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

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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:

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

TITLE VI

EMPIRE STATE PROFESSIONAL NURSING SCHOLARSHIP PROGRAM

SECTION 266. EMPIRE STATE PROFESSIONAL NURSING SCHOLARSHIP PROGRAM.
267. GRANTS FOR NURSING EDUCATION.

S 266. EMPIRE STATE PROFESSIONAL NURSING SCHOLARSHIP PROGRAM. 1. THE COMMISSIONER, IN COLLABORATION WITH THE COMMISSIONER OF EDUCATION AND THE PRESIDENT OF THE HIGHER EDUCATION SERVICES CORPORATION, IS AUTHORIZED AND DIRECTED TO ESTABLISH THE EMPIRE STATE PROFESSIONAL NURSING SCHOLARSHIP PROGRAM TO PROVIDE FINANCIAL SUPPORT TO APPLICANTS TO ENTER OR CONTINUE IN A REGISTERED NURSE EDUCATIONAL PROGRAM AND WHO AGREE TO (A) DELIVER NURSING CARE IN A SPECIALTY, SETTING OR REGION OF NEW YORK STATE DESIGNATED BY THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF EDUCATION, AS HAVING A SHORTAGE OF REGISTERED NURSES; OR (B) TEACH NURSING STUDENTS.

2. THE COMMISSIONER IS AUTHORIZED TO MAKE SCHOLARSHIP AWARDS PURSUANT TO THIS SECTION, AND IN CONSULTATION WITH THE COMMISSIONER OF EDUCATION, TO DESIGNATE NURSING PRACTICE SPECIALTIES, HEALTH CARE SETTINGS AND/OR REGIONS IN NEW YORK STATE THAT HAVE A SHORTAGE OF REGISTERED PROFESSIONAL NURSES. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER 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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RANKINGS FOR THE PURPOSES OF AWARDING SCHOLARSHIPS BASED ON PREFERENCES DESCRIBED IN SUBDIVISIONS FOUR, FIVE AND SIX OF THIS SECTION.

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

4. SCHOLARSHIPS SHALL BE AWARDED COMPETITIVELY USING SELECTION CRITERIA LISTED IN THIS SUBDIVISION. IN SELECTING STUDENTS TO BE AWARDED SCHOLARSHIPS, PREFERENCE SHALL BE GIVEN TO STUDENTS WHO ARE:

(A) FIRST, ENTERING OR CONTINUING IN A PROGRAM IN NEW YORK STATE APPROVED OR REGISTERED BY THE REGENTS, LEADING TO A BACHELOR'S OR GRADUATE DEGREE IN NURSING;

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

(C) THIRD, HAVE EVIDENCE OF ACADEMIC MERIT;

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

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

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

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

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

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

(II) TEACH NURSING STUDENTS.

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

$$A = \frac{2B\,(T-S)}{T}$$

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

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

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

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

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

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

(A) THE NEED FOR REGISTERED NURSES, CLINICAL NURSE SPECIALISTS AND NURSE EDUCATORS IN THE SPECIALTY AND IN THE REGION IN WHICH THE APPLICANT IS LOCATED;

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

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

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

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

7. FOR THE PURPOSE OF ADVISING AND ASSISTING THE COUNCIL IN CARRYING OUT ITS POWERS AND DUTIES IN REGARD TO NURSING EDUCATION THERE IS HEREBY ESTABLISHED AN ADVISORY COMMITTEE ON NURSING EDUCATION COMPRISED OF ELEVEN MEMBERS. THE MEMBERS AND CHAIRPERSON OF THE ADVISORY COMMITTEE SHALL BE SELECTED BY THE CHAIRPERSON OF THE COUNCIL AND SHALL INCLUDE REPRESENTATIVES OF PUBLIC AND INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION OFFERING AN APPROVED PROGRAM IN NURSING AND REGISTERED PROFESSIONAL NURSES AUTHORIZED OR LICENSED TO PRACTICE NURSING WITHIN THE STATE OF NEW YORK. THE MEMBERSHIP OF THE ADVISORY COMMITTEE SHALL INCLUDE MINORITY REPRESENTATION.

S 3. This act shall take effect immediately.