

STATE OF NEW YORK

7128--A

2021-2022 Regular Sessions

IN ASSEMBLY

April 23, 2021

Introduced by M. of A. GUNTHER, LUPARDO, PAULIN, MAGNARELLI, COLTON, THIELE, BRONSON, COOK, RA, J. M. GIGLIO, McDONOUGH, WOERNER, LUNSFORD, STIRPE, BUTTENSCHON, CLARK, HUNTER -- Multi-Sponsored by -- M. of A. ABBATE, ABINANTI, PERRY -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, the state finance law, the public health law, the retirement and social security law, and the tax law, in relation to establishing the "recruit, empower, support, pay, educate, connect and train (RESPECT) nurses act"

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

1 Section 1. This act shall be known and may be cited as the "recruit,
2 empower, support, pay, educate, connect and train (RESPECT) nurses act".

3 § 2. Subdivisions 1 and 4 of section 669-e of the education law,
4 subdivision 1 as amended by chapter 329 of the laws of 2018 and subdivi-
5 sion 4 as amended by section 1 of part BB of chapter 56 of the laws of
6 2018, are amended to read as follows:

7 1. Undergraduate students who are matriculated in an approved under-
8 graduate program leading to a career in science, technology,
9 engineering, nursing or mathematics at a New York state public institu-
10 tion of higher education for the purpose of subdivision two of this
11 section, or a New York state private degree granting institution of
12 higher education for the purpose of subdivision two-a of this section,
13 shall be eligible for an award under this section, provided the appli-
14 cant: (a) graduates from a high school located in New York state during
15 or after the two thousand thirteen--fourteen school year; and (b) gradu-
16 ates within the top ten percent of his or her high school class; and (c)
17 enrolls in full-time study each term beginning in the fall term after

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

LBD09575-02-2

his or her high school graduation in an approved undergraduate program in science, technology, engineering, nursing or mathematics, as defined by the corporation, at a New York state institution of higher education; and (d) signs a contract with the corporation agreeing that his or her award will be converted to a student loan in the event the student fails to comply with the terms of this program as set forth in subdivision four of this section; and (e) complies with the applicable provisions of this article and all requirements promulgated by the corporation for the administration of the program.

4. The corporation shall convert to a student loan the full amount of the award given pursuant to this section, plus interest, according to a schedule to be determined by the corporation if: (a) a recipient fails to complete an approved undergraduate program in science, technology, engineering, nursing or mathematics or changes majors to a program of undergraduate study other than in science, technology, engineering, nursing or mathematics; or (b) upon completion of such undergraduate degree program a recipient fails to either (i) complete five years of continuous full time employment in the science, technology, engineering, nursing or mathematics field with a public or private entity located within New York state, or (ii) maintain residency in New York state for such period of employment; or (c) a recipient fails to respond to requests by the corporation for the status of his or her academic or professional progress. The terms and conditions of this subdivision shall be deferred for individuals who graduate with a degree in an approved undergraduate program in science, technology, engineering, nursing or mathematics and enroll on at least a half-time basis in a graduate or higher degree program or other professional licensure degree program until they are conferred a degree, and shall also be deferred for any interruption in undergraduate study or employment as established by the rules and regulations of the corporation. The terms and conditions of this subdivision may also be deferred for a grace period, to be established by the corporation, following the completion of an approved undergraduate program in science, technology, engineering, nursing or mathematics a graduate or higher degree program or other professional licensure degree program. Any obligation to comply with such provisions as outlined in this section shall be cancelled upon the death of the recipient. Notwithstanding any provisions of this subdivision to the contrary, the corporation is authorized to promulgate rules and regulations to provide for the waiver or suspension of any financial obligation which would involve extreme hardship.

§ 3. The education law is amended by adding a new section 679-c-1 to read as follows:

§ 679-c-1. Nursing shortage area scholarship. 1. Purpose. The New York state nursing shortage area scholarship is hereby established for the purpose of granting scholarships to students enrolled in a nursing program within the state.

2. Eligibility. To be eligible for such awards, an applicant must:

a. be a New York state resident;

b. have graduated from a New York state high school;

c. be enrolled, on a full-time basis, in an approved undergraduate nursing program of study in a New York state post-secondary institution as of the two thousand twenty-two--two thousand twenty-three academic year or thereafter; and

d. sign a contract with the corporation agreeing to reside and practice exclusively in the state as a registered nurse in a healthcare setting on a full-time basis in a designated nursing shortage area.

