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

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Introduced by M. of A. BACALLES, BURLING, KOLB, BARRA, ALFANO, TOWNSEND, GIGLIO, WALKER, OAKS, MOLINARO -- Multi-Sponsored by -- M. of A. AMEDORE, BARCLAY, CALHOUN, CONTE, CROUCH, DUPREY, ERRIGO, FINCH, FITZPATRICK, HAWLEY, McDONOUGH, McKEVITT, MILLER, O'MARA, QUINN, RAIA, SALADINO, SCOZZAFAVA -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law and the state finance law, in relation to enacting the New York state nursing shortage correction act

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

Section 1. This act shall be known and may be cited as the "New York state nursing shortage correction act".

S 2. The education law is amended by adding a new section 669-e to read as follows:

S 669-E. NEW YORK STATE NURSING RECRUITMENT INCENTIVE AND RETENTION PROGRAM. 1. THE DEPARTMENT IS AUTHORIZED, WITHIN AMOUNTS APPROPRIATED OR OTHERWISE LAWFULLY AVAILABLE FROM ANY OTHER SOURCE, TO ESTABLISH A NURSING RECRUITMENT INCENTIVE AND RETENTION PROGRAM.

2. DEFINITIONS. AS USED IN THIS SECTION THE TERM:

(A) "PROSPECTIVE NURSE" SHALL MEAN A PERSON WHO DESIRES TO ENTER NURSING SCHOOL TO BECOME A NURSE.

(B) "DEGREE PRODUCING CURRICULUM" SHALL MEAN A SERIES OF COURSES PROGRAMMED TO CULMINATE IN A SPECIFIC POST-SECONDARY DEGREE OR DIPLOMA WHEN SUCCESSFULLY COMPLETED.

(C) "TUITION" SHALL MEAN THE TOTAL SEMESTER, QUARTER, OR CLASSROOM HOUR COST OF INSTRUCTION TO THE STUDENT AS PERIODICALLY PUBLISHED IN THE CATALOGUE OF THE INSTITUTION, SPECIFICALLY EXCLUDING MANDATORY FEES, BOOK CHARGES, AND ROOM AND BOARD.

(D) "TUITION BENEFIT" SHALL MEAN THE PAYMENT OF WHATEVER COST IS ATTRIBUTABLE TO THE COST OF TUITION AFTER THE DEDUCTION OF ANY OTHER AVAILABLE EDUCATIONAL GRANT AID.

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

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(E) "PART-TIME STUDY" SHALL MEAN ENROLLMENT IN AN APPROVED POST-SECONDARY DEGREE PROGRAM FOR AT LEAST SIX BUT LESS THAN TWELVE SEMESTER HOURS, OR THE EQUIVALENT PER SEMESTER, OR AT LEAST FOUR BUT LESS THAN EIGHT SEMESTER HOURS PER QUARTER IN AN INSTITUTION.

(F) "INSTITUTION" SHALL MEAN UNIVERSITY OF THE STATE OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR A COMMUNITY COLLEGE LOCATED WITHIN THIS STATE WHICH PROVIDES A COURSE OF STUDY LEADING TO THE GRANTING OF A POST-SECONDARY DEGREE OR DIPLOMA.

(G) "LEGAL RESIDENT" SHALL MEAN A PERSON WHOSE PRINCIPAL DOMICILE IS LOCATED WITHIN NEW YORK STATE IN EXCESS OF ONE HUNDRED EIGHTY-SIX DAYS PER YEAR.

3. (A) NOTWITHSTANDING THE PROVISIONS OF ANY OTHER GENERAL, SPECIAL, OR LOCAL LAW, RULE, OR REGULATION, ANY PROSPECTIVE NURSE SHALL BE ENTITLED TO THE TUITION BENEFIT PROVIDED BY THIS SECTION UPON SUCH PERSON'S ENROLLMENT IN A DEGREE PRODUCING CURRICULUM IN ANY INSTITUTION.

(B) THE TUITION BENEFIT PROVIDED BY THIS SECTION SHALL BE RESTRICTED TO LEGAL RESIDENTS OF THE STATE. THE BENEFIT MAY BE USED FOR EITHER PART-TIME OR FULL-TIME STUDY. NO RESTRICTION AS TO SESSIONS, STUDENTS STATUS, OR SPACE AVAILABILITY WHICH DOES NOT APPLY TO ALL STUDENTS SHALL BE PLACED BY INSTITUTIONS UPON RECIPIENTS UNDER THIS PROGRAM.

(C) UPON THE RECIPIENT'S ATTAINMENT OF A BACCALAUREATE OR CESSATION OF STATUS AS AN ACTIVE MEMBER, WHICHEVER OCCURS FIRST, THE BENEFIT PROVIDED BY THIS SECTION SHALL BE DISCONTINUED. THE TUITION BENEFIT PROVIDED BY THIS SECTION MAY BE SUSPENDED AT THE DIRECTION OF THE DEPARTMENT FOR A RECIPIENT'S FAILURE TO MAINTAIN GOOD ACADEMIC PROGRESS AND PROGRAM PURSUIT OR FOR THE FAILURE TO MAINTAIN SUFFICIENT ACADEMIC STANDING TO RETAIN ELIGIBILITY FOR ANY OTHER FINANCIAL ASSISTANCE THE RECIPIENT MAY BE RECEIVING.

(D) UNLESS OTHERWISE PROVIDED FOR IN THIS SECTION, THE TUITION BENEFIT SHALL BE ON THE TERMS AND CONDITIONS SET BY THE DEPARTMENT, PROVIDED THAT SUCH PERSON SHALL SIGN A CONTRACT TO AGREE TO WORK IN A JOB THAT REQUIRES SUCH PERSON TO BE LICENSED AS A REGISTERED NURSE MORE THAN AN AVERAGE OF TWENTY HOURS PER WEEK ANYWHERE WITHIN THIS STATE; FOR TWO YEARS IF SUCH PERSON WAS IN AN ASSOCIATE IN NURSING PROGRAM; OR FOR FOUR YEARS IF SUCH PERSON WERE IN A BACHELOR'S OR HIGHER DEGREE NURSING PROGRAM. SUCH JOB SHALL BEGIN WITHIN ONE YEAR AFTER LEAVING COLLEGE OR A NURSING DEGREE PROGRAM.

(E) THE TUITION BENEFIT PROVIDED BY THIS SECTION SHALL BE EFFECTIVE BEGINNING WITH THE SCHOOL SEMESTER OR QUARTER FOLLOWING ITS ENACTMENT INTO LAW.

4. (A) A REGISTERED NURSE WHO DID NOT RECEIVE THE FULL BENEFIT PURSUANT TO SUBDIVISION THREE OF THIS SECTION OR IS UNDER OBLIGATION TO REPAY THE LOANS, AND IS EMPLOYED MORE THAN AN AVERAGE OF TWENTY HOURS A WEEK IN A LICENSED AND REGISTERED NURSING JOB IN THIS STATE MAY REQUIRE THE STATE UNIVERSITY OF NEW YORK OR THE CITY UNIVERSITY OF NEW YORK TO TAKE OVER ALL OR PART OF SUCH REGISTERED NURSE'S STUDENT LOAN PAYMENTS IF SUCH PERSON AVERAGES MORE THAN THIRTY-FIVE HOURS PER WEEK IN A JOB THAT REQUIRES SUCH PERSON TO BE LICENSED AS A REGISTERED NURSE.

(B) IF SUCH PERSON AVERAGES BETWEEN TWENTY AND THIRTY-FIVE HOURS PER WEEK IN A JOB THAT REQUIRES SUCH PERSON TO BE LICENSED AS A REGISTERED NURSE, ONE-HALF OF THE STUDENT LOAN PAYMENTS SHALL BE TAKEN OVER BY SUCH INSTITUTIONS.

