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

4051--A

2009-2010 Regular Sessions

I N S E N A T E

April 8, 2009

Introduced by Sens. STAVISKY, ALESI, HASSELL-THOMPSON, PARKER, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, 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
17 patient deaths. Therefore, the legislature finds that expanding the
18 educational requirements for the profession of nursing, while maintain-
19 ing the multiple entry points into the profession, is needed. This bill
20 affects future nurses graduating from associate degree or diploma nurs-
21 ing programs who would be required to obtain a baccalaureate in nursing
22 within ten years of initial licensure. All current nurses licensed in

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

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New York and students in programs preparing for registered professional nursing are to be exempt from the new requirement. This legislation is mirrored after the progressive education requirement for teachers in New York state. Numerous regulatory and accrediting bodies have recommended this change as a means to address sophisticated patient care needs resulting from shorter lengths of stay, higher acuity and more sophisticated interventions. This proposal is the result of a growing body of research evidence that additional education results in better patient outcomes. Therefore by requiring the baccalaureate degree for continued registration as a registered professional nurse this bill seeks to be responsive to meet the increasingly complex health care needs of the residents of New York state.

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

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

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

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

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

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

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