1 3. Priority. a. The president is authorized to make scholarship awards
2 pursuant to this section to provide financial support to applicants to
3 enter or continue in an undergraduate nursing program of study. Such
4 awards shall be made to eligible applicants in the following priority:

5 (i) first, to applicants who have received payment of an award pursu-
6 ant to this section in a prior year and remain in good academic stand-
7 ing; and

8 (ii) second, to applicants in descending order based on the unmet need
9 to reach the full cost of attendance as indicated on the financial aid
10 award letter.

11 However, in the program's first year, first priority shall be in
12 accordance with subparagraph (ii) of this paragraph.

13 b. The regents, after consultation with the commissioner of health,
14 shall designate those areas of New York state which have a shortage of
15 nurses for the purposes of this subdivision, and, should it be necessary
16 may establish relative rankings of those areas, shall determine the
17 number of scholarships to be awarded each year and shall direct that the
18 awards are distributed to ensure appropriate distribution among the
19 areas identified as nursing shortage areas.

20 4. Award. a. The corporation shall grant such awards in an amount
21 equal to the amount of undergraduate tuition for residents of New York
22 state enrolled in a nursing program of study charged by the state
23 university of New York or actual tuition charged, whichever is less, in
24 calculating such award the corporations shall account for the average
25 cost of books and fees; provided, however, (i) a student who receives
26 educational grants and/or scholarships that cover the student's full
27 cost of attendance shall not be eligible for an award under this
28 program; (ii) for a student who receives educational grants and/or scho-
29 larships that cover less than the student's full cost of attendance,
30 such grants and/or scholarships shall not be deemed duplicative of this
31 program and may be held concurrently with an award under this program,
32 provided that the combined benefits do not exceed the student's full
33 cost of attendance; and (iii) an award under this program shall be
34 applied to tuition after the application of all other educational grants
35 and scholarships limited to tuition and shall be reduced in an amount
36 equal to such educational grants and/or scholarships. Upon notification
37 of an award under this program, the institution shall defer the amount
38 of tuition equal to the award. No award shall be final until the recipi-
39 ent's successful completion of a term has been certified by the institu-
40 tion.

41 b. The corporation shall convert to a student loan the full amount of
42 the award given pursuant to this section, plus interest, according to a
43 schedule to be determined by the corporation if: (i) a recipient fails
44 to complete an approved undergraduate nursing program or changes majors;
45 or (ii) upon completion of such undergraduate nursing degree program a
46 recipient fails to either (a) complete five years of continuous full-
47 time employment as a registered nurse in a designated nursing shortage
48 area within New York state, or (b) maintain residency in New York state
49 for such period of employment; or (iii) a recipient fails to respond to
50 requests by the corporation for the status of his or her academic or
51 professional progress. The terms and conditions of this subdivision
52 shall be deferred for individuals who graduate with a degree in an
53 approved undergraduate program in nursing and enroll on at least a half-
54 time basis in a graduate nursing or higher degree nursing program and
55 shall also be deferred for any interruption in undergraduate study or
56 employment as established by the rules and regulations of the corpo-

ration. The terms and conditions of this subdivision may also be deferred for a grace period, to be established by the corporation, following the completion of an approved undergraduate program in nursing or a graduate nursing or higher degree nursing program. Any obligation to comply with such provisions as outlined in this section shall be cancelled upon the death of the recipient. Notwithstanding any provisions of this subdivision to the contrary, the corporation is authorized to promulgate rules and regulations to provide for the waiver or suspension of any financial obligation which would involve extreme hardship.

5. Rules. The corporation is authorized to promulgate rules and regulations, and may promulgate emergency regulations, necessary for the implementation of the provisions of this section, including, but not limited to, the rate of interest charged for repayment of the student loan and the criteria for distributing the awards, which may include a lottery or other form of random selection for awards distributed pursuant to subdivision two of this section.

§ 4. The education law is amended by adding a new section 679-c-2 to read as follows:

§ 679-c-2. Pathway to nursing scholarship for healthcare workers. 1. Purpose. The New York state pathway to nursing scholarship is hereby established for the purpose of granting scholarships to students who are currently employed as a healthcare worker within the state. Such students must be enrolled in an undergraduate nursing program on a part-time basis or an approved practical nursing program of study in New York state. The intent of the program is to augment or increase training programs for nurses and those seeking to become nurses. Grant funding shall not be used to offset existing expenditures the institution or program has obligated or intends to obligate for such training programs.

