

1513

2009-2010 Regular Sessions

I N S E N A T E

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Introduced by Sens. DeFRANCISCO, BONACIC, FUSCHILLO, GRIFFO, MORAHAN, THOMPSON, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to establishing a New York state nursing faculty scholarship incentive program for advanced degrees in nursing

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

1 Section 1. Section 605 of the education law is amended by adding a new
2 subdivision 13 to read as follows:
3 13. NEW YORK STATE NURSING FACULTY SCHOLARSHIP INCENTIVE PROGRAM. A.
4 PURPOSE. THE COMMISSIONER SHALL AWARD SCHOLARSHIPS FOR THE PURPOSE OF
5 INCREASING THE NUMBER OF EDUCATORS AND ADJUNCT CLINICAL FACULTY TEACHING
6 IN A FIELD OF NURSING EDUCATION IN NEW YORK STATE. SUCH SCHOLARSHIPS
7 SHALL BE AWARDED ON A COMPETITIVE BASIS TO APPLICANTS WHO ARE REGISTERED
8 PROFESSIONAL NURSES WITH PREVIOUS CLINICAL EXPERIENCE IN NURSING AND WHO
9 DEMONSTRATE ACADEMIC MERIT FOR ADMISSION TO MASTERS OR DOCTORAL PROGRAMS
10 IN NURSING WHICH WILL ENHANCE THE RECIPIENT'S PROFICIENCY AS A NURSING
11 EDUCATOR. PREFERENCE SHALL BE GIVEN TO APPLICANTS WHO ARE EMPLOYED AS
12 REGISTERED PROFESSIONAL NURSES, WILL ATTEND SUCH MASTERS OR DOCTORAL
13 PROGRAM FULL-TIME AND WHOSE COST TO ATTEND SUCH PROGRAM IS PARTIALLY
14 UNDERWRITTEN A MINIMUM OF TWENTY-FIVE PERCENT BY AGREEMENT WITH A COMMU-
15 NITY AGENCY, HEALTH CARE PROVIDER AND/OR APPROVED NURSING PROGRAM.
16 B. ELIGIBILITY. TO BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SUBDIVI-
17 SION, APPLICANTS SHALL AGREE TO SERVE, UPON COMPLETION OF THE DEGREE
18 PROGRAM, AS NURSING EDUCATORS OR AS ADJUNCT CLINICAL FACULTY IN APPROVED
19 NURSING PROGRAMS WITHIN NEW YORK STATE THAT LEAD TO LICENSURE IN NURSING
20 UNDER ARTICLE ONE HUNDRED THIRTY-NINE OF THIS CHAPTER. APPLICANTS SHALL
21 SERVE THE EQUIVALENT OF NINE MONTHS FULL-TIME SERVICE IN SUCH PROGRAMS
22 FOR EACH ANNUAL AWARD RECEIVED BY THE RECIPIENT, BUT NO LESS THAN TWO
23 ACADEMIC YEARS. SUCH SERVICE SHALL BE COMPLETED AND APPORTIONED IN

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

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1 ACCORDANCE WITH CRITERIA ESTABLISHED BY THE COMMISSIONER. ANNUAL AWARDS
2 SHALL NOT BE MADE TO APPLICANTS WHO ENROLL IN LESS THAN FIFTEEN HOURS OF
3 ACADEMIC CREDIT APPLICABLE TO THE MASTERS OR DOCTORAL PROGRAM IN WHICH
4 THEY ARE ENROLLED IN ANY CALENDAR YEAR.

