

2920

2009-2010 Regular Sessions

I N S E N A T E

March 6, 2009

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the executive law, in relation to establishing the empire state professional nursing scholarship program and the council on professional career opportunity

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

1 Section 1. Article 2 of the public health law is amended by adding a  
2 new title 6 to read as follows:

3 TITLE VI

4 EMPIRE STATE PROFESSIONAL NURSING SCHOLARSHIP PROGRAM

5 SECTION 266. EMPIRE STATE PROFESSIONAL NURSING SCHOLARSHIP PROGRAM.

6 267. GRANTS FOR NURSING EDUCATION.

7 S 266. EMPIRE STATE PROFESSIONAL NURSING SCHOLARSHIP PROGRAM. 1. THE  
8 COMMISSIONER, IN COLLABORATION WITH THE COMMISSIONER OF EDUCATION AND  
9 THE PRESIDENT OF THE HIGHER EDUCATION SERVICES CORPORATION, IS AUTHOR-  
10 IZED AND DIRECTED TO ESTABLISH THE EMPIRE STATE PROFESSIONAL NURSING  
11 SCHOLARSHIP PROGRAM TO PROVIDE FINANCIAL SUPPORT TO APPLICANTS TO ENTER  
12 OR CONTINUE IN A REGISTERED NURSE EDUCATIONAL PROGRAM AND WHO AGREE TO  
13 (A) DELIVER NURSING CARE IN A SPECIALTY, SETTING OR REGION OF NEW YORK  
14 STATE DESIGNATED BY THE COMMISSIONER, IN CONSULTATION WITH THE COMMIS-  
15 SIONER OF EDUCATION, AS HAVING A SHORTAGE OF REGISTERED NURSES; OR (B)  
16 TEACH NURSING STUDENTS.

17 2. THE COMMISSIONER IS AUTHORIZED TO MAKE SCHOLARSHIP AWARDS PURSUANT  
18 TO THIS SECTION, AND IN CONSULTATION WITH THE COMMISSIONER OF EDUCATION,  
19 TO DESIGNATE NURSING PRACTICE SPECIALTIES, HEALTH CARE SETTINGS AND/OR  
20 REGIONS IN NEW YORK STATE THAT HAVE A SHORTAGE OF REGISTERED PROFES-  
21 SIONAL NURSES. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER  
22 OF EDUCATION, SHALL ESTABLISH A MEANS TO DETERMINE PRIORITY AND RELATIVE

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

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1 RANKINGS FOR THE PURPOSES OF AWARDING SCHOLARSHIPS BASED ON PREFERENCES  
2 DESCRIBED IN SUBDIVISIONS FOUR, FIVE AND SIX OF THIS SECTION.

3 3. A SCHOLARSHIP RECIPIENT SHALL BE A RESIDENT OF NEW YORK STATE WHO  
4 (A) ATTENDS OR PLANS TO ATTEND A NURSING EDUCATION PROGRAM IN THE STATE;  
5 AND (B) AGREES TO PRACTICE AS A REGISTERED NURSE IN A DESIGNATED  
6 SPECIALITY, SETTING OR REGION; OR (C) AGREES TO PRACTICE AS A NURSE  
7 EDUCATOR. A SCHOLARSHIP RECIPIENT SHALL BE ENTITLED TO AN AWARD OF UP TO  
8 FIFTEEN THOUSAND DOLLARS PER YEAR OF STUDY. SCHOLARSHIPS MAY BE AWARDED  
9 FOR PART-TIME STUDY, AND ARE CALCULATED BASED ON THE STUDENT'S EXPENSES  
10 TO ATTEND NURSING SCHOOL. SUCH EXPENSES SHALL INCLUDE, BUT NOT BE LIMIT-  
11 ED TO, COST OF ATTENDANCE AT AN UNDERGRADUATE OR GRADUATE SCHOOL OF  
12 NURSING, SUCH AS TUITION, LABORATORY AND OTHER FEES, ROOM AND BOARD,  
13 TRANSPORTATION, SUPPLIES, UNIFORMS, HEALTH INSURANCE COVERAGE, IF  
14 REQUIRED, SUPPLIES, BOOKS, CHILD CARE, AND COSTS TO SUPPORT DAILY  
15 LIVING.