2. Eligibility. To be eligible for such awards, an applicant must:

a. be a New York state resident;

b. be currently employed as an eligible healthcare professional, as determined by the president;

c. be, as of the two thousand twenty-two--two thousand twenty-three academic year or thereafter, enrolled in either: (i) an approved undergraduate nursing program of study, on a part-time basis, in a New York state post-secondary institution; or (ii) an approved practical nursing program of study in New York state; and

d. sign a contract with the corporation agreeing to reside and practice exclusively in the state as a registered nurse in a healthcare setting on a full-time basis in a designated nursing shortage area.

3. Priority. a. The president is authorized to make scholarship awards pursuant to this section to provide financial support to applicants to enter or continue in an undergraduate nursing or practical nursing program of study. Such awards shall be made to eligible applicants in the following priority:

(i) first, to applicants who have received payment of an award pursuant to this section in a prior year and remain in good academic standing; and

(ii) second, to applicants in descending order based on the unmet need to reach the full cost of attendance as indicated on the financial aid award letter.

However, in the program's first year, first priority shall be in accordance with subparagraph (ii) of this paragraph.

b. The regents, after consultation with the commissioner of health, shall designate those areas of New York state which have a shortage of

1 nurses for the purposes of this subdivision and, should it be necessary,
2 may establish relative rankings of those areas. The regents shall deter-
3 mine the number of scholarships to be awarded each year and shall direct
4 that the awards are distributed to ensure appropriate distribution among
5 the areas identified as nursing shortage areas.

6 4. Award. a. The corporation shall grant such awards in an amount
7 equal to the amount of undergraduate tuition for residents of New York
8 state enrolled in a nursing program of study charged by the state
9 university of New York or actual tuition charged, whichever is less, in
10 calculating such award the corporations shall account for the average
11 cost of books and fees; provided, however, (i) a student who receives
12 educational grants and/or scholarships that cover the student's full
13 cost of attendance shall not be eligible for an award under this
14 program;

15 (ii) for a student who receives educational grants and/or scholarships
16 that cover less than the student's full cost of attendance, such grants
17 and/or scholarships shall not be deemed duplicative of this program and
18 may be held concurrently with an award under this program, provided that
19 the combined benefits do not exceed the student's full cost of attend-
20 ance; and

21 (iii) an award under this program shall be applied to tuition after
22 the application of all other educational grants and scholarships limited
23 to tuition and shall be reduced in an amount equal to such educational
24 grants and/or scholarships. Upon notification of an award under this
25 program, the institution shall defer the amount of tuition equal to the
26 award. No award shall be final until the recipient's successful
27 completion of a term has been certified by the institution.

28 b. The corporation shall convert to a student loan the full amount of
29 the award given pursuant to this section, plus interest, according to a
30 schedule to be determined by the corporation if: (i) a recipient fails
31 to complete an approved undergraduate nursing program or changes majors;
32 or (ii) upon completion of such undergraduate nursing degree program a
33 recipient fails to either (a) complete five years of continuous full-
34 time employment as a registered nurse in a designated nursing shortage
35 area within New York state, or (b) maintain residency in New York state
36 for such period of employment; or (c) a recipient fails to respond to
37 requests by the corporation for the status of his or her academic or
38 professional progress.

39 c. The terms and conditions of this subdivision shall be deferred for
40 individuals who graduate with a degree in an approved undergraduate
41 program in nursing and enroll on at least a half-time basis in a gradu-
42 ate nursing or higher degree nursing program and shall also be deferred
43 for any interruption in undergraduate study or employment as established
44 by the rules and regulations of the corporation. The terms and condi-
45 tions of this subdivision may also be deferred for a grace period, to be
46 established by the corporation, following the completion of an approved
47 undergraduate program in nursing or a graduate nursing or higher degree
48 nursing program. Any obligation to comply with such provisions as
49 outlined in this section shall be cancelled upon the death of the recip-
50 ient. Notwithstanding any provisions of this subdivision to the contra-
51 ry, the corporation is authorized to promulgate rules and regulations to
52 provide for the waiver or suspension of any financial obligation which
53 would involve extreme hardship.

