STATE OF NEW YORK
DEPARTMENT OF STATE

DETERMINATION

In the matter of a request that "registered nurse" be designated as an eligible profession for the purchase, sale, and use of body armor.

Date of determination: January 21, 2026

Legal framework

To purchase or take possession of body armor in New York State, an individual or entity must be engaged or employed in an eligible profession.[1] Pursuant to Executive Law section 144-a, the Department of State (Department) has created a process whereby individuals and entities may request that the profession in which they engage be added to the Department's list of eligible professions.[2] The Department has received a request that registered nurse be designated as an eligible profession. Prior to adding a profession to the list of eligible professions, the Department must first determine whether the duties of the profession may expose an individual engaged in such profession to serious physical injury that may be prevented or mitigated by the wearing of body armor, or whether the duties of the profession are necessary to facilitate the lawful purchase, sale, or use of body armor.

Request

After receiving the request that registered nurse be designated as an eligible profession, notice of this eligible profession request was published on the Department's website on May 6, 2024, whereby the public was invited to submit additional requests relating to this profession. No other requests relating to this request have been received by the Department.

The requestor refers to themselves as a "critical care nurse" that works as an "emergency room (ER) registered nurse (RN)." The requestor states that a critical care nurse is a designation used by their employer to refer to a registered nurse that works in emergency rooms or intensive care units. However, they clarify that it would be a disservice to other registered nurses that work in different areas to not be allowed to use body armor. They state that they are "frequently in triage as the first point of contact for patients & visitors at Buffalo General Medical Center" and that their duties include providing the following services: nursing care; planning, implementing, delegating, advocating, and evaluating patient care "with a diverse population which has difficulty meeting basic needs"; administering medications; performing various procedures; and collaborating with "different groups including physicians, social workers, discharge planners, and unit committees, etc." The requestor indicates that educational requirements for members of their

[1] New York Penal Law §270.21.
[2] *See* 19 NYCRR Chapter XIX, Part 905, generally.

profession include "a minimum of an RN associate's degree, critical care/triage classes/modules, NYS RN licensure, (PALS) Pediatric Advanced Life Support, (ACLS) Advanced Cardiac Life Support, (BLS) Basic Life Support, etc."

The requestor makes several observations to support their request. They assert that they work in an emergency room setting where: 1) there are frequent violent incidents, which includes someone pulling a knife on a triage nurse sometime during the year prior to submission of the instant request; 2) security guards are "mostly unarmed" and often hands-off in their approach to protecting the safety of clinical staff; 3) a glass door that is the "only thing that separates the outside from the triage nurse"; 4) police intervention is required of patients that are frequently agitated, aggressive, and violent. The requestor explains that they "had to assist" a security guard with handcuffing a patient who had assaulted the security guard in the waiting room. They also include a reference to an incident at Buffalo General Medical Center where a response from Buffalo Police was required when it was discovered that a patient in the emergency department was in possession of a sword cane. Additionally, the requestor states that body armor may prevent injury in an active shooter situation because the hospital in which they work does not have its own police force; rather, the hospital is reliant on the Buffalo Police Department. Thus, the requestor concludes that in the event a law enforcement response is needed in such a situation, an active shooter would have more time to kill or injure staff.

The request also includes several news articles to document occurrences of violence in the emergency department and threats of violence targeted at hospitals, of which the following related to gun violence:

1. A patient sustained self-inflected gunshot wound in a hospital's emergency department. WIBV4.com, Unions demand safer workplace after patient shoots himself at Mercy Hospital of Buffalo (Mar. 10, 2025), at Unions demand safer workplace after patient shoots himself at Mercy Hospital of Buffalo | News 4 Buffalo.
2. *A man was shot and killed after bringing a handgun into the emergency room of Sentara Albemarle Hospita*l. "'The suspect pointed the handgun at law enforcement. The suspect was struck with gunfire from law enforcement and was able to receive immediate medical care by ER staff.'" News 3 WTKR, Man shot, killed by deputies after bringing gun to Sentara hospital emergency room: PCSO (Apr. 9, 2025), at https://www.wtkr.com/news/in-the-community/northeastern-north-carolina/officials-sheriffs-deputy-shoots-and-kills-person-inside-sentara-albemarle-hospital.
3. Article reporting that a new round of workplace violence in hospitals and clinics is lending urgency to efforts to create a first-ever federal standard for protecting nurses, social workers and others in the medical system. The article reports that legislation has been introduced into Congress that would require health care employers to write and implement a workplace violence prevention plan. It notes that the legislation was introduced "after a spate of high-profile incidents, including a gunman taking hostages in a York, Pennsylvania hospital's intensive care unit and the lockdown of a Troy, Michigan hospital after one of its employees shot a co-worker in a parking garage." Tina Reed, Recent hospital violence fuels effort to create workplace protections, Axios (Apr. 14, 2025), at https://www.axios.com/2025/04/14/protections-workplace-violence-nurses-hospitals.