16 4. SCHOLARSHIPS SHALL BE AWARDED COMPETITIVELY USING SELECTION CRITE-  
17 RIA LISTED IN THIS SUBDIVISION. IN SELECTING STUDENTS TO BE AWARDED  
18 SCHOLARSHIPS, PREFERENCE SHALL BE GIVEN TO STUDENTS WHO ARE:

19 (A) FIRST, ENTERING OR CONTINUING IN A PROGRAM IN NEW YORK STATE  
20 APPROVED OR REGISTERED BY THE REGENTS, LEADING TO A BACHELOR'S OR GRADU-  
21 ATE DEGREE IN NURSING;

22 (B) SECOND, ENTERING OR CONTINUING IN A PROGRAM LEADING TO A GRADUATE  
23 DEGREE THAT QUALIFIES THE RECIPIENT TO TEACH NURSING STUDENTS IN A  
24 PROGRAM IN NEW YORK STATE APPROVED OR REGISTERED BY THE REGENTS;

25 (C) THIRD, HAVE EVIDENCE OF ACADEMIC MERIT;

26 (D) FOURTH, HAVE EVIDENCE OF FINANCIAL NEED; AND

27 (E) FIFTH, HAVE PREVIOUS WORK EXPERIENCE IN HEALTH CARE SETTINGS.

28 5. AFTER THE FIRST YEAR OF AWARDS, HIGHEST PREFERENCE SHALL BE GIVEN  
29 TO RECIPIENTS APPLYING FOR SECOND OR SUBSEQUENT YEARS OF FUNDING.

30 6. IN THE EVENT THAT THERE ARE MORE APPLICANTS WHO HAVE THE SAME  
31 PRIORITY THAN THERE ARE REMAINING AWARDS, OR THERE ARE MORE AWARDS  
32 AVAILABLE THAN APPLICANTS WHO MEET THE ABOVE CRITERIA, THE COMMISSIONER,  
33 IN CONSULTATION WITH THE COMMISSIONER OF EDUCATION, SHALL DISTRIBUTE THE  
34 REMAINING AWARDS BASED UPON CONSIDERATIONS AS MAY BE DEEMED MUTUALLY  
35 AGREEABLE. THE COMMISSIONER AND THE COMMISSIONER OF EDUCATION SHALL  
36 DIRECT THAT THE AWARDS ARE DISTRIBUTED TO ENSURE APPROPRIATE GEOGRAPH-  
37 ICAL DISTRIBUTION WITHIN AREAS OF NEED.

38 7. WITHIN SUCH TIME AS THE COMMISSIONER SHALL BY REGULATION PROVIDE, A  
39 RECIPIENT OF AN AWARD SHALL AGREE TO PRACTICE NURSING FOR A PERIOD OF NO  
40 LESS THAN EIGHTEEN MONTHS, OR SERVE AS NURSING FACULTY FOR NO LESS THAN  
41 THREE SEMESTERS, FOR EACH ANNUAL AWARD TO BE RECEIVED BY THE RECIPIENT.  
42 THE COMMISSIONER SHALL SECURE FROM EACH RECIPIENT A WRITTEN AGREEMENT  
43 TO:

44 (I) PROVIDE PROFESSIONAL NURSING SERVICES IN A DESIGNATED SPECIALTY,  
45 SETTING OR REGION; AND WORK IN A PRACTICE SITE THAT SERVES (A) BENEFICI-  
46 ARIES OF TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT (MEDICARE)  
47 AND/OR (B) INDIVIDUALS ELIGIBLE FOR MEDICAL ASSISTANCE PURSUANT TO TITLE  
48 ELEVEN OF ARTICLE FIVE OF THE SOCIAL SERVICES LAW AND/OR (C) INDIVIDUALS  
49 ELIGIBLE FOR A STATE SPONSORED HEALTH INSURANCE PROGRAM AND/OR (D) INDI-  
50 VIDUALS WHO ARE UNINSURED; AND PROVIDE AT LEAST THIRTY HOURS DURING EACH  
51 REGULAR WORK WEEK OF DIRECT PATIENT CARE IN A DESIGNATED SHORTAGE  
52 SPECIALTY, SETTING OR REGION, OR

53 (II) TEACH NURSING STUDENTS.