54 5. Stipends. a. The president is authorized to grant stipends to
55 students receiving an award pursuant to this section. Stipends shall be
56 awarded as follows:

- (i) a stipend of not less than one hundred fifty dollars and not more than two hundred dollars for each day the student attends school;
- (ii) a stipend in an amount to cover the cost of such student's transportation to and from school;
- (iii) a stipend in an amount to cover child care services for such student, if such student has one or more children; and
- (iv) a stipend in an amount to cover tutoring services.

b. Stipends granted pursuant to this subdivision are not subject to the provisions of paragraph b of subdivision four of this section.

6. Rules. The corporation is authorized to promulgate rules and regulations, and may promulgate emergency regulations, necessary for the implementation of the provisions of this section, including, but not limited to, the rate of interest charged for repayment of the student loan and the criteria for distributing the awards, which may include a lottery or other form of random selection for awards distributed pursuant to subdivision two of this section.

§ 5. Paragraphs 2 and 3 of subdivision a and subdivision b of section 679-d of the education law, as amended by section 2 of part E-3 of chapter 57 of the laws of 2007, are amended to read as follows:

(2) To be eligible for an award pursuant to this subdivision, applicants shall (i) be licensed as a registered professional nurse; (ii) have an outstanding student loan debt from a nursing degree program acquired on or after January first, two thousand one; (iii) have a master's degree in nursing or doctoral degree that qualified them as nursing faculty or adjunct clinical faculty; (iv) be employed as a faculty member at a nursing school located in New York state; and (v) comply with [~~subdivisions three and~~] subdivision five of section six hundred sixty-one of this part.

(3) An award of [~~eight~~] fifteen thousand dollars shall be made annually to recipients who have provided classroom or clinical instruction of not less than twelve academic credit hours, or its equivalent, as nursing faculty or in clinical teaching service in the academic year preceding the granting of the award, provided that no recipient shall receive cumulative awards, pursuant to this section, in excess of [~~forty~~] sixty thousand dollars.

b. Duration. Loan forgiveness awards shall be made annually to applicants whom the corporation has certified are eligible to receive such awards and have provided nursing faculty or clinical nurse faculty services required pursuant to this article; provided that no award shall be granted for more than [~~five~~] four years.

§ 6. The education law is amended by adding a new section 679-d-1 to read as follows:

§ 679-d-1. New York state nursing shortage loan forgiveness incentive program. a. Purpose. (1) The president shall grant student loan forgiveness awards for the purpose of increasing the number of registered professional nurses, licensed practical nurses, and nurse practitioners working for healthcare providers or facilities in a setting or region of the state designated as having a shortage of nurses.

(2) To be eligible for an award pursuant to this subdivision, applicants shall (i) be licensed as a registered professional nurse; (ii) have an outstanding student loan debt from a recognized nursing program as of January first, two thousand two; (iii) be employed as a nurse by a healthcare provider or facility in the state; and (iv) comply with subdivision five of section six hundred sixty-one of this part.

(3) An award of eight thousand dollars shall be made annually to recipients who have practiced on a full-time basis in a setting or

region of the state designated as having a shortage of nurses pursuant to subdivision three of section six hundred seventy-nine-c-1 and subdivision three of section six hundred seventy-nine-c-2 of this chapter, provided that no recipient shall receive cumulative awards, pursuant to this section, in excess of forty thousand dollars.

(4) Award recipients shall be eligible to apply for other awards.

b. Duration. Loan forgiveness awards shall be made annually to applicants whom the corporation has certified are eligible to receive such awards and have provided nursing services required pursuant to this article; provided that no award shall be granted for more than five years.

c. Amount. The corporation shall grant such awards within the amounts appropriated for such purpose and based on availability of funds in an amount not to exceed the total cost of the student loan debt.

§ 7. Article 14 of the education law is amended by adding a new part 6 to read as follows:

PART VI

NEW YORK NURSING FACULTY STUDENT LOAN REFINANCING PROGRAM

Section 694-c. Definitions.

694-d. New York nursing faculty student loan refinancing program

694-e. Program eligibility.

694-f. Program.

694-g. Repayment.

§ 694-c. Definitions. For purposes of this part, the following terms shall have the following meanings:

1. "Education loan" shall mean any student loan that the state refinances under the program that was obtained by a borrower for the purposes of acquiring an undergraduate nursing and graduate nursing degree from a college or university located in the state, provided, however, that loans provided by the federal government, or loans provided at an interest rate at or lower than the current federal loan interest rate shall not be eligible for refinancing under the program.