5 C. AGREEMENTS. THE PRESIDENT SHALL, IN CONSULTATION WITH THE COMMIS-
6 SIONER, DEVELOP AND SECURE FROM EACH SUCCESSFUL APPLICANT A WRITTEN
7 AGREEMENT TO SERVE AS A NURSING EDUCATOR OR ADJUNCT CLINICAL NURSE
8 FACULTY IN NEW YORK. WITHIN SUCH TIME AS THE COMMISSIONER SHALL BY REGU-
9 LATION PROVIDE, A RECIPIENT OF AN AWARD SHALL HAVE SERVED FOR THAT
10 NUMBER OF MONTHS CALCULATED BY MULTIPLYING BY NINE THE NUMBER OF EQUAL-
11 IZED ANNUAL PAYMENTS RECEIVED BY THE RECIPIENT. IN NO CASE SHALL THE
12 TOTAL NUMBER OF MONTHS OF SERVICE REQUIRED BE LESS THAN EIGHTEEN. IF A
13 RECIPIENT FAILS TO COMPLY FULLY WITH SUCH CONDITIONS, THE PRESIDENT
14 SHALL BE ENTITLED TO RECEIVE FROM SUCH RECIPIENT AN AMOUNT TO BE DETER-
15 MINED BY THE FORMULA:

$$\begin{array}{r} A = 2B (T-S) \\ \text{-----} \\ T \end{array}$$

19 IN WHICH "A" IS THE AMOUNT THE PRESIDENT IS ENTITLED TO RECOVER; "B" IS
20 THE SUM OF ALL PAYMENTS MADE TO THE RECIPIENT BY THE PRESIDENT AND THE
21 INTEREST ON SUCH AMOUNT WHICH WOULD BE PAYABLE IF AT THE TIMES SUCH
22 AWARDS WERE PAID THEY WERE LOANS BEARING INTEREST AT THE MAXIMUM
23 PREVAILING RATE; "T" IS THE TOTAL NUMBER OF MONTHS IN THE RECIPIENT'S
24 PERIOD OF OBLIGATED SERVICES; AND "S" IS THE NUMBER OF MONTHS OF SERVICE
25 ACTUALLY RENDERED BY THE RECIPIENT. ANY AMOUNT WHICH THE PRESIDENT IS
26 ENTITLED TO RECOVER UNDER THIS PARAGRAPH SHALL BE PAID WITHIN THE FIVE-
27 YEAR PERIOD BEGINNING ON THE DATE THAT THE RECIPIENT FAILED TO COMPLY
28 WITH THIS SERVICE CONDITION. NOTHING IN THE WRITTEN AGREEMENT SHALL
29 AFFECT THE TERMS OF EMPLOYMENT OF THE INDIVIDUAL WHO SHALL NEGOTIATE,
30 SEPARATE AND APART FROM THE PROGRAM, HIS OR HER SALARY AND OTHER FORMS
31 OF EMPLOYMENT WITH AN AGENCY, INSTITUTION, OR A PROGRAM IN WHICH HE OR
32 SHE SHALL BE EMPLOYED.

33 ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS AS OUTLINED IN THIS
34 SECTION SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT. THE COMMIS-
35 SIONER SHALL MAKE REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF
36 ANY FINANCIAL OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

37 D. REPORTING. A RECIPIENT OF AN AWARD SHALL REPORT ANNUALLY TO THE NEW
38 YORK STATE HIGHER EDUCATION SERVICES CORPORATION, ON FORMS PRESCRIBED BY
39 THE PRESIDENT, AS TO THE PERFORMANCE OF THE REQUIRED SERVICES, COMMENC-
40 ING WITH THE CALENDAR YEAR IN WHICH THE RECIPIENT BEGINS TO ENGAGE IN
41 THE TEACHING OR TRAINING OF NURSING STUDENTS IN A DEGREE PROGRAM AT AN
42 ACCREDITED NURSING SCHOOL IN THIS STATE AND CONTINUING UNTIL THE RECIPI-
43 ENT SHALL HAVE COMPLETED, OR IT IS DETERMINED THAT HE OR SHE SHALL NOT
44 BE OBLIGATED TO COMPLETE, THE REQUIRED SERVICES. IF THE RECIPIENT SHALL
45 FAIL TO FILE ANY REPORT REQUIRED PURSUANT TO THIS PARAGRAPH WITHIN THIR-
46 TY DAYS OF WRITTEN NOTICE TO THE RECIPIENT, MAILED TO THE ADDRESS SHOWN
47 ON THE LAST APPLICATION FOR AN AWARD OR LAST REPORT FILED, WHICHEVER IS
48 LATER, THE PRESIDENT OF THE CORPORATION MAY IMPOSE A FINE OF UP TO ONE
49 THOUSAND DOLLARS. THE PRESIDENT SHALL HAVE THE DISCRETION TO WAIVE THE
50 FILING OF A REPORT, EXCUSE A DELAY IN FILING OR A FAILURE TO FILE A
51 REPORT, OR WAIVE OR REDUCE ANY FINE IMPOSED FOR GOOD CAUSE SHOWN.

