

2079--B

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 15, 2009

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Introduced by M. of A. MORELLE, DelMONTE, PHEFFER, TOWNS, JAFFEE, ESPAILLAT, PERRY, KOON, CARROZZA, MAGNARELLI, SPANO, ROSENTHAL, CUSICK, GUNTHER, CAMARA -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, CAHILL, CYMBROWITZ, DenDEKKER, DESTITO, ENGLEBRIGHT, FIELDS, GALEF, GIANARIS, HEASTIE, HOOPER, HOYT, JEFFRIES, KOLB, LATIMER, LIFTON, LUPARDO, McDONOUGH, MILLER, PRETLOW, J. RIVERA, ROBINSON, STIRPE, SWEENEY, WEISENBERG -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the educational preparation for practice of professional nursing

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

1     Section 1. The legislature hereby finds and declares that with the  
2     increasing complexity of the American healthcare system and rapidly  
3     expanding technology, the educational preparation of the registered  
4     professional nurse must be expanded. The nurse of the future must be  
5     prepared to partner with multiple disciplines as a collaborator and  
6     manager of the complex patient care journey. Shorter lengths of stays,  
7     higher patient acuity, and more sophisticated technologies and proce-  
8     dures are increasing the complexity of patient care - which in turn  
9     places great demands on nursing competencies. Other countries are  
10    responding to these changes by requiring the baccalaureate degree as an  
11    entry requirement for nursing licensure while other professions are  
12    demanding master and doctoral degrees as their entry point. Several  
13    recent research studies clearly demonstrate the added value of addi-  
14    tional education in relation to improved patient outcomes; one study  
15    demonstrates that each ten percent increase in the number of baccalau-  
16    reate prepared nurses results in a five percent decrease in surgical

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

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1 patient deaths. Therefore, the legislature finds that expanding the  
2 educational requirements for the profession of nursing, while maintain-  
3 ing the multiple entry points into the profession, is needed. This bill  
4 affects future nurses graduating from associate degree or diploma nurs-  
5 ing programs who would be required to obtain a baccalaureate in nursing  
6 within ten years of initial licensure. All current nurses licensed in  
7 New York and students in programs preparing for registered professional  
8 nursing are to be exempt from the new requirement. This legislation is  
9 mirrored after the progressive education requirement for teachers in New  
10 York state. Numerous regulatory and accrediting bodies have recommended  
11 this change as a means to address sophisticated patient care needs  
12 resulting from shorter lengths of stay, higher acuity and more sophisti-  
13 cated interventions. This proposal is the result of a growing body of  
14 research evidence that additional education results in better patient  
15 outcomes. Therefore by requiring the baccalaureate degree for continued  
16 registration as a registered professional nurse this bill seeks to be  
17 responsive to meet the increasingly complex health care needs of the  
18 residents of New York state.

19 S 2. Subdivision 2 of section 6905 of the education law, as amended by  
20 chapter 994 of the laws of 1971 and such section as renumbered by chap-  
21 ter 50 of the laws of 1972, is amended to read as follows:

22 (2) Education: have received an education, and a diploma or degree in  
23 professional nursing, in accordance with the commissioner's regulations,  
24 AND IN ORDER TO CONTINUE TO MAINTAIN REGISTRATION AS A REGISTERED  
25 PROFESSIONAL NURSE IN NEW YORK STATE, HAVE ATTAINED A BACCALAUREATE  
26 DEGREE IN NURSING WITHIN TEN YEARS OF INITIAL LICENSURE IN ACCORDANCE  
27 WITH THE COMMISSIONER'S REGULATIONS. IN ITS DISCRETION, THE DEPARTMENT  
28 MAY ISSUE A CONDITIONAL REGISTRATION TO A LICENSEE WHO FAILS TO COMPLETE  
29 THE BACCALAUREATE DEGREE BUT WHO AGREES TO MEET THE ADDITIONAL REQUIRE-  
30 MENT WITHIN ONE YEAR. THE FEE FOR SUCH A CONDITIONAL REGISTRATION SHALL  
31 BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIENNIAL REGISTRA-  
32 TION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL BE FOR ONE  
33 YEAR AND MAY BE EXTENDED, WITH THE PAYMENT OF A FEE, FOR NO MORE THAN  
34 ONE ADDITIONAL YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF A  
35 REGISTRATION FOR FAILURE TO COMPLETE THE ADDITIONAL EDUCATIONAL REQUIRE-  
36 MENTS AND WHO PRACTICES AS A REGISTERED PROFESSIONAL NURSE WITHOUT SUCH  
37 REGISTRATION MAY BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO  
38 SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE;

39 S 3. The provisions of this act shall not apply to:

40 a. any student entering a generic baccalaureate program preparing  
41 registered professional nurses after the effective date of this act;

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

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

49 S 4. This act shall take effect immediately and the commissioner of  
50 education is authorized to promulgate any rule or regulation necessary  
51 to implement the provisions of this act.