2. "Participant" shall mean an individual who has incurred student loan debt from a lending institution or lender to cover the cost of tuition associated with an undergraduate nursing and graduate nursing degree from a college or university located in the state and has applied to participate and been accepted to participate in the program.

3. "Lending institution" or "lender" shall mean any entity that has itself or through an affiliate provided student loans to an eligible participant.

4. "Program" shall mean the New York nursing faculty student loan refinancing program.

5. "Fund" shall mean the New York nursing faculty student loan refinancing program fund established pursuant to section ninety-nine-oo of the state finance law.

§ 694-d. New York nursing faculty student loan refinancing program.

1. The New York nursing faculty student loan refinancing program is hereby established for the purposes of relieving student debt by directly paying an eligible participant's loan debt to the lending institution or lender and providing a repayment plan whereby payments will be deposited in the fund.

2. The corporation shall promulgate rules and regulations for the administration of this program and shall manage the fund in consultation with the office of the comptroller.

3. The corporation shall determine additional requirements for eligible participants, other than those specified in section six hundred

ninety-four-e of this part, shall set a fixed interest rate for the repayment of refinanced loans, which shall be lower than the average market rate for private student loans, and shall establish an application process for the program.

4. The corporation shall determine appropriate payment deferment and forbearance options for loss of employment or extreme hardship.

§ 694-e. Program eligibility. To be eligible for this program a participant shall:

1. be licensed as a registered professional nurse;

2. have an outstanding student loan debt from a nursing degree program;

3. have a master's degree in nursing or doctoral degree from a college or university in the state that qualified them as nursing faculty or adjunct clinical faculty;

4. be employed as a faculty member at a nursing program located in New York state;

5. agree to sign a contract with the corporation to allow a direct withdrawal of payments from their pay checks until the debt obligation is paid in full; and

6. sign a contract with the corporation agreeing to provided classroom or clinical instruction of not less than twelve academic credit hours, or its equivalent, as nursing faculty or in clinical teaching service for at least five academic years.

§ 694-f. Program. 1. The corporation shall make lump sum payments to lending institutions or lenders to pay eligible participants' education loans out of the funds appropriated to the fund for the purposes of this program in amounts not to exceed fifty thousand dollars per participant.

2. Loans that the participant acquired from the federal government or those loans that have a fixed interest rate provided at an interest rate at or lower than the current federal loan interest rate shall not be eligible for acquisition under the program.

§ 694-g. Repayment. 1. Participants shall repay the total cost of the debt obligation to the fund at an interest rate determined by the corporation according to the following:

a. During the first five years of participation in the program, the participant shall pay three percent of the salary earned per year during each of those years;

b. During the next five years of participation in the program, the participant shall pay five percent of the salary earned per year during each of those years;

c. During the eleventh year of participation and each year thereafter until the debt obligation is paid in full, the participant shall pay eight percent of the salary earned per year during each of those years.

2. There shall be no pre-payment penalties under the program and repayment schedules may be calculated at a higher percentage rate per year of salary if the participant chooses or requests a faster repayment option.

§ 8. The state finance law is amended by adding a new section 99-oo to read as follows:

§ 99-oo. New York nursing faculty student loan refinancing program fund. 1. There is hereby established within the custody of the New York state higher education services corporation, in consultation with the state comptroller, or his or her designee, a fund to be known as the New York nursing faculty student loan refinancing program.

2. All monies received pursuant to the New York nursing faculty student loan refinancing program shall be deposited into the fund and

1 shall be managed pursuant to part six of article fourteen of the educa-
2 tion law.

3 3. All necessary rules and regulations for the successful adminis-
4 tration, investment and management of such fund shall be promulgated by
5 the New York state higher education services corporation, in consulta-
6 tion with the state comptroller, or his or her designee.

7 § 9. The public health law is amended by adding a new section 2801-i
8 to read as follows:

9 § 2801-i. Nurse training; certain required training. 1. Each general
10 hospital and nursing home licensed pursuant to the provisions of this
11 article which offers clinical placements for registered professional
12 nurses, licensed practical nurses, nurse practitioners or certified
13 nurse specialists may not charge any fee for such clinical placement
14 either to the student, or to the institution, for any costs it incurs in
15 hosting such clinical hours.