The requestor also notes that a registered nurse in New York requires a license from the New York State Department of Education (NYSDOE), possess an associate's degree, and must pass "national licensure boards (NYCLEX)." Additionally, a registered nurse must renew their license every three years and remain in good standing with the NYSDOE.

Findings of fact and analysis

A "profession" refers to any occupation or line of work referenced or included within a category identified in the Standard Occupational Classification Manual published by the federal Office of Management and Budget (SOC Manual), or as otherwise described in a federal, state, or local statute or regulation.[3] The request lists SOC code 29-1141, which corresponds to the detailed occupation of "Registered Nurse."[4] That code provides the following information:

> **29-1141 Registered Nurse**
>
> Assess patient health problems and needs, develop and implement nursing care plans, and maintain medical records. Administer nursing care to ill, injured, convalescent, or disabled patients. May advise patients on health maintenance and disease prevention or provide case management. Licensing or registration required. Includes Clinical Nurse Specialists. Excludes "Nurse Anesthetists" (29-1151), "Nurse Midwives" (29-1161), and "Nurse Practitioners" (29-1171).
>
> *Illustrative examples: Coronary Care Unit Nurse, Hospice Registered Nurse, Psychiatric Nurse*

Engaging in the profession of a registered nurse requires a Registered Professional Nurse (RN) license issued by the New York State Education Department (NYSED). Education Law section 6902(1) defines the practice of the profession of nurse as:

> . . . diagnosing and treating human responses to actual or potential health problems through such services as casefinding, health teaching, health counseling, and provision of care supportive to or restorative of life and well-being, and executing medical regimens prescribed by a licensed physician, dentist or other licensed health care provider legally authorized under this title and in accordance with the commissioner's regulations. A nursing regimen shall be consistent with and shall not vary any existing medical regimen.

Education Law Article 139 provides the state law applicable to nursing. That law defines the practice of nursing to include practice of nursing as a registered professional nurse[5] and the

[3] 19 NYCRR 905.1(f).
[4] The profession of "critical care nurse" is not listed in the SOC Manual.
[5] Education Law § 6902(1).

practice of nursing as a licensed practical nurse.[6] To obtain an RN license, an individual must meet certain educational requirements that comply with the regulations of the Commissioner of the Education Department[7], pass an examination that satisfies state requirements[8], and must also apply to NYSED and pay a fee. The applicant must be at least eighteen years of age and be of good moral character; there are no additional requirements for experience or citizenship to qualify for a license.[9] The regulations of the State Education Department establish specific requirements for education and examination, under Title 8, Section 52.12 and Part 64. Under subdivision (b)(1)(iv) of Section 52.12, the regulations direct that the curriculum "shall include . . . diagnosis of illness and physical conditions and the performance of therapeutic and corrective measures . . . ; a pharmacology component . . . ; and [] a preceptorship experience . . . ." Part 64 sets forth educational equivalents and minimum requirements for examinations.

According to the Verification Search tool of the Office of the Professions page of the New York State Education Department website, the requestor is licensed in New York State in the profession of "Registered Professional Nursing." For purposes of this determination, the profession of "registered professional nurse" is defined as set forth within section 6902(1) of the New York State Education Law.

For a profession to be deemed eligible, the duties of the profession must sometimes require individuals engaged or employed in that profession to be exposed to serious physical injury that may be prevented or mitigated by the wearing of body armor, or if the duties of the profession are necessary to facilitate the lawful purchase, sale, or use of body armor. Because the profession of registered nurse does not involve facilitation of the lawful purchase, sale, or use of body armor, the relevant inquiry for this request is the question of whether the duties of the profession of registered nurse must sometimes require individuals engaged or employed in that profession to be exposed to serious physical injury that may be prevented or mitigated by the wearing of body armor.

