substances under section 3306 of the Public Health Law provided that such prescriptions shall be issued in accordance with Section 281 and Article 33 of the Public Health Law and Part 80 of this Title.
- (3) The licensed physician assistant shall sign all such prescriptions with his or her own name followed by the letters P.A. and his or her State Education Department license number, except that an electronic prescription must contain the electronic signature of the licensed physician assistant and shall include the name, address and telephone number of the supervising physician.
- (4) A licensed physician assistant employed or extended privileges by a hospital may, if permissible under the bylaws, policies and procedures of the hospital, issue prescriptions for controlled substances listed under section 3306 of the Public Health Law on official New York State prescription forms issued to the hospital. Such

prescriptions shall be issued in accordance with Section 281 and Article 33 of the Public Health Law and Part 80 of this Title and must include the imprinted name of the licensed physician assistant and the name of the physician responsible for his or her supervision.

(5) A licensed physician assistant employed or extended privileges by a hospital may, if permissible under the bylaws, policies and procedures of the hospital, write medical orders, including those for controlled substances, for inpatients under the care of the physician responsible for his 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.

(6) 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 register as a practitioner under Part 1004 of this Title to issue patient certifications for medical marihuana, to those patients under the care of such supervising physician.

N.Y. COMP. CODES R. & REGS. tit. 10, § 94.2(e)

COLLABORATION/SUPERVISION

A licensed physician assistant or a registered specialist assistant may perform medical services but only when under the supervision of a physician. Such supervision shall be continuous but shall not necessarily require the physical presence of the supervising physician at the time and place where the services are performed. The licensed physician assistant or registered specialist assistant shall retain records documenting the continuous supervision by the physician who is responsible for such supervision.

N.Y. COMP. CODES R. & REGS. tit. 10, § 94.2(a)

CHART REVIEW/CO-SIGNATURE

A licensed physician assistant employed or extended privileges by a hospital may, if permissible under the bylaws, policies and procedures of the hospital, write medical orders, including those for controlled substances, for inpatients under the care of the physician responsible for his 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. COMP. CODES R. & REGS. tit. 10, § 94.2 (e)(5)

PAs PER PHYSICIAN

[...]

(c) No physician may employ or supervise more than four licensed physician assistants and two registered specialist assistants in his or her private practice.

(d) No physician may supervise more than six licensed physician assistants or registered specialist assistants or any combination thereof in a hospital setting, no matter if the licensed physician assistants or registered specialist assistants are employed or contracted by a hospital.

[...]

N.Y. COMP. CODES R. & REGS. tit. 10, § 94.2(c)(d)

APPLICATION

General requirements. An applicant for registration 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.

N.Y. COMP. CODES R. & REGS. tit. 8, § 60.8(a)

QUALIFICATIONS

(a) General requirements. An applicant for registration 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, which has been approved by the department, shall be eligible for licensure.

(2) An applicant who has completed a program for the training of physician assistants outside New York State

shall be eligible for 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, 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 licensure.

(c) An applicant for licensure as a physician assistant shall provide evidence of having obtained a passing score on an examination acceptable to the department. 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.

N.Y. COMP. CODES R. & REGS. tit. 8, § 60.8(a)-(c)

TEMPORARY/NEW GRADUATE PERMIT

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 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 licensure has been denied. A limited permit shall be extended upon application for one additional year in accordance with the requirements of section 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.

N.Y. COMP. CODES R. & REGS. tit. 8, § 60.8(d)

BOARD NOTIFICATION

No provision

CME/RENEWAL REQUIREMENTS

[See statute]

TITLE/PRACTICE PROTECTION

[See statute]

IDENTIFICATION

[See statute]

PHYSICIAN LIABILITY

A physician supervising or employing a licensed physician assistant or registered specialist assistant shall remain medically responsible for the medical services performed by the licensed physician assistant or registered specialist assistant whom such physician supervises or employs.

N.Y. COMP. CODES R. & REGS. tit. 10, § 94.2(f)

FEE/RENEWAL SCHEDULE

[See statute]

PROGRAM APPROVAL

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.

(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 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.

N.Y. COMP. CODES R. & REGS. tit. 8, § 60.8(b)(1)-(2)

BOARD REPRESENTATION/ADVISORY COMMITTEE

[See statute]

BOARD POWERS

[See statute]

DISCIPLINARY POWERS

[See statute]

VIOLATIONS/PENALTY

[See statute]

PAYMENT FOR SERVICES

No provision

GRANDFATHER CLAUSE

No provision

STUDENTS

[See statute]