

2861

2011-2012 Regular Sessions

I N A S S E M B L Y

January 20, 2011

Introduced by M. of A. PRETLOW, SCHIMMINGER, ENGLEBRIGHT, LIFTON, PHEFFER, ABBATE, PAULIN -- Multi-Sponsored by -- M. of A. BURLING, O'DONNELL -- read once and referred to the Committee on Higher Education

AN ACT to amend the education 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. The education law is amended by adding two new sections
2 6911 and 6912 to read as follows:
3 S 6911. EMPIRE STATE PROFESSIONAL NURSING SCHOLARSHIP PROGRAM. 1. THE
4 COMMISSIONER, IN COLLABORATION WITH THE COMMISSIONER OF HEALTH AND THE
5 PRESIDENT OF THE HIGHER EDUCATION SERVICES CORPORATION, IS AUTHORIZED
6 AND DIRECTED TO ESTABLISH THE EMPIRE STATE PROFESSIONAL NURSING SCHOLAR-
7 SHIP PROGRAM TO PROVIDE FINANCIAL SUPPORT TO APPLICANTS TO ENTER OR
8 CONTINUE IN A REGISTERED NURSE EDUCATIONAL PROGRAM AND WHO AGREE TO:
9 (A) DELIVER NURSING CARE IN A SPECIALTY, SETTING OR REGION OF NEW YORK
10 STATE DESIGNATED BY THE COMMISSIONER, IN CONSULTATION WITH THE COMMIS-
11 SIONER OF HEALTH, AS HAVING A SHORTAGE OF REGISTERED NURSES; OR (B)
12 TEACH NURSING STUDENTS.
13 2. THE COMMISSIONER IS AUTHORIZED TO MAKE SCHOLARSHIP AWARDS PURSUANT
14 TO THIS SECTION, AND IN CONSULTATION WITH THE COMMISSIONER OF HEALTH, TO
15 DESIGNATE NURSING PRACTICE SPECIALTIES, HEALTH CARE SETTINGS AND/OR
16 REGIONS IN NEW YORK STATE THAT HAVE A SHORTAGE OF REGISTERED PROFES-
17 SIONAL NURSES. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER
18 OF HEALTH, SHALL ESTABLISH A MEANS TO DETERMINE PRIORITY AND RELATIVE
19 RANKINGS FOR THE PURPOSES OF AWARDING SCHOLARSHIPS BASED ON PREFERENCES
20 DESCRIBED IN SUBDIVISIONS FOUR, FIVE AND SIX OF THIS SECTION.
21 3. A SCHOLARSHIP RECIPIENT SHALL BE A RESIDENT OF NEW YORK STATE WHO:
22 (A) ATTENDS OR PLANS TO ATTEND A NURSING EDUCATION PROGRAM IN THE STATE;

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

LBD03003-01-1

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

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

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

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

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

22 (D) FOURTH, ARE MEMBERS OF A FEDERALLY-RECOGNIZED MINORITY GROUP;

23 (E) FIFTH, HAVE EVIDENCE OF FINANCIAL NEED; AND

24 (F) SIXTH, HAVE PREVIOUS WORK EXPERIENCE IN HEALTH CARE SETTINGS.

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

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

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

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

50 (B) TEACH NURSING STUDENTS.

51 8. IF A RECIPIENT FAILS TO COMPLY FULLY WITH SUCH CONDITIONS, THE
52 PRESIDENT OF THE HIGHER EDUCATION SERVICES CORPORATION SHALL BE ENTITLED
53 TO RECEIVE FROM SUCH RECIPIENT AN AMOUNT TO BE DETERMINED BY THE FORMU-
54 LA:

$$A = 2B (T-S)$$

T

1
2 IN WHICH "A" IS THE AMOUNT THE PRESIDENT IS ENTITLED TO RECOVER, "B" IS
3 THE SUM OF ALL AWARDS MADE TO THE RECIPIENT AND THE INTEREST ON SUCH
4 AMOUNT WHICH WOULD BE PAYABLE IF AT THE TIMES SUCH AWARDS WERE PAID THEY
5 WERE LOANS BEARING INTEREST AT THE MAXIMUM PREVAILING RATE; "T" IS THE
6 TOTAL NUMBER OF MONTHS IN THE RECIPIENT'S PERIOD OF OBLIGATED SERVICES;
7 AND "S" IS THE NUMBER OF MONTHS OF SERVICE ACTUALLY RENDERED BY THE
8 RECIPIENT. ANY AMOUNT WHICH THE PRESIDENT IS ENTITLED TO RECOVER UNDER
9 THIS PARAGRAPH SHALL BE PAID WITHIN THE FIVE-YEAR PERIOD BEGINNING ON
10 THE DATE THAT THE RECIPIENT FAILED TO COMPLY WITH THIS SERVICE CONDI-
11 TION. NOTHING IN THE WRITTEN AGREEMENT SHALL AFFECT THE TERMS OF EMPLOY-
12 MENT OF THE INDIVIDUAL WHO SHALL NEGOTIATE, SEPARATE AND APART FROM THE
13 PROGRAM, HIS OR HER SALARY AND OTHER FORMS OF EMPLOYMENT WITH AN AGENCY,
14 INSTITUTION OR A PROGRAM IN WHICH HE OR SHE SHALL BE EMPLOYED. ANY OBLI-
15 GATION TO COMPLY WITH SUCH PROVISIONS AS OUTLINED IN THIS SECTION SHALL
16 BE CANCELED UPON THE DEATH OF THE RECIPIENT. THE COMMISSIONER SHALL
17 PROMULGATE REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY
18 FINANCIAL OBLIGATION WHEN COMPLIANCE WOULD INVOLVE EXTREME HARDSHIP.
19 ANY OBLIGATION TO COMPLY WITH THE PROVISIONS OUTLINED IN THIS SECTION
20 SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT.

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

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

39 S 6912. GRANTS FOR NURSING EDUCATION. 1. THE COMMISSIONER, IN COLLAB-
40 ORATION WITH THE COMMISSIONER OF HEALTH, IS AUTHORIZED TO MAKE GRANTS TO
41 COLLEGES, OR UNIVERSITIES WITHIN NEW YORK STATE TO ESTABLISH OR EXPAND
42 TRAINING PROGRAMS FOR REGISTERED PROFESSIONAL NURSES, CLINICAL NURSE
43 SPECIALISTS, AND NURSE EDUCATORS AND TO INCREASE THE OPPORTUNITIES FOR
44 NURSING EDUCATION AT COMMUNITY-BASED SITES.

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

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

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

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

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

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

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

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

22 S 3. This act shall take effect immediately.