

6247

2009-2010 Regular Sessions

I N A S S E M B L Y

February 26, 2009

Introduced by M. of A. BARRA, KOLB, WALKER -- Multi-Sponsored by -- M.  
of A. TOWNSEND -- read once and referred to the Committee on Higher  
Education

AN ACT to amend the education law, in relation to creating a regents  
nursing professional's loan forgiveness program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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. REGENTS NURSING PROFESSIONAL'S LOAN FORGIVENESS PROGRAM. REGENTS  
4 LOAN FORGIVENESS AWARDS SHALL BE AWARDED ANNUALLY TO NURSE APPLICANTS  
5 WHO AGREE TO ENGAGE IN EMPLOYMENT IN HOSPITALS, NURSING HOMES OR HOSPICE  
6 CENTERS ON A FULL-TIME BASIS. SUCH AWARDS SHALL BE GRANTED ANNUALLY, AND  
7 SHALL BE CLASSIFIED AND ALLOCATED IN ACCORDANCE WITH REGENTS RULES.  
8 A. (1) THE APPLICANT SHALL BE A RESIDENT OR PERMANENT RESIDENT ALIEN  
9 OF NEW YORK STATE AND A GRADUATE OF AN INSTITUTION OF HIGHER EDUCATION  
10 APPROVED OR REGISTERED BY THE REGENTS.  
11 (2) THE APPLICANT SHALL AGREE TO ENGAGE IN SUCH EMPLOYMENT FOR A PERI-  
12 OD OF TIME WHICH SHALL NOT BE LESS THAN TWO YEARS.  
13 B. PRIORITY SHALL BE ACCORDED TO APPLICANTS IN THE FOLLOWING ORDER:  
14 (1) FIRST, TO ANY APPLICANT WHO IS COMPLETING THE SECOND YEAR OF THE  
15 SERVICE REQUIREMENT AND IS REAPPLYING FOR A NEW AWARD;  
16 (2) SECOND, TO ANY APPLICANT WHO IS ECONOMICALLY DISADVANTAGED AS  
17 DEFINED BY THE REGENTS;  
18 (3) THIRD, TO ANY APPLICANT ACCORDING TO THE SEVERITY OF SHORTAGE OF  
19 NURSES IN THE AREA SELECTED BY THE APPLICANT.  
20 IN THE EVENT THAT THERE ARE MORE APPLICANTS WHO HAVE THE SAME PRIORITY  
21 THAN THERE ARE REMAINING SCHOLARSHIPS, THE COMMISSIONER SHALL DISTRIBUTE  
22 THE REMAINING NUMBER OF SUCH SCHOLARSHIPS BY MEANS OF A LOTTERY OR OTHER  
23 FORM OF RANDOM SELECTION.

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

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1 C. THE COMMISSIONER SHALL THEN FORWARD APPROVED APPLICATIONS TO THE  
2 PRESIDENT AND SHALL NOTIFY UNSUCCESSFUL APPLICANTS.

3 D. THE PRESIDENT SHALL NOTIFY APPLICANTS OF THEIR AWARD ENTITLEMENT.

4 E. THE PRESIDENT SHALL, IN CONSULTATION WITH THE COMMISSIONER AND WITH  
5 THE APPROPRIATE DIRECTOR, DEVELOP AND SECURE FROM EACH SUCCESSFUL APPLI-  
6 CANT A WRITTEN AGREEMENT TO ENGAGE IN SUCH EMPLOYMENT, AS APPROPRIATE.  
7 WITHIN SUCH TIME AS THE COMMISSIONER SHALL BY REGULATION PROVIDE, A  
8 RECIPIENT OF AN AWARD SHALL HAVE ENGAGED IN SUCH EMPLOYMENT AS APPROPRI-  
9 ATE, FOR THAT NUMBER OF MONTHS CALCULATED BY MULTIPLYING BY TWELVE THE  
10 NUMBER OF ANNUAL PAYMENTS RECEIVED BY THE RECIPIENT. IN NO CASE SHALL  
11 THE TOTAL NUMBER OF MONTHS OF SERVICE REQUIRED BE LESS THAN TWENTY-FOUR.  
12 IF A RECIPIENT FAILS TO COMPLY FULLY WITH SUCH CONDITIONS, THE PRESIDENT  
13 SHALL BE ENTITLED TO RECEIVE FROM SUCH RECIPIENT AN AMOUNT TO BE DETER-  
14 MINED BY THE FORMULA:

