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

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I N A S S E M B L Y

April 29, 2010

Introduced by M. of A. TEDISCO, KOLB, RAIA, THIELE -- Multi-Sponsored by -- M. of A. BACALLES, BUTLER, CROUCH, FITZPATRICK -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to establishing a baccalaureate and associate nursing assistance program

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

Section 1. The education law is amended by adding a new section 678-a to read as follows:

S 678-A. BACCALAUREATE AND ASSOCIATE NURSING ASSISTANCE PROGRAM. 1. DEFINITIONS. FOR PURPOSES OF THIS SECTION "APPROVED INSTITUTION" MEANS AN INSTITUTION LOCATED IN NEW YORK STATE THAT OFFERS A NATIONAL LEAGUE FOR NURSING ACCREDITED PROGRAM LEADING TO AN ASSOCIATE OR BACCALAUREATE DEGREE IN NURSING.

2. ESTABLISHMENT. THERE IS HEREBY ESTABLISHED THE BACCALAUREATE AND ASSOCIATE NURSING ASSISTANCE PROGRAM WITHIN THE DEPARTMENT. THE PURPOSE OF SUCH PROGRAM SHALL BE TO PROVIDE LOANS TO PERSONS IN PURSUIT OF A NURSING CAREER IN AN APPROVED INSTITUTION.

3. DEPARTMENT'S RESPONSIBILITIES. THE DEPARTMENT SHALL PREPARE AND SUPERVISE THE ISSUANCE OF PUBLIC INFORMATION ABOUT THE PROVISIONS OF THIS SECTION; DETERMINE THE ELIGIBILITY OF APPLICANTS; PRESCRIBE THE FORM AND REGULATE THE SUBMISSION OF APPLICATIONS FOR LOANS; AWARD THE APPROPRIATE LOANS; PRESCRIBE THE NOTES OR OTHER ACKNOWLEDGEMENTS OF THE LOAN WHICH THE APPLICANT IS REQUIRED TO EXECUTE; AND DETERMINE WHETHER ALL OR ANY PART OF AN APPLICANT'S LOAN NEEDS TO BE PAID OR EXCUSED FROM PAYMENT, AND THE EXTENT OF ANY PAYMENT OR EXCUSED PAYMENT THE DEPARTMENT MAY REQUIRE A LOAN RECIPIENT TO REIMBURSE THE STATE FOR EXPENSES, INCLUDING BUT NOT LIMITED TO ATTORNEY'S FEES, INCURRED BY THE DEPARTMENT OR OTHER AGENT OF THE STATE FOR A SUCCESSFUL LEGAL ACTION AGAINST THE RECIPIENT FOR A BREACH OF ANY PROVISION OF THE LOAN AGREEMENT.

4. ADVISORY COUNCIL. THE COMMISSIONER IS HEREBY AUTHORIZED TO ESTABLISH AND APPOINT AN ADVISORY COUNCIL TO ASSIST IN THE ADMINISTRATION OF SUCH PROGRAM, THE FORMULATION OF NECESSARY RULES AND REGULATIONS, THE ESTABLISHMENT OF STANDARDS FOR ELIGIBILITY AND ANY OTHER MATTERS RELATED

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

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THERETO. THE COUNCIL SHALL CONSIST OF SEVEN MEMBERS APPOINTED FOR A TERM OF TWO YEARS. FROM TIME TO TIME, BUT AT LEAST ONCE IN EVERY FIVE YEARS, THE ADVISORY COUNCIL SHALL MAKE AND PUBLISH AN EVALUATION OF THE PROGRAM UNDER THIS SECTION.

5. ELIGIBILITY. AN APPLICANT SHALL BE ELIGIBLE FOR A LOAN UNDER THIS SECTION IF THE DEPARTMENT FINDS THAT:

(A) THE APPLICANT IS ENROLLED IN A NURSING PROGRAM AT AN APPROVED ACADEMIC INSTITUTION.

(B) THE APPLICANT HAS BEEN A PERMANENT LEGAL RESIDENT OF THE STATE FOR AT LEAST ONE YEAR PRIOR TO SUBMITTING THE APPLICATION.

(C) THE APPLICANT IS IN NEED OF FINANCIAL ASSISTANCE.

(D) THE APPLICANT IS ENROLLED AS A STUDENT IN EITHER A FOUR YEAR OR TWO YEAR ACADEMIC PROGRAM LEADING TO A DEGREE IN NURSING.

6. AMOUNT OF LOANS. A LOAN MAY BE MADE IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE HUNDRED DOLLARS PER YEAR FOR LIVING EXPENSES AND NOT TO EXCEED TWENTY-FIVE HUNDRED DOLLARS PER YEAR FOR FULL-TIME TUITION AND FEES, UP TO A MAXIMUM OF FORTY-FIVE HUNDRED DOLLARS PER YEAR FOR A FULL-TIME STUDENT OR UP TO TWENTY-FIVE HUNDRED DOLLARS PER YEAR FOR PART-TIME STUDENTS FOR TUITION AND FEES, LESS ANY OTHER STATE OR FEDERAL ASSISTANCE RECEIVED BY AN APPLICANT TO ASSIST THE APPLICANT'S PURSUIT OF A BACCALAUREATE OR ASSOCIATE DEGREE IN NURSING. THE DEPARTMENT MAY GRANT LOANS ON A QUARTERLY OR SEMI-ANNUAL BASIS AND SHALL REQUIRE THE APPLICANT TO DILIGENTLY PURSUE HIS/HER STUDIES AND MAINTAIN GOOD ACADEMIC STANDING.

7. REPAYMENT OF LOANS. IN ORDER TO RECEIVE THE ASSISTANCE, EACH RECIPIENT MUST ENTER INTO A BINDING CONTRACT WITH THE STATE TO FULFILL THE OBLIGATIONS INCURRED. RECIPIENTS WHO FAIL TO COMPLETE THEIR STUDIES DUE TO ACADEMIC FAILURE OR VOLUNTARY WITHDRAWAL OR OTHER ACTIONS ON THEIR PART MUST REPAY THE FULL AMOUNT OF THE LOAN WITH REASONABLE INTEREST AS DETERMINED BY THE COMMISSIONER. NURSING STUDENTS WHO RECEIVE LOANS THROUGH THE PROGRAM MAY REPAY THEIR OBLIGATION TO THE PROGRAM THROUGH EMPLOYMENT FOR ONE YEAR IN THIS STATE AS A NURSE FOR EACH YEAR FOR WHICH ASSISTANCE WAS RECEIVED PROVIDED, HOWEVER, THAT PART-TIME STUDENTS MAY REPAY THEIR OBLIGATION TO THE PROGRAM THROUGH EMPLOYMENT FOR SIX MONTHS IN THIS STATE AS A NURSE FOR EACH YEAR FOR WHICH ASSISTANCE WAS RECEIVED.

8. RULES AND REGULATIONS. THE COMMISSIONER SHALL PROMULGATE SUCH RULES AND REGULATIONS AS ARE NECESSARY FOR THE ESTABLISHMENT AND ADMINISTRATION OF THE PROGRAM PROVIDED FOR IN THIS SECTION.

S 2. This act shall take effect on the first of July next succeeding the date on which it shall have become a law, provided, however, that effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of the foregoing section of this act on its effective date is authorized and directed to be made and completed on or before such effective date.