S T A T E O F N E W Y O R K

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I N S E N A T E

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Introduced by Sens. DeFRANCISCO, BONACIC, GRIFFO, JOHNSON, LARKIN, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to establishing a New York state nursing faculty scholarship incentive program for advanced degrees in nursing

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 605 of the education law is amended by adding a new subdivision 13 to read as follows:

13. NEW YORK STATE NURSING FACULTY SCHOLARSHIP INCENTIVE PROGRAM. A. PURPOSE. THE COMMISSIONER SHALL AWARD SCHOLARSHIPS FOR THE PURPOSE OF INCREASING THE NUMBER OF EDUCATORS AND ADJUNCT CLINICAL FACULTY TEACHING IN A FIELD OF NURSING EDUCATION IN NEW YORK STATE. SUCH SCHOLARSHIPS SHALL BE AWARDED ON A COMPETITIVE BASIS TO APPLICANTS WHO ARE REGISTERED PROFESSIONAL NURSES WITH PREVIOUS CLINICAL EXPERIENCE IN NURSING AND WHO DEMONSTRATE ACADEMIC MERIT FOR ADMISSION TO MASTERS OR DOCTORAL PROGRAMS IN NURSING WHICH WILL ENHANCE THE RECIPIENT'S PROFICIENCY AS A NURSING EDUCATOR. PREFERENCE SHALL BE GIVEN TO APPLICANTS WHO ARE EMPLOYED AS REGISTERED PROFESSIONAL NURSES, WILL ATTEND SUCH MASTERS OR DOCTORAL PROGRAM FULL-TIME AND WHOSE COST TO ATTEND SUCH PROGRAM IS PARTIALLY UNDERWRITTEN A MINIMUM OF TWENTY-FIVE PERCENT BY AGREEMENT WITH A COMMUNITY AGENCY, HEALTH CARE PROVIDER AND/OR APPROVED NURSING PROGRAM.

B. ELIGIBILITY. TO BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SUBDIVISION, APPLICANTS SHALL AGREE TO SERVE, UPON COMPLETION OF THE DEGREE PROGRAM, AS NURSING EDUCATORS OR AS ADJUNCT CLINICAL FACULTY IN APPROVED NURSING PROGRAMS WITHIN NEW YORK STATE THAT LEAD TO LICENSURE IN NURSING UNDER ARTICLE ONE HUNDRED THIRTY-NINE OF THIS CHAPTER. APPLICANTS SHALL SERVE THE EQUIVALENT OF NINE MONTHS FULL-TIME SERVICE IN SUCH PROGRAMS FOR EACH ANNUAL AWARD RECEIVED BY THE RECIPIENT, BUT NO LESS THAN TWO ACADEMIC YEARS. SUCH SERVICE SHALL BE COMPLETED AND APPORTIONED IN

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

ACCORDANCE WITH CRITERIA ESTABLISHED BY THE COMMISSIONER. ANNUAL AWARDS SHALL NOT BE MADE TO APPLICANTS WHO ENROLL IN LESS THAN FIFTEEN HOURS OF ACADEMIC CREDIT APPLICABLE TO THE MASTERS OR DOCTORAL PROGRAM IN WHICH THEY ARE ENROLLED IN ANY CALENDAR YEAR.

C. AGREEMENTS. THE PRESIDENT SHALL, IN CONSULTATION WITH THE COMMISSIONER, DEVELOP AND SECURE FROM EACH SUCCESSFUL APPLICANT A WRITTEN AGREEMENT TO SERVE AS A NURSING EDUCATOR OR ADJUNCT CLINICAL NURSE FACULTY IN NEW YORK. WITHIN SUCH TIME AS THE COMMISSIONER SHALL BY REGULATION PROVIDE, A RECIPIENT OF AN AWARD SHALL HAVE SERVED FOR THAT NUMBER OF MONTHS CALCULATED BY MULTIPLYING BY NINE THE NUMBER OF EQUALIZED ANNUAL PAYMENTS RECEIVED BY THE RECIPIENT. IN NO CASE SHALL THE TOTAL NUMBER OF MONTHS OF SERVICE REQUIRED BE LESS THAN EIGHTEEN. IF A RECIPIENT FAILS TO COMPLY FULLY WITH SUCH CONDITIONS, THE PRESIDENT SHALL BE ENTITLED TO RECEIVE FROM SUCH RECIPIENT AN AMOUNT TO BE DETERMINED BY THE FORMULA:

$$A = 2B \frac{(T-S)}{T}$$

IN WHICH "A" IS THE AMOUNT THE PRESIDENT IS ENTITLED TO RECOVER; "B" IS THE SUM OF ALL PAYMENTS MADE TO THE RECIPIENT BY THE PRESIDENT AND THE INTEREST ON SUCH AMOUNT WHICH WOULD BE PAYABLE IF AT THE TIMES SUCH AWARDS WERE PAID THEY WERE LOANS BEARING INTEREST AT THE MAXIMUM PREVAILING RATE; "T" IS THE TOTAL NUMBER OF MONTHS IN THE RECIPIENT'S PERIOD OF OBLIGATED SERVICES; AND "S" IS THE NUMBER OF MONTHS OF SERVICE ACTUALLY RENDERED BY THE RECIPIENT. ANY AMOUNT WHICH THE PRESIDENT IS ENTITLED TO RECOVER UNDER THIS PARAGRAPH SHALL BE PAID WITHIN THE FIVE-YEAR PERIOD BEGINNING ON THE DATE THAT THE RECIPIENT FAILED TO COMPLY WITH THIS SERVICE CONDITION. NOTHING IN THE WRITTEN AGREEMENT SHALL AFFECT THE TERMS OF EMPLOYMENT OF THE INDIVIDUAL WHO SHALL NEGOTIATE, SEPARATE AND APART FROM THE PROGRAM, HIS OR HER SALARY AND OTHER FORMS OF EMPLOYMENT WITH AN AGENCY, INSTITUTION, OR A PROGRAM IN WHICH HE OR SHE SHALL BE EMPLOYED.

ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS AS OUTLINED IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT. THE COMMISSIONER SHALL MAKE REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

D. REPORTING. A RECIPIENT OF AN AWARD SHALL REPORT ANNUALLY TO THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION, ON FORMS PRESCRIBED BY THE PRESIDENT, AS TO THE PERFORMANCE OF THE REQUIRED SERVICES, COMMENCING WITH THE CALENDAR YEAR IN WHICH THE RECIPIENT BEGINS TO ENGAGE IN THE TEACHING OR TRAINING OF NURSING STUDENTS IN A DEGREE PROGRAM AT AN ACCREDITED NURSING SCHOOL IN THIS STATE AND CONTINUING UNTIL THE RECIPIENT SHALL HAVE COMPLETED, OR IT IS DETERMINED THAT HE OR SHE SHALL NOT BE OBLIGATED TO COMPLETE, THE REQUIRED SERVICES. IF THE RECIPIENT SHALL FAIL TO FILE ANY REPORT REQUIRED PURSUANT TO THIS PARAGRAPH WITHIN THIRTY DAYS OF WRITTEN NOTICE TO THE RECIPIENT, MAILED TO THE ADDRESS SHOWN ON THE LAST APPLICATION FOR AN AWARD OR LAST REPORT FILED, WHICHEVER IS LATER, THE PRESIDENT OF THE CORPORATION MAY IMPOSE A FINE OF UP TO ONE THOUSAND DOLLARS. THE PRESIDENT SHALL HAVE THE DISCRETION TO WAIVE THE FILING OF A REPORT, EXCUSE A DELAY IN FILING OR A FAILURE TO FILE A REPORT, OR WAIVE OR REDUCE ANY FINE IMPOSED FOR GOOD CAUSE SHOWN.

E. OTHER AWARDS. AWARD RECIPIENTS SHALL BE ELIGIBLE TO APPLY FOR ADDITIONAL AWARDS.

S 2. The education law is amended by adding a new section 671-a to read as follows:

S 671-A. NEW YORK STATE NURSING FACULTY SCHOLARSHIP INCENTIVE PROGRAM. 1. NUMBER AND CERTIFICATION. THIRTY NURSING SCHOLARSHIPS FOR ADVANCED DEGREES IN NURSING SHALL BE AWARDED EACH ACADEMIC YEAR BEGINNING IN THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN ACADEMIC YEAR. SUCH SCHOLARSHIPS SHALL BE ALLOCATED AS PROVIDED IN SUBDIVISION THIRTEEN OF SECTION SIX HUNDRED FIVE OF THIS TITLE TO ELIGIBLE STUDENTS AS CERTIFIED TO THE PRESIDENT BY THE COMMISSIONER, EXCEPT THAT, IN SO FAR AS IS PRACTICABLE, ONE-HALF OF SUCH SCHOLARSHIPS SHALL BE AWARDED TO MASTERS DEGREE CANDIDATES AND ONE-HALF TO DOCTORAL DEGREE CANDIDATES.

2. DURATION. EACH SCHOLARSHIP SHALL ENTITLE THE RECIPIENT TO AN ANNUAL AWARD WHILE ENROLLED IN AN APPROVED COURSE OF STUDY LEADING TO AN ADVANCED DEGREE IN NURSING OR NURSING EDUCATION, BUT NOT EXCEEDING THE PERIOD OF STUDY REQUIRED TO COMPLETE THE PROGRAM, AS SUCH PROGRESS, APPROVED COURSES AND EXPECTED PERIODS OF STUDY ARE DEFINED BY THE COMMISSIONER PURSUANT TO ARTICLE THIRTEEN OF THIS CHAPTER.

3. AMOUNT. THE PRESIDENT SHALL MAKE AWARDS OF FIFTEEN THOUSAND DOLLARS, OR A PRORATED ANNUAL AMOUNT BASED ON THE NUMBER OF CREDIT HOURS IN WHICH THE RECIPIENT IS ENROLLED, EXCEPT THAT SUCH ANNUAL AWARD SHALL NOT EXCEED THE RECIPIENT'S COST OF ATTENDANCE. "COST OF ATTENDANCE" SHALL MEAN THE COST OF: TUITION AT AN APPROVED MASTERS OR DOCTORAL PROGRAM IN NURSING OR NURSING EDUCATION, WHICH THE COMMISSIONER DETERMINES WILL ENHANCE THE RECIPIENT'S PROFICIENCY AS A NURSING EDUCATOR; LABORATORY AND OTHER FEES; ROOM AND BOARD; SUPPLIES; TRANSPORTATION; HEALTH INSURANCE COVERAGE; BOOKS; CHILD CARE; AND STIPEND FOR DAILY LIVING EXPENSES IN AN AMOUNT TO BE DETERMINED BY THE PRESIDENT IN CONSULTATION WITH THE COMMISSIONER.

S 3. This act shall take effect immediately.