



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H. Dr. P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

March 22, 2002

Mark Crafton
Director, State Relations
Joint Commission on Accreditation of
Healthcare Organizations
One Renaissance Boulevard
Oakbrook Terrace, Illinois 60181

Dear Mr. Crafton:

My purpose in writing is to alert you to an issue brought to our attention by the New York State Nurses Association that relates to nursing licensure in New York State. Specifically, our department has been asked to clarify to State survey staff and to the JCAHO the standard for nurse registration.

In New York State a nurse is licensed for life, unless that license is revoked or suspended by the Board of Regents, New York State Education Department. Registration occurs every three years for nurses, and an individual remains licensed with the authority to practice even if the paperwork associated with the registration has not been fully processed by the end date of a current registration period. The State Education Department can take disciplinary action against a licensee for practicing when they are not registered only with evidence that the practitioner willfully participated in not being registered. Examples of such willful actions would include, being suspended and continuing to practice, or being notified that they are no longer registered and not making an attempt to register.

Thus in regard to the Department's surveillance activities, in the absence of a current registration, we will look to facilities to show evidence of steps taken to complete the registration process, i.e. copy of correspondence/materials submitted. Facilities and individuals that in good faith have initiated the registration process will not be subject to citations for practicing without a license. This flexibility will prevent, for facilities, the unnecessary removal from duties of nursing staff due to any delay in the processing of a nursing registration. By distributing this clarification to State survey staff and to the JCAHO, I would hope to ensure a consistent standard of oversight for facilities in New York State.

Should you have any questions regarding this or wish to discuss further, please feel free to contact me at (518) 402-1003.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frederick J. Heigel', written over a horizontal line.

Frederick J. Heigel
Director

Bureau of Hospital & Primary Care Services

cc. Barbara Zittel, Ph.D., RN, New York State Education Department, State Board for Nursing
Hospital Program Directors, New York State Health Department