(C) ONLY HOURS WORKED WITHIN NEW YORK STATE MAY BE ELIGIBLE TOWARDS THE HOURS OF WORK PER WEEK.

5. THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK SHALL CONTINUE TO OPERATE PURSUANT TO SUBDIVISION THREE OF THIS

SECTION UNTIL SUCH PERSON RECEIVES THE SAME AMOUNT AS WOULD HAVE BEEN RECEIVED UNDER SUBDIVISION ONE OF THIS SECTION OR UNTIL SUCH PERSON CEASES TO BE EMPLOYED MORE THAN TWENTY HOURS PER WEEK IN A JOB IN THIS STATE THAT REQUIRES SUCH PERSON TO BE LICENSED AS A REGISTERED NURSE, OR SUCH PERSON'S STUDENT LOANS ARE PAID OFF, WHICHEVER OCCURS FIRST.

6. (A) IF SUCH BENEFIT PURSUANT TO SUBDIVISION FOUR OF THIS SECTION CEASES BECAUSE SUCH REGISTERED NURSE CEASES TO BE EMPLOYED MORE THAN AN AVERAGE OF TWENTY HOURS PER WEEK IN A JOB IN THIS STATE THAT REQUIRES SUCH PERSON TO BE LICENSED AS A REGISTERED NURSE, SUCH PERSON MAY REAPPLY WHEN SUCH PERSON BEGINS TO WORK MORE THAN AN AVERAGE OF TWENTY HOURS PER WEEK.

(B) AT THE TIME WHEN THE BENEFIT CEASES, THE FULL AMOUNT OF MONEY ADVANCED SUCH PERSON SHALL BE CONVERTED INTO A STUDENT LOAN AS DEFINED IN THE CONTRACT SUCH PERSON SIGNED PURSUANT TO PARAGRAPH (D) OF SUBDIVISION THREE OF THIS SECTION.

(C) THE COMMISSIONER OF HEALTH MAY WAIVE OR DELAY THE ENFORCEMENT OF THIS SUBDIVISION IN CASES OF EXTREME HARDSHIP.

7. THE RESPECTIVE INSTITUTIONS SHALL PROVIDE THE DEPARTMENT OF TAXATION AND FINANCE ON A QUARTERLY BASIS WITH PERTINENT INFORMATION, INCLUDING, BUT NOT LIMITED TO, THE NAMES, ADDRESSES, SOCIAL SECURITY NUMBERS, NAMES AND ADDRESSES OF EMPLOYERS. SUCH INFORMATION SHALL BE IN A COMPUTER READABLE FORMAT AS SET FORTH BY THE DEPARTMENT OF TAXATION AND FINANCE.

S 3. The state finance law is amended by adding a new section 91-h to read as follows:

S 91-H. NEW YORK STATE NURSING RECRUITMENT INCENTIVE AND RETENTION ACCOUNT. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE AN ACCOUNT IN THE MISCELLANEOUS SPECIAL REVENUE FUND TO BE KNOWN AS THE NEW YORK STATE NURSING RECRUITMENT INCENTIVE AND RETENTION ACCOUNT.

2. SUCH ACCOUNT SHALL CONSIST OF ALL REVENUES RECEIVED FROM CONTRIBUTIONS, DONATIONS AND OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

3. MONEYS OF THE ACCOUNT, FOLLOWING APPROPRIATION BY THE LEGISLATURE MAY BE EXPENDED FOR THE NEW YORK STATE NURSING RECRUITMENT INCENTIVE AND RETENTION PROGRAM. MONEYS SHALL BE PAID OUT OF THE ACCOUNT ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE ADJUTANT GENERAL OF NEW YORK STATE.

S 4. This act shall take effect July 1, 2010. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.