16 2. Nothing contained herein, shall prevent a hospital from charging an
17 institution an administrative fee for the provision of administrative or
18 recordkeeping requirements as part of the program provided such amounts
19 do not exceed one thousand dollars per annum.

20 3. The commissioner shall be empowered to promulgate regulations
21 necessary to ensure access to such clinical placements and shall be
22 empowered to promulgate such regulations on an emergency basis.

23 § 10. The education law is amended by adding a new section 6912 to
24 read as follows:

25 § 6912. Authorization for the use of simulation training. Notwith-
26 standing any other law, rule or regulation to the contrary, the commis-
27 sioner shall be authorized to permit no more than fifty percent of the
28 clinical training requirements for licensure or license renewal as a
29 practical nurse, registered professional nurse, nurse practitioner, or
30 clinical nurse specialist to be satisfied through simulation training in
31 such form as the department shall require.

32 § 11. Section 212 of the retirement and social security law is amended
33 by adding a new subdivision 4 to read as follows:

34 4. Notwithstanding the provisions of subdivisions one and two of this
35 section, such earning limitations shall not apply to a retired person
36 who is licensed as a registered professional nurse and currently
37 employed as a faculty member at a nursing program located in New York
38 state.

39 § 12. Subsection (i) of section 601 of the tax law is relettered
40 subsection (j) and a new subsection (i) is added to read as follows:

41 (i) A retired person, as defined by section two hundred ten of the
42 retirement and social security law, subject to the provisions of this
43 section, who is licensed as a registered professional nurse and current-
44 ly employed as a faculty member at a nursing program located in New York
45 state shall have no more than one-half of their taxable income taxed by
46 the state.

47 § 13. Temporary authorization for the teaching of nurse courses.
48 Notwithstanding any other law, rule or regulation to the contrary, for a
49 period not to exceed five years from the effective date of this section,
50 the department of education shall allow an eligible registered profes-
51 sional nurse to teach nursing courses at an institution of higher educa-
52 tion. To be eligible, such registered professional nurse shall have the
53 necessary credentials and years of work experience as determined by the
54 department of education.

55 § 14. Section 6502 of the education law is amended by adding a new
56 subdivision 8 to read as follows:

8. 1. a. Notwithstanding any other law, rule or regulation to the contrary, the commissioner shall be authorized to allow registered professional nurses, licensed practical nurses, and nurse practitioners licensed and in current good standing in New York state but not registered in New York state to practice in New York state without civil or criminal penalty related to lack of registration, provided that such registered professional nurses, licensed practical nurses, and nurse practitioners gain direct employment with a healthcare provider or facility in a setting or region of the state designated by the regents, in consultation with the commissioner of health, as having a shortage of nurses.

b. Notwithstanding any other law, rule or regulation to the contrary, the commissioner shall be authorized to allow clinical nurse specialists who have an unencumbered license and in current good standing in New York state but not registered in New York state to practice in New York state without civil or criminal penalty related to lack of registration, provided that such clinical nurse specialists gain direct employment with a healthcare provider or facility in a setting or region of the state designated by the regents, in consultation with the commissioner of health, as having a shortage of nurses.

2. Such registered professional nurses, licensed practical nurses, nurse practitioners, and clinical nurse specialists shall be required to fulfill the registration requirements pursuant to this article and article one hundred thirty-nine of this chapter no later than two years after gaining such employment.

3. The commissioner is authorized to promulgate rules and regulations, and may promulgate emergency regulations, necessary for the implementation of the provisions of this subdivision.

§ 15. The education law is amended by adding a new section 6517 to read as follows:

§ 6517. Nurses not licensed by the state. 1. (a) Notwithstanding any other law, rule or regulation to the contrary, the commissioner shall be authorized to allow registered nurses, licensed practical nurses, and nurse practitioners and substantially similar titles licensed and in current good standing in any state in the United States to practice in New York state, or any province or territory of Canada, or any other country as approved by the department of health, to practice in New York state without civil or criminal penalty related to lack of licensure, provided that such registered professional nurses, licensed practical nurses, and nurse practitioners and substantially similar titles gain direct employment with a healthcare provider or facility in a setting or region identified as having a shortage of nurses pursuant to subdivision three of section six hundred seventy-nine-c-1 and subdivision three of section six hundred seventy-nine-c-2.