54 8. IF A RECIPIENT FAILS TO COMPLY FULLY WITH SUCH CONDITIONS, THE  
55 PRESIDENT SHALL BE ENTITLED TO RECEIVE FROM SUCH RECIPIENT AN AMOUNT TO  
56 BE DETERMINED BY THE FORMULA:

A = 2B (T-S)

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T

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2  
3  
4 IN WHICH "A" IS THE AMOUNT THE PRESIDENT IS ENTITLED TO RECOVER, "B" IS  
5 THE SUM OF ALL AWARDS MADE TO THE RECIPIENT AND THE INTEREST ON SUCH  
6 AMOUNT WHICH WOULD BE PAYABLE IF AT THE TIMES SUCH AWARDS WERE PAID THEY  
7 WERE LOANS BEARING INTEREST AT THE MAXIMUM PREVAILING RATE; "T" IS THE  
8 TOTAL NUMBER OF MONTHS IN THE RECIPIENT'S PERIOD OF OBLIGATED SERVICES;  
9 AND "S" IS THE NUMBER OF MONTHS OF SERVICE ACTUALLY RENDERED BY THE  
10 RECIPIENT. ANY AMOUNT WHICH THE PRESIDENT IS ENTITLED TO RECOVER UNDER  
11 THIS PARAGRAPH SHALL BE PAID WITHIN THE FIVE-YEAR PERIOD BEGINNING ON  
12 THE DATE THAT THE RECIPIENT FAILED TO COMPLY WITH THIS SERVICE CONDI-  
13 TION. NOTHING IN THE WRITTEN AGREEMENT SHALL AFFECT THE TERMS OF EMPLOY-  
14 MENT OF THE INDIVIDUAL WHO SHALL NEGOTIATE, SEPARATE AND APART FROM THE  
15 PROGRAM, HIS OR HER SALARY AND OTHER FORMS OF EMPLOYMENT WITH AN AGENCY,  
16 INSTITUTION OR A PROGRAM IN WHICH HE OR SHE SHALL BE EMPLOYED. ANY OBLI-  
17 GATION TO COMPLY WITH SUCH PROVISIONS AS OUTLINED IN THIS SECTION SHALL  
18 BE CANCELED UPON THE DEATH OF THE RECIPIENT. THE COMMISSIONER SHALL  
19 PROMULGATE REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY  
20 FINANCIAL OBLIGATION WHEN COMPLIANCE WOULD INVOLVE EXTREME HARDSHIP.  
21 ANY OBLIGATION TO COMPLY WITH THE PROVISIONS OUTLINED IN THIS SECTION  
22 SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT.

23 9. A RECIPIENT OF AN AWARD SHALL REPORT ANNUALLY TO THE NEW YORK STATE  
24 HIGHER EDUCATION SERVICES CORPORATION, ON FORMS PRESCRIBED BY THE PRESI-  
25 DENT, AS TO THE PERFORMANCE OF THE REQUIRED SERVICES, COMMENCING WITH  
26 THE CALENDAR YEAR IN WHICH THE RECIPIENT HAS COMPLETED THE EDUCATIONAL  
27 COURSE OF STUDY AND CONTINUING UNTIL THE RECIPIENT SHALL HAVE COMPLETED,  
28 OR UNTIL IT IS DETERMINED THAT HE OR SHE SHALL NOT BE OBLIGATED TO  
29 COMPLETE, THE REQUIRED SERVICES. IF THE RECIPIENT SHALL FAIL TO FILE ANY  
30 REPORT REQUIRED HEREUNDER WITHIN THIRTY DAYS OF WRITTEN NOTICE TO THE  
31 RECIPIENT, MAILED TO THE ADDRESS SHOWN ON THE LAST APPLICATION FOR AN  
32 AWARD OR LAST REPORT FILED, WHICHEVER IS LATER, THE PRESIDENT OF THE  
33 CORPORATION MAY IMPOSE A FINE OF UP TO ONE THOUSAND DOLLARS. THE PRESI-  
34 DENT SHALL HAVE THE DISCRETION TO WAIVE THE FILING OF A REPORT, EXCUSE A  
35 DELAY IN FILING OR A FAILURE TO FILE A REPORT, OR WAIVE OR REDUCE ANY  
36 FINE IMPOSED FOR GOOD CAUSE SHOWN.

37 10. THE COMMISSIONER IS AUTHORIZED TO APPLY ANY FUNDS APPROPRIATED TO  
38 IMPLEMENT THIS SECTION AS MATCHING FUNDS FOR ANY FEDERAL NURSING EDUCA-  
39 TION PROGRAMS GRANTS THAT MAY BE OR BECOME AVAILABLE WHOSE CRITERIA ARE  
40 SIMILAR TO THOSE STATED IN THIS CHAPTER.

