

10904

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 bacca-  
laureate and associate nursing assistance program

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

- 1 Section 1. The education law is amended by adding a new section 678-a  
2 to read as follows:  
3 S 678-A. BACCALAUREATE AND ASSOCIATE NURSING ASSISTANCE PROGRAM. 1.  
4 DEFINITIONS. FOR PURPOSES OF THIS SECTION "APPROVED INSTITUTION" MEANS  
5 AN INSTITUTION LOCATED IN NEW YORK STATE THAT OFFERS A NATIONAL LEAGUE  
6 FOR NURSING ACCREDITED PROGRAM LEADING TO AN ASSOCIATE OR BACCALAUREATE  
7 DEGREE IN NURSING.  
8 2. ESTABLISHMENT. THERE IS HEREBY ESTABLISHED THE BACCALAUREATE AND  
9 ASSOCIATE NURSING ASSISTANCE PROGRAM WITHIN THE DEPARTMENT. THE PURPOSE  
10 OF SUCH PROGRAM SHALL BE TO PROVIDE LOANS TO PERSONS IN PURSUIT OF A  
11 NURSING CAREER IN AN APPROVED INSTITUTION.  
12 3. DEPARTMENT'S RESPONSIBILITIES. THE DEPARTMENT SHALL PREPARE AND  
13 SUPERVISE THE ISSUANCE OF PUBLIC INFORMATION ABOUT THE PROVISIONS OF  
14 THIS SECTION; DETERMINE THE ELIGIBILITY OF APPLICANTS; PRESCRIBE THE  
15 FORM AND REGULATE THE SUBMISSION OF APPLICATIONS FOR LOANS; AWARD THE  
16 APPROPRIATE LOANS; PRESCRIBE THE NOTES OR OTHER ACKNOWLEDGEMENTS OF THE  
17 LOAN WHICH THE APPLICANT IS REQUIRED TO EXECUTE; AND DETERMINE WHETHER  
18 ALL OR ANY PART OF AN APPLICANT'S LOAN NEEDS TO BE PAID OR EXCUSED FROM  
19 PAYMENT, AND THE EXTENT OF ANY PAYMENT OR EXCUSED PAYMENT THE DEPARTMENT  
20 MAY REQUIRE A LOAN RECIPIENT TO REIMBURSE THE STATE FOR EXPENSES,  
21 INCLUDING BUT NOT LIMITED TO ATTORNEY'S FEES, INCURRED BY THE DEPARTMENT  
22 OR OTHER AGENT OF THE STATE FOR A SUCCESSFUL LEGAL ACTION AGAINST THE  
23 RECIPIENT FOR A BREACH OF ANY PROVISION OF THE LOAN AGREEMENT.  
24 4. ADVISORY COUNCIL. THE COMMISSIONER IS HEREBY AUTHORIZED TO ESTAB-  
25 LISH AND APPOINT AN ADVISORY COUNCIL TO ASSIST IN THE ADMINISTRATION OF  
26 SUCH PROGRAM, THE FORMULATION OF NECESSARY RULES AND REGULATIONS, THE  
27 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.

LBD08009-02-0

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

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

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

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

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

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

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

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

37 8. RULES AND REGULATIONS. THE COMMISSIONER SHALL PROMULGATE SUCH RULES  
38 AND REGULATIONS AS ARE NECESSARY FOR THE ESTABLISHMENT AND ADMINIS-  
39 TRATION OF THE PROGRAM PROVIDED FOR IN THIS SECTION.

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