$$A = B (T-S)$$

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T

17  
18 IN WHICH "A" IS THE AMOUNT THE PRESIDENT IS ENTITLED TO RECOVER; "B" IS  
19 THE SUM OF ALL PAYMENTS MADE TO THE RECIPIENT AND THE INTEREST ON SUCH  
20 AMOUNT WHICH WOULD BE PAYABLE IF AT THE TIMES SUCH AWARDS WERE PAID THEY  
21 WERE LOANS BEARING INTEREST AT THE MAXIMUM PREVAILING RATE; "T" IS THE  
22 TOTAL NUMBER OF MONTHS IN THE RECIPIENT'S PERIOD OF OBLIGATED SERVICES;  
23 AND "S" IS THE NUMBER OF MONTHS OF SERVICE ACTUALLY RENDERED BY THE  
24 RECIPIENT. ANY AMOUNT WHICH THE PRESIDENT IS ENTITLED TO RECOVER UNDER  
25 THIS PARAGRAPH SHALL BE PAID WITHIN THE FIVE-YEAR PERIOD BEGINNING ON  
26 THE DATE THAT THE RECIPIENT FAILED TO COMPLY WITH THIS SERVICE CONDI-  
27 TION. NOTHING IN THE WRITTEN AGREEMENT SHALL AFFECT THE TERMS OF EMPLOY-  
28 MENT OF THE INDIVIDUAL WHO SHALL NEGOTIATE, SEPARATE AND APART FROM THE  
29 PROGRAM, HIS OR HER SALARY AND OTHER FORMS OF EMPLOYMENT WITH AN AGENCY,  
30 INSTITUTION OR A PROGRAM IN WHICH HE OR SHE SHALL BE EMPLOYED.

31 ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS AS OUTLINED IN THIS  
32 SUBDIVISION SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT. THE  
33 COMMISSIONER SHALL MAKE REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPEN-  
34 SION OF ANY FINANCIAL OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

35 F. A RECIPIENT OF AN AWARD SHALL REPORT ANNUALLY TO THE NEW YORK STATE  
36 HIGHER EDUCATION SERVICES CORPORATION, ON FORMS PRESCRIBED BY IT, AS TO  
37 THE PERFORMANCE OF THE REQUIRED SERVICES, COMMENCING WITH THE CALENDAR  
38 YEAR IN WHICH THE RECIPIENT BEGINS SUCH EMPLOYMENT AND CONTINUING UNTIL  
39 THE RECIPIENT SHALL HAVE COMPLETED, OR IT IS DETERMINED THAT HE OR SHE  
40 SHALL NOT BE OBLIGATED TO COMPLETE, THE REQUIRED SERVICES. IF THE  
41 RECIPIENT SHALL FAIL TO FILE ANY REPORT REQUIRED HEREUNDER WITHIN THIRTY  
42 DAYS OF WRITTEN NOTICE TO THE RECIPIENT, MAILED TO THE ADDRESS SHOWN ON  
43 THE LAST APPLICATION FOR AN AWARD OR LAST REPORT FILED, WHICHEVER IS  
44 LATER, THE PRESIDENT MAY IMPOSE A FINE OF UP TO ONE THOUSAND DOLLARS.  
45 THE PRESIDENT SHALL HAVE THE DISCRETION TO WAIVE THE FILING OF A REPORT,  
46 EXCUSE A DELAY IN FILING OR A FAILURE TO FILE A REPORT, OR WAIVE OR  
47 REDUCE ANY FINE IMPOSED FOR GOOD CAUSE SHOWN.

48 S 2. This act shall take effect immediately.