41 S 267. GRANTS FOR NURSING EDUCATION. 1. THE COMMISSIONER, IN COLLAB-  
42 ORATION WITH THE COMMISSIONER OF EDUCATION, IS AUTHORIZED TO MAKE GRANTS  
43 TO COLLEGES, OR UNIVERSITIES WITHIN NEW YORK STATE TO ESTABLISH OR  
44 EXPAND TRAINING PROGRAMS FOR REGISTERED PROFESSIONAL NURSES, CLINICAL  
45 NURSE SPECIALISTS, AND NURSE EDUCATORS AND TO INCREASE THE OPPORTUNITIES  
46 FOR NURSING EDUCATION AT COMMUNITY-BASED SITES.

47 2. GRANT FUNDS MAY BE USED FOR ADMINISTRATION, FACULTY RECRUITMENT AND  
48 DEVELOPMENT, START-UP COSTS AND COSTS INCURRED TEACHING NURSING STUDENTS  
49 AT COMMUNITY-BASED SITES, INCLUDING, BUT NOT LIMITED TO, PERSONNEL,  
50 ADMINISTRATION AND STUDENT RELATED EXPENSES AND OTHER EXPENSES JUDGED  
51 REASONABLE AND NECESSARY BY THE COMMISSIONER.

52 3. GRANTS SHALL BE AWARDED ON A COMPETITIVE BASIS IN AMOUNTS NOT TO  
53 EXCEED AN AGGREGATE OF TWO HUNDRED FIFTY THOUSAND DOLLARS THROUGH A  
54 REQUEST FOR APPLICATION PROCESS. IN MAKING AWARDS, THE COMMISSIONER  
55 SHALL CONSIDER:

1 (A) THE NEED FOR REGISTERED NURSES, CLINICAL NURSE SPECIALISTS AND  
2 NURSE EDUCATORS IN THE SPECIALTY AND IN THE REGION IN WHICH THE APPLI-  
3 CANT IS LOCATED;

4 (B) THE COST-EFFECTIVENESS OF THE PROPOSAL; AND

5 (C) THE APPLICANT'S COMMITMENT TO PLACE GRADUATES IN NURSING POSITIONS  
6 IN DESIGNATED SPECIALTIES, SETTINGS AND/OR REGIONS.

7 4. THE INTENT OF THE PROGRAM IS TO AUGMENT OR INCREASE TRAINING  
8 PROGRAMS FOR REGISTERED PROFESSIONAL NURSES, BOTH AT ENTRY LEVEL AND  
9 GRADUATE LEVELS INCLUDING BACCALAUREATE COMPLETION PROGRAMS, SPECIALTY  
10 CERTIFICATE, MASTER'S AND DOCTORAL DEGREES. GRANT FUNDING SHALL NOT BE  
11 USED TO OFFSET EXISTING EXPENDITURES THE INSTITUTION OR PROGRAM HAS  
12 OBLIGATED OR INTENDS TO OBLIGATE FOR SUCH TRAINING PROGRAMS.

13 S 2. Section 942 of the executive law is amended by adding a new  
14 subdivision 7 to read as follows:

15 7. FOR THE PURPOSE OF ADVISING AND ASSISTING THE COUNCIL IN CARRYING  
16 OUT ITS POWERS AND DUTIES IN REGARD TO NURSING EDUCATION THERE IS HEREBY  
17 ESTABLISHED AN ADVISORY COMMITTEE ON NURSING EDUCATION COMPRISED OF  
18 ELEVEN MEMBERS. THE MEMBERS AND CHAIRPERSON OF THE ADVISORY COMMITTEE  
19 SHALL BE SELECTED BY THE CHAIRPERSON OF THE COUNCIL AND SHALL INCLUDE  
20 REPRESENTATIVES OF PUBLIC AND INDEPENDENT INSTITUTIONS OF HIGHER EDUCA-  
21 TION OFFERING AN APPROVED PROGRAM IN NURSING AND REGISTERED PROFESSIONAL  
22 NURSES AUTHORIZED OR LICENSED TO PRACTICE NURSING WITHIN THE STATE OF  
23 NEW YORK. THE MEMBERSHIP OF THE ADVISORY COMMITTEE SHALL INCLUDE MINORI-  
24 TY REPRESENTATION.

25 S 3. This act shall take effect immediately.