

1977--B

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 12, 2011

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Introduced by M. of A. MORELLE, JAFFEE, PERRY, MAGNARELLI, SPANO, ROSEN-  
THAL, CUSICK, GUNTHER, CAMARA, ORTIZ, GIBSON, PAULIN, KELLNER, CASTRO,  
LAVINE, TITONE, DINOWITZ, GOTTFRIED, P. RIVERA, MAISEL, M. MILLER,  
STEVENSON, BENEDETTO -- Multi-Sponsored by -- M. of A. ABINANTI, BING,  
CAHILL, CONTE, CURRAN, CYMBROWITZ, DenDEKKER, ENGLEBRIGHT, FINCH,  
FITZPATRICK, GALEF, HEASTIE, HOOPER, HOYT, JEFFRIES, JOHNS, KOLB,  
LATIMER, LIFTON, LOSQUADRO, LUPARDO, MAGEE, MALLIOTAKIS, McDONOUGH,  
J. MILLER, MILLMAN, NOLAN, PRETLOW, RAIA, RAMOS, J. RIVERA, ROBINSON,  
RUSSELL, SCHIMEL, SWEENEY, TEDISCO, TENNEY, TOBACCO, WEISENBERG --  
read once and referred to the Committee on Higher Education -- commit-  
tee discharged, bill amended, ordered reprinted as amended and recom-  
mitted to said committee -- again reported from said committee with  
amendments, ordered reprinted as amended and recommitted to said  
committee

AN ACT to amend the education law, in relation to the educational prepa-  
ration for practice of professional nursing

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

1     Section 1. The legislature hereby finds and declares that with the  
2     increasing complexity of the American healthcare system and rapidly  
3     expanding technology, the educational preparation of the registered  
4     professional nurse must be expanded. The nurse of the future must be  
5     prepared to partner with multiple disciplines as a collaborator and  
6     manager of the complex patient care journey. Shorter lengths of stays,  
7     higher patient acuity, and more sophisticated technologies and proce-  
8     dures are increasing the complexity of patient care - which in turn  
9     places great demands on nursing competencies. Other countries are  
10    responding to these changes by requiring the baccalaureate degree as an  
11    entry requirement for nursing licensure while other professions are  
12    demanding master and doctoral degrees as their entry point. Several  
13    recent research studies clearly demonstrate the added value of addi-

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

LBD05299-03-1

1 tional education in relation to improved patient outcomes; one study  
2 demonstrates that each ten percent increase in the number of baccalau-  
3 reate prepared nurses results in a five percent decrease in surgical  
4 patient deaths. Therefore, the legislature finds that expanding the  
5 educational requirements for the profession of nursing, while maintain-  
6 ing the multiple entry points into the profession, is needed. This  
7 legislation affects future nurses graduating from associate degree or  
8 diploma nursing programs who would be required to obtain a baccalaureate  
9 in nursing within ten years of initial licensure. All current nurses  
10 licensed in New York and students in programs preparing for registered  
11 professional nursing are to be exempt from the new requirement. This  
12 legislation is mirrored after the progressive education requirement for  
13 teachers in New York state. Numerous regulatory and accrediting bodies  
14 have recommended this change as a means to address sophisticated patient  
15 care needs resulting from shorter lengths of stay, higher acuity and  
16 more sophisticated interventions. This proposal is the result of a grow-  
17 ing body of research evidence that additional education results in  
18 better patient outcomes. Therefore by requiring the baccalaureate degree  
19 for continued registration as a registered professional nurse this  
20 legislation seeks to be responsive to meet the increasingly complex  
21 health care needs of the residents of New York state.

22 S 2. Subdivision 2 of section 6905 of the education law, as amended by  
23 chapter 994 of the laws of 1971 and such section as renumbered by chap-  
24 ter 50 of the laws of 1972, is amended to read as follows:

25 (2) Education: have received an education, and a diploma or degree in  
26 professional nursing, in accordance with the commissioner's regulations,  
27 AND IN ORDER TO CONTINUE TO MAINTAIN REGISTRATION AS A REGISTERED  
28 PROFESSIONAL NURSE IN NEW YORK STATE, HAVE ATTAINED A BACCALAUREATE  
29 DEGREE IN NURSING WITHIN TEN YEARS OF INITIAL LICENSURE IN ACCORDANCE  
30 WITