

STATE OF NEW YORK

8175

IN SENATE

January 31, 2022

Introduced by Sen. REICHLIN-MELNICK -- read twice and ordered printed,
and when printed to be committed to the Committee on Higher Education

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

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

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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.

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 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

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

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

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

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

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

1 authorized to promulgate rules and regulations to provide for the waiver
2 or suspension of any financial obligation which would involve extreme
3 hardship.

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

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

13 § 679-c-2. Pathway to nursing scholarship for healthcare workers. 1.
14 Purpose. The New York state pathway to nursing scholarship is hereby
15 established for the purpose of granting scholarships to students who are
16 currently employed as a healthcare worker within the state. Such
17 students must be enrolled in an undergraduate nursing program on a part-
18 time basis or an approved practical nursing program of study in New York
19 state. The intent of the program is to augment or increase training
20 programs for nurses and those seeking to become nurses. Grant funding
21 shall not be used to offset existing expenditures the institution or
22 program has obligated or intends to obligate for such training programs.

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

24 a. be a New York state resident;

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

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

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

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

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

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

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

48 b. The regents, after consultation with the commissioner of health,
49 shall designate those areas of New York state which have a shortage of
50 nurses for the purposes of this subdivision and, should it be necessary,
51 may establish relative rankings of those areas. The regents shall deter-
52 mine the number of scholarships to be awarded each year and shall direct
53 that the awards are distributed to ensure appropriate distribution among
54 the areas identified as nursing shortage areas.

55 4. Award. a. The corporation shall grant such awards in an amount
56 equal to the amount of undergraduate tuition for residents of New York

1 state enrolled in a nursing program of study charged by the state
2 university of New York or actual tuition charged, whichever is less, in
3 calculating such award the corporations shall account for the average
4 cost of books and fees; provided, however, (i) a student who receives
5 educational grants and/or scholarships that cover the student's full
6 cost of attendance shall not be eligible for an award under this
7 program;

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

14 (iii) an award under this program shall be applied to tuition after
15 the application of all other educational grants and scholarships limited
16 to tuition and shall be reduced in an amount equal to such educational
17 grants and/or scholarships. Upon notification of an award under this
18 program, the institution shall defer the amount of tuition equal to the
19 award. No award shall be final until the recipient's successful
20 completion of a term has been certified by the institution.

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

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

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

50 (i) a stipend of not less than one hundred fifty dollars and not more
51 than two hundred dollars for each day the student attends school;

52 (ii) a stipend in an amount to cover the cost of such student's trans-
53 portation to and from school;

54 (iii) a stipend in an amount to cover child care services for such
55 student, if such student has one or more children; and

56 (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-00 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.

1 § 694-e. Program eligibility. To be eligible for this program a
2 participant shall:

- 3 1. be licensed as a registered professional nurse;
- 4 2. have an outstanding student loan debt from a nursing degree
5 program;
- 6 3. have a master's degree in nursing or doctoral degree from a college
7 or university in the state that qualified them as nursing faculty or
8 adjunct clinical faculty;
- 9 4. be employed as a faculty member at a nursing program located in New
10 York state;
- 11 5. agree to sign a contract with the corporation to allow a direct
12 withdrawal of payments from their pay checks until the debt obligation
13 is paid in full; and
- 14 6. sign a contract with the corporation agreeing to provided classroom
15 or clinical instruction of not less than twelve academic credit hours,
16 or its equivalent, as nursing faculty or in clinical teaching service
17 for at least five academic years.

18 § 694-f. Program. 1. The corporation shall make lump sum payments to
19 lending institutions or lenders to pay eligible participants' education
20 loans out of the funds appropriated to the fund for the purposes of this
21 program in amounts not to exceed fifty thousand dollars per participant.

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

26 § 694-g. Repayment. 1. Participants shall repay the total cost of the
27 debt obligation to the fund at an interest rate determined by the corpo-
28 ration according to the following:

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

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

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

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

42 § 8. The state finance law is amended by adding a new section 99-00 to
43 read as follows:

44 § 99-00. New York nursing faculty student loan refinancing program
45 fund. 1. There is hereby established within the custody of the New York
46 state higher education services corporation, in consultation with the
47 state comptroller, or his or her designee, a fund to be known as the New
48 York nursing faculty student loan refinancing program.

49 2. All monies received pursuant to the New York nursing faculty
50 student loan refinancing program shall be deposited into the fund and
51 shall be managed pursuant to part six of article fourteen of the educa-
52 tion law.

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

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

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

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

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

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

§ 6912. Authorization for the use of simulation training. Notwithstanding any other law, rule or regulation to the contrary, the commissioner shall be authorized to permit no more than fifty percent of the clinical training requirements for licensure or license renewal as a practical nurse, registered professional nurse, nurse practitioner, or clinical nurse specialist to be satisfied through simulation training in such form as the department shall require.

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

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

§ 12. Section 601 of the tax law is amended by adding a new subsection (i) to read as follows:

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

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

§ 14. Section 6502 of the education law is amended by adding a new 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

1 registered professional nurses, licensed practical nurses, and nurse
2 practitioners gain direct employment with a healthcare provider or
3 facility in a setting or region of the state designated by the regents,
4 in consultation with the commissioner of health, as having a shortage of
5 nurses.

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

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

20 3. The commissioner is authorized to promulgate rules and regulations,
21 and may promulgate emergency regulations, necessary for the implementa-
22 tion of the provisions of this subdivision.

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

25 § 6517. Nurses not licensed by the state. 1. (a) Notwithstanding any
26 other law, rule or regulation to the contrary, the commissioner shall be
27 authorized to allow registered nurses, licensed practical nurses, and
28 nurse practitioners and substantially similar titles licensed and in
29 current good standing in any state in the United States to practice in
30 New York state, or any province or territory of Canada, or any other
31 country as approved by the department of health, to practice in New York
32 state without civil or criminal penalty related to lack of licensure,
33 provided that such registered professional nurses, licensed practical
34 nurses, and nurse practitioners and substantially similar titles gain
35 direct employment with a healthcare provider or facility in a setting or
36 region identified as having a shortage of nurses pursuant to subdivision
37 three of section six hundred seventy-nine-c-1 and subdivision three of
38 section six hundred seventy-nine-c-2.

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

44 2. (a) Nurses not certified by the state. Notwithstanding any other
45 law, rule or regulation to the contrary, the commissioner shall be
46 authorized to allow clinical nurse specialists and substantially similar
47 titles certified and in current good standing in any state in the United
48 States, or any province or territory of Canada, or any other country as
49 approved by the department of health to practice in New York state with-
50 out civil or criminal penalty related to lack of certification, provided
51 that such registered professional nurses, licensed practical nurses, and
52 nurse practitioners gain direct employment with a healthcare provider or
53 facility identified as having a shortage of nurses pursuant to subdivi-
54 sion three of section six hundred seventy-nine-c-1 and subdivision three
55 of section six hundred seventy-nine-c-2.

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

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

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

10 § 2807-mm. Nurse loan repayment program. 1. (a) Funds shall be made
11 available, subject to appropriations, for purposes of loan repayment in
12 accordance with the provisions of this section. Notwithstanding any
13 contrary provision of this article, sections one hundred twelve and one
14 hundred sixty-three of the state finance law, or any other contrary
15 provision of law, such funding shall be allocated by the commissioner
16 among areas identified as having a shortage of nurses pursuant to subdi-
17 vision three of section six hundred seventy-nine-c-1 and subdivision
18 three of section six hundred seventy-nine-c-2 and shall be distributed
19 in a manner to be determined by the commissioner without a competitive
20 bid or request for proposal processes.

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

22 (i) be a New York state resident;

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

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

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

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

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

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

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

49 2. In the event that a four-year commitment pursuant to the agreement
50 referenced in paragraph (b) of subdivision one of this section is not
51 fulfilled, the recipient shall be responsible for repayment in full plus
52 interest, according to a schedule to be determined by the commissioner.

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

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

5 § 17. The public health law is amended by adding a new section
6 2807-mmm to read as follows:

7 § 2807-mmm. Nursing preceptor support fund. 1. Definitions. a. "Nurs-
8 ing preceptor clinician" means a (i) registered professional nurse
9 licensed pursuant to section sixty-nine hundred five of the education
10 law, (ii) nurse practitioner certified pursuant to section sixty-nine
11 hundred ten of the education law, or (iii) clinical nurse specialist
12 certified pursuant to section sixty-nine hundred eleven of the education
13 law, or, who provides a clinical preceptorship or preceptorships.

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

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

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

29 (i) provide additional compensation to preceptors;

30 (ii) provide stipends to students enrolled in a nursing graduate
31 program of study located in the state to provide nursing clinical
32 preceptorships;

33 (iii) ensure nursing preceptor clinicians are given a certain number
34 of dedicated hours, to be determined by the commissioner, to monitor
35 nursing students and teach the didactic portion of nursing clinical
36 preceptorships; and

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

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

41 § 2801-j. Nursing residency program in hospitals and nursing homes.

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

47 2. The purpose of such nursing residency programs shall be to assist
48 recent graduates transition to specialty practice areas as well as
49 assist experienced nurses in transitioning to a different specialty
50 practice area.

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

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

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

9 § 19. 1. The commissioner of education in consultation with the
10 commissioner of health is hereby authorized and directed to conduct a
11 study on the reasons registered professional nurses are no longer
12 employed in a health care setting and if there is an incentive or incen-
13 tives that would encourage registered professional nurses to return to
14 employment in a health care setting. Such study shall include, but not
15 be limited to:

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

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

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

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

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

34 § 20. This act shall take effect immediately.