

2856

2011-2012 Regular Sessions

I N A S S E M B L Y

January 20, 2011

Introduced by M. of A. TEDISCO -- Multi-Sponsored by -- M. of A. BUTLER,
CROUCH, FITZPATRICK, HAWLEY, THIELE -- 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.

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

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1 4. ADVISORY COUNCIL. THE COMMISSIONER IS HEREBY AUTHORIZED TO ESTAB-
2 LISH AND APPOINT AN ADVISORY COUNCIL TO ASSIST IN THE ADMINISTRATION OF
3 SUCH PROGRAM, THE FORMULATION OF NECESSARY RULES AND REGULATIONS, THE
4 ESTABLISHMENT OF STANDARDS FOR ELIGIBILITY AND ANY OTHER MATTERS RELATED
5 THERETO. THE COUNCIL SHALL CONSIST OF SEVEN MEMBERS APPOINTED FOR A
6 TERM OF TWO YEARS. FROM TIME TO TIME, BUT AT LEAST ONCE IN EVERY FIVE
7 YEARS, THE ADVISORY COUNCIL SHALL MAKE AND PUBLISH AN EVALUATION OF THE
8 PROGRAM UNDER THIS SECTION.

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

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

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

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

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

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

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

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

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