STATE OF NEW YORK

7320

IN SENATE

January 5, 2018

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to the educational preparation for practice of professional nursing; and to amend chapter 502 of the laws of 2017, amending the education law relating to the educational preparation for practice of professional nursing and creating a temporary nursing program, in relation to the nursing program evaluation commission and to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 2 of chapter 502 of the laws of 2017, amending the education law relating to the educational preparation for practice of professional nursing and creating a temporary nursing program, is amended to read as follows:

1. A temporary commission, to be known as the nursing program evaluation commission (hereinafter "commission"), is hereby created to make recommendations on the following:

a. barriers to entry into nursing, including, but not limited to cultural barriers, economic barriers, and compliance barriers;

b. the availability and access to baccalaureate programs, including such availability and access for non-traditional students, rural students, and students of diverse cultural backgrounds;

c. the financial barriers to entry into baccalaureate programs; [~~and~~]

d. other alternative equivalents through which nurses may obtain training and experience**; and**

e. the impact of requirements for achievement of a baccalaureate degree in any lesser period of time than required by law as condition to maintaining employment.

§ 2. Subdivision 2 of section 6905 of the education law, as amended by chapter 502 of the laws of 2017, is amended to read as follows:

(2) Education: 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

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

LBD00932-10-8

degree or higher in nursing within ten years of initial licensure in accordance with the commissioner's regulations. The department, in its discretion, may issue a conditional registration to a licensee who fails to complete the baccalaureate degree but who agrees to meet the additional requirement within one year. The fee for such a conditional registration shall be the same as, and in addition to, the fee for the triennial registration. The duration of such conditional registration shall be for one year and may be extended, with the payment of a fee, for no more than one additional year, unless the applicant can show good cause for non-compliance acceptable to the department. **The department, in its discretion, may issue a temporary educational exemption to a licensee who is unable to complete the baccalaureate degree due to a lack of access to educational programs. Licensees seeking a temporary educational exemption shall provide evidence of applying on at least two occasions to a baccalaureate degree program or programs and subsequently being denied access to such program or programs on at least two occasions due to there being a limited number of seats. Such denials shall also be corroborated by the higher education institution or institutions that the licensee applied to. Temporary educational exemptions issued pursuant to this subdivision shall be for a single two year period. Licensees shall only be eligible for either a conditional registration or a temporary educational exemption. The fee for such a temporary educational exemption shall be the same as, and in addition to, the fee for the triennial registration.** Any licensee who is notified of the denial of a registration for failure to complete the additional educational requirements and who practices as a registered professional nurse without such registration may be subject to disciplinary proceedings pursuant to section sixty-five hundred ten of this title;

§ 3. Section 4 of chapter 502 of the laws of 2017, amending the education law relating to the educational preparation for practice of professional nursing and creating a temporary nursing program, is amended to read as follows:

§ 4. The provisions of this act shall not apply to:

a. any student entering a generic baccalaureate program preparing registered professional nurses after the effective date of this act**, but prior to the effective date of section three of this act**;

b. any student currently enrolled in, or having an application pending in, a program preparing registered nurses as of the effective date of this act;

c. any person already licensed as a registered professional nurse or any unlicensed graduate professional nurse who is eligible to take the National Council Licensure Examination as of the effective date of this act.

§ 4. Section 6 of chapter 502 of the laws of 2017, amending the education law relating to the educational preparation for practice of professional nursing and creating a temporary nursing program, is amended to read as follows:

§ 6. This act shall take effect immediately; provided, however that section three of this act shall take effect [~~eighteen~~] **thirty** months after this act shall have become a law.

§ 5. This act shall take effect immediately; provided, however, section two of this act shall take effect on the same date and in the same manner as section three of chapter 502 of the laws of 2017 takes effect.