

7102

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 20, 2009

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Introduced by M. of A. GUNTHER, LIFTON, WALKER -- Multi-Sponsored by --  
M. of A. ALFANO, BARRA -- read once and referred 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 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. 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.