(b) Such registered nurses, licensed practical nurses, and nurse practitioners and substantially similar titles shall be required to fulfill the licensure and registration requirements pursuant to this article and article one hundred thirty-nine of this chapter no later than two years after gaining such employment.

2. (a) Nurses not certified by the state. Notwithstanding any other law, rule or regulation to the contrary, the commissioner shall be authorized to allow clinical nurse specialists and substantially similar titles certified and in current good standing in any state in the United States, or any province or territory of Canada, or any other country as approved by the department of health to practice in New York state without civil or criminal penalty related to lack of certification, provided

1 that such registered professional nurses, licensed practical nurses, and
2 nurse practitioners gain direct employment with a healthcare provider or
3 facility identified as having a shortage of nurses pursuant to subdivi-
4 sion three of section six hundred seventy-nine-c-1 and subdivision three
5 of section six hundred seventy-nine-c-2.

6 (b) Such clinical nurse specialists and substantially similar titles
7 shall be required to fulfill the certification requirements pursuant to
8 this article and article one hundred thirty-nine of this chapter no
9 later than two years after gaining such employment.

10 3. The commissioner is authorized to promulgate rules and regulations,
11 and may promulgate emergency regulations, necessary for the implementa-
12 tion of the provisions of this section.

13 § 16. The public health law is amended by adding a new section 2807-mm
14 to read as follows:

15 § 2807-mm. Nurse loan repayment program. 1. (a) Funds shall be made
16 available, subject to appropriations, for purposes of loan repayment in
17 accordance with the provisions of this section. Notwithstanding any
18 contrary provision of this article, sections one hundred twelve and one
19 hundred sixty-three of the state finance law, or any other contrary
20 provision of law, such funding shall be allocated by the commissioner
21 among areas identified as having a shortage of nurses pursuant to subdivi-
22 sion three of section six hundred seventy-nine-c-1 and subdivision
23 three of section six hundred seventy-nine-c-2 and shall be distributed
24 in a manner to be determined by the commissioner without a competitive
25 bid or request for proposal processes.

26 (b) To be eligible for such funding an applicant shall:

27 (i) be a New York state resident;

28 (ii) be licensed as a registered professional nurse;

29 (iii) have an outstanding student loan debt from a recognized nursing
30 program as of January first, two thousand two;

31 (iv) be employed as a nurse by a nursing home licensed pursuant to the
32 provisions of this article; and

33 (v) sign a contract with the department agreeing to reside and prac-
34 tice exclusively in the state as a registered nurse in a nursing home
35 setting on a full-time basis in a designated nursing shortage area.

36 (c) Applicants shall receive funding for up to twenty-five percent of
37 their total qualified debt. Annual payments to such nurses shall not
38 exceed eight thousand dollars per year and not exceed the total loan
39 debt held by the nurse.

40 (d) When a nurse is not actually practicing in such an area, he or she
41 shall be deemed to be practicing in such an area if he or she practices
42 in a nursing facility that primarily serves an underserved population as
43 determined by the commissioner, without regard to whether the population
44 or nursing facility is located in such an area. Such funding may be used
45 to repay educational loans incurred by such nurses or to support the
46 costs incurred by such nurses to join facilities located in such areas.

47 (e) Loan repayment awards made to a nurse pursuant to paragraph (a) of
48 this subdivision shall not exceed the total qualifying outstanding debt
49 of the nurse from student loans to cover tuition and other related
50 educational expenses made by or guaranteed by the federal or state
51 government, or made by a lending or educational institution approved
52 under title IV of the federal higher education act. Loan repayment
53 awards shall be used solely to repay such outstanding debt.

54 2. In the event that a four-year commitment pursuant to the agreement
55 referenced in paragraph (b) of subdivision one of this section is not

1 fulfilled, the recipient shall be responsible for repayment in full plus
2 interest, according to a schedule to be determined by the commissioner.

3 3. The commissioner may postpone, change or waive the service obli-
4 gation and repayment amounts in individual circumstances where there is
5 compelling need or hardship.

6 4. In making criteria and determinations as to whether an area is an
7 underserved area or whether a nursing home primarily serves an under-
8 served population, the commissioner may make separate criteria and
9 determinations for different specialties.