52 E. OTHER AWARDS. AWARD RECIPIENTS SHALL BE ELIGIBLE TO APPLY FOR ADDI-
53 TIONAL AWARDS.

1 S 2. The education law is amended by adding a new section 671-a to
2 read as follows:

3 S 671-A. NEW YORK STATE NURSING FACULTY SCHOLARSHIP INCENTIVE PROGRAM.

4 1. NUMBER AND CERTIFICATION. THIRTY NURSING SCHOLARSHIPS FOR ADVANCED
5 DEGREES IN NURSING SHALL BE AWARDED EACH ACADEMIC YEAR BEGINNING IN THE
6 TWO THOUSAND TEN--TWO THOUSAND ELEVEN ACADEMIC YEAR. SUCH SCHOLARSHIPS
7 SHALL BE ALLOCATED AS PROVIDED IN SUBDIVISION THIRTEEN OF SECTION SIX
8 HUNDRED FIVE OF THIS TITLE TO ELIGIBLE STUDENTS AS CERTIFIED TO THE
9 PRESIDENT BY THE COMMISSIONER, EXCEPT THAT, IN SO FAR AS IS PRACTICABLE,
10 ONE-HALF OF SUCH SCHOLARSHIPS SHALL BE AWARDED TO MASTERS DEGREE CANDI-
11 DATES AND ONE-HALF TO DOCTORAL DEGREE CANDIDATES.

12 2. DURATION. EACH SCHOLARSHIP SHALL ENTITLE THE RECIPIENT TO AN ANNUAL
13 AWARD WHILE ENROLLED IN AN APPROVED COURSE OF STUDY LEADING TO AN
14 ADVANCED DEGREE IN NURSING OR NURSING EDUCATION, BUT NOT EXCEEDING THE
15 PERIOD OF STUDY REQUIRED TO COMPLETE THE PROGRAM, AS SUCH PROGRESS,
16 APPROVED COURSES AND EXPECTED PERIODS OF STUDY ARE DEFINED BY THE
17 COMMISSIONER PURSUANT TO ARTICLE THIRTEEN OF THIS CHAPTER.

18 3. AMOUNT. THE PRESIDENT SHALL MAKE AWARDS OF FIFTEEN THOUSAND
19 DOLLARS, OR A PRORATED ANNUAL AMOUNT BASED ON THE NUMBER OF CREDIT HOURS
20 IN WHICH THE RECIPIENT IS ENROLLED, EXCEPT THAT SUCH ANNUAL AWARD SHALL
21 NOT EXCEED THE RECIPIENT'S COST OF ATTENDANCE. "COST OF ATTENDANCE"
22 SHALL MEAN THE COST OF: TUITION AT AN APPROVED MASTERS OR DOCTORAL
23 PROGRAM IN NURSING OR NURSING EDUCATION, WHICH THE COMMISSIONER DETER-
24 MINES WILL ENHANCE THE RECIPIENT'S PROFICIENCY AS A NURSING EDUCATOR;
25 LABORATORY AND OTHER FEES; ROOM AND BOARD; SUPPLIES; TRANSPORTATION;
26 HEALTH INSURANCE COVERAGE; BOOKS; CHILD CARE; AND STIPEND FOR DAILY
27 LIVING EXPENSES IN AN AMOUNT TO BE DETERMINED BY THE PRESIDENT IN
28 CONSULTATION WITH THE COMMISSIONER.

29 S 3. This act shall take effect immediately.