Previous, approved requests to add a profession to the List of Eligible Professions have discussed duties specific to that profession that may expose an individual to gunfire, such as the handling of live firearms, guarding valuable items or sensitive locations, or in-person enforcement activities. These are duties that, in their inherent nature, involve a likelihood of exposure to gunfire. In addition to such duties inherently exposing an individual to gunfire, some approved requests also offered verifiable, documented evidence such as past instances of injury that may have been prevented or mitigated by the wearing of body armor. Taken altogether, the evidence provided by a requestor is vital to the Department's understanding of the profession and its informed determination about whether a profession is eligible pursuant to Executive Law § 144-a.

---

[6] Education Law § 6902(2).

[7] "[Must] have received an education, and a diploma or degree in professional nursing, in accordance with the commissioner's regulations, and in order to continue to maintain registration as a registered professional nurse in New York state, have attained a baccalaureate degree or higher in nursing within ten years of initial licensure in accordance with the commissioner's regulations." Ed. L. § 6905(2).

[8] "[Must] pass an examination satisfactory to the board and in accordance with the commissioner's regulations." Ed. L. § 6905(4).

[9] Ed. L. § 6905(3), (5), (6), (7).

The duties of the registered nurse making this request include providing nursing care to patients in various settings including hospitals and hospital emergency rooms. Registered nurses' duties in hospitals and/or emergency rooms, as relevant to this determination, require that they are "frequently in triage as the first point of contact for patients & (*sic*) visitors." This requires the nurse to be in close physical proximity to the patient in order to render nursing care. Based on information in the request, there have been instances where hospital and emergency room patients have been in possession of a firearm. Also, there may be armed law enforcement officers present and armed private security guards present in many emergency room and hospital settings. The requestor has provided firsthand information as well as news articles and reports concerning instances of gunfire, or possibility of gun use, in hospitals and emergency rooms. For example, the requestor provided a news articles concerning an incident where a patient used a gun to shoot themselves while in an emergency room of a hospital, an incident where a person was shot and killed after brining a gun into an emergency room, and a situation where an armed individual took hostages in a hospital's intensive care unit. Such information supports a determination that the duties of the profession of registered nurse employed or assigned to a hospital or emergency room setting may expose an individual engaged in that profession to gunfire and that provides a basis for determination that they are an eligible profession.[10]

This finding is consistent with the Department's determination with respect to emergency medicine physician and physician as the duties of both those professions require that they render medical treatment in an emergency room and/or hospital setting, and the requests on behalf of both those professions provided substantial information as to incidents of gunfire in such settings.

Further, the Registered Nurse's situation is different from other cases where the Department determined a professional was not eligible because, although the requestor provided information as to a generalized fear of potential danger, they did not allege dangers involving gunfire and/or did not demonstrate how exposure to that danger was tied to their specific duties and not a danger or fear that would be similar to that of the general public in that same location. Here, the requestor has established past incidents of gunfire in the hospital and emergency room setting, that their duties require they render patient care in such locations as that is where the patient and necessary medical equipment are located and that the general public would not be in such close to patients or the initial contact for such patients entering the hospital and/or emergency room.

Determination

The facts presented show that the duties of the profession of registered professional nurse employed or assigned to a hospital or emergency room setting may expose an individual engaged

[10] To reiterate, the Department has focused on potential exposure to gunfire as an essential factor in its determination as to whether a profession is eligible based on the statutory requirements. That is, Executive Law §144-a provides that an eligible profession for purchase of body armor "shall include those in which the duties may expose the individual to serious physical injury that may be prevented or mitigated by the wearing of body armor. . . "and cites to Penal Law §270.20 (2) for the definition of body armor. In that section, body armor is defined as "any product that is a *personal protective body covering intended to protect against gunfire*, regardless of whether such product is to be worn alone or is sold as a complement to another product or garment [emphasis suppled]."

in that profession to serious physical injury, and that such serious physical injury may be prevented or mitigated by the wearing of body armor.

For the purposes of this determination, registered professional nurse employed or assigned to a hospital or emergency room setting is defined as a registered professional nurse as set forth within section 6902(1) of the New York State Education Law, who is assigned to a hospital-based emergency department providing services pursuant to 10 NYCRR 405.19.

Based on the foregoing facts and the requirements of Executive Law §144-a and 19 NYCRR Part 905, the Department has designated the profession of registered professional nurse employed or assigned to a hospital or emergency room setting as an eligible profession for the purchase, sale, and use of body armor and adds such profession to the list of eligible professions.