

**A1535 (Gottfried)**

**S3056 (Rivera)**

## **Memorandum In Support**

The New York State Nurses Association (NYSNA) represents more than 44,000 Registered Nurses for collective bargaining and is a leading advocate for universal access to quality care and maintaining nursing standards of practice.

### **Update the Nurse Practitioner Modernization Act and make its provisions permanent**

The Nurse Practitioner Modernization Act (NPMA) was enacted in 2014 and became effective on January 1, 2015. That legislation expanded the ability of Nurse Practitioners to independently provide care for patients and played a key role in increasing access to health care, particularly in medically underserved communities.

The two components of the NPMA are as follows:

- a. An NP who has completed 3,600 hours of practice experience must maintain a collaborative relationship with a physician or a hospital in order to practice and must maintain documentation attesting to this collaborative relationship.
- b. An NP with less than 3,600 hours of practice must maintain a written practice agreement (WPA) signed by a physician in her specialty and must also have in place written practice protocols (WPPs) with the physician.

The provisions of the NYMA as enacted in 2014 were to sunset on June 30, 2021.

In March, 2020, with the onset of the COVID pandemic and recognizing the need to fully mobilize NPs in the fight to protect the public health and safety, Governor Cuomo issued a series of Executive Orders waiving the requirements that NPs maintain collaborative agreements with physicians or enter into written practice agreements or written practice protocols with physicians.

The Governor's Executive Orders were consistent with findings and recommendations of a State Education Department and DOH report issued in 2018. Based on an analysis of data on NP practice and the impact of the NPMA on access to and quality of patient care, the report

recommended: (1) the elimination of the regulatory requirement for filing “Collaborative Relationships Attestation Form” and (2) making the NPMA permanent.

The current legislation would implement the formal recommendations contained in the 2018 Department report and make the following changes in current law:

1. Nurse practitioners who have completed 3,600 practice hours would no longer be required by law to have a regulated collaborative relationship or to maintain attestation documentation.
2. Nurse practitioners with less than 3,600 practice hours would still be required to enter into a written practice agreement but would now be able to enter into such agreements with a licensed physician, a hospital or a senior Nurse Practitioner.
3. The June 30, 2021 expiration of the NPMA would be removed, making the law permanent.

Not only is this legislation important for moving New York forward, it is important to stop the state from sliding backward. Maintaining the current restrictions or, worse, allowing the current law to lapse will exacerbate our state's existing provider shortages and limiting the ability and availability of nurse practitioners to care for patients. Failure to enact this legislation will particularly affect low-income areas, communities of color, and rural underserved communities suffering from provider shortages.

Our communities need more access to health care providers. Barriers to practice that serve as an impediment of the expansion of needed primary care services throughout the State must be eliminated. Patients deserve full and direct access to needed nurse practitioner care and unnecessary barriers to that care must be removed.

These changes would also move New York a step closer toward alignment with the national licensure standards for nurse practitioners and allow NPs to practice to the full scope of their education, training and experience.

For these reasons, NYSNA strongly supports this legislation.