10 § 17. The public health law is amended by adding a new section
11 2807-mmm to read as follows:

12 § 2807-mmm. Nursing preceptor support fund. 1. Definitions. a. "Nurs-
13 ing preceptor clinician" means a (i) registered professional nurse
14 licensed pursuant to section sixty-nine hundred five of the education
15 law, (ii) nurse practitioner certified pursuant to section sixty-nine
16 hundred ten of the education law, or (iii) clinical nurse specialist
17 certified pursuant to section sixty-nine hundred eleven of the education
18 law, or, who provides a clinical preceptorship or preceptorships.

19 b. "Nursing clinical preceptorship" means a clinical nursing practice
20 supervised by a nursing preceptor clinician for nursing students
21 enrolled in a New York state based educational program approved pursuant
22 to title eight of the education law to become a registered professional
23 nurse, nurse practitioner, or clinical nurse specialist, and which
24 preceptorship provides preceptor instruction.

25 2. Nursing preceptor support fund. a. Notwithstanding any contrary
26 provision of this section, sections one hundred twelve and one hundred
27 sixty-three of the state finance law, or any other contrary provision of
28 law, such funding shall be allocated to hospitals and nursing homes
29 licensed pursuant to the provisions of this article in a manner to be
30 determined by the commissioner.

31 b. Funding awarded pursuant to the provisions of this section shall
32 not exceed two hundred thousand dollars for any hospital or nursing
33 home. Awards shall be used to:

34 (i) provide additional compensation to preceptors;

35 (ii) provide stipends to students enrolled in a nursing graduate
36 program of study located in the state to provide nursing clinical
37 preceptorships;

38 (iii) ensure nursing preceptor clinicians are given a certain number
39 of dedicated hours, to be determined by the commissioner, to monitor
40 nursing students and teach the didactic portion of nursing clinical
41 preceptorships; and

42 (iv) cover the costs associated with any continuing education require-
43 ments the nursing preceptor clinician must satisfy.

44 § 18. The public health law is amended by adding a new section 2801-j
45 to read as follows:

46 § 2801-j. Nursing residency program in hospitals and nursing homes.

47 1. Each general hospital and nursing home licensed pursuant to the
48 provisions of this article may partner with a post-secondary institution
49 within the state to create a proposal for the development and implemen-
50 tation or improvement and continuation of a nursing residency program.
51 Such proposals shall be subject to approval by the department.

52 2. The purpose of such nursing residency programs shall be to assist
53 recent graduates transition to specialty practice areas as well as
54 assist experienced nurses in transitioning to a different specialty
55 practice area.

1 3. The department shall, in collaboration with the state education
2 department, determine if the proposals submitted appropriately incorpo-
3 rate an evidence-based curriculum designed to decrease turnover, improve
4 decision-making skills, enhance clinical nursing leadership practices,
5 promote the use of research-based evidence into practice and accomplish
6 any other goals as determined by the commissioner.

7 4. If the commissioner determines the proposals submitted satisfy the
8 purpose and criteria detailed in subdivisions two and three of this
9 section, the commissioner may release funds to the general hospital or
10 nursing home which submitted the plan to offset the costs of developing
11 and implementing the nursing residency program.

12 5. The corporation is authorized to promulgate rules and regulations,
13 and may promulgate emergency regulations, necessary for the implementa-
14 tion of the provisions of this section.

15 § 19. 1. The commissioner of education in consultation with the
16 commissioner of health is hereby authorized and directed to conduct a
17 study on the reasons registered professional nurses are no longer
18 employed in a health care setting and if there is an incentive or incen-
19 tives that would encourage registered professional nurses to return to
20 employment in a health care setting. Such study shall include, but not
21 be limited to:

22 (a) the demographics of registered professional nurses who are no
23 longer employed in a health care setting, including, but not limited to
24 age, race, gender and place of residence;

25 (b) the reasons registered professional nurses are no longer employed
26 in a health care setting, including, but not limited to stress, work
27 hours, location of employment and salary;

28 (c) the number of registered professional nurses who are not employed
29 in a health care setting; and

30 (d) the incentive or incentives that would encourage registered
31 professional nurses to return to employment in a health care setting.

32 2. Within one year of the effective date of this act, the commissioner
33 of education shall post a report on the department of education's
34 website and deliver such report to the governor, the temporary president
35 of the senate, the speaker of the assembly, the minority leader of the
36 senate and the minority leader of the assembly. The report shall include
37 recommendations for legislation and administrative actions that can be
38 undertaken to retain or encourage registered professional nurses to work
39 in a health care setting.

40 § 20. This act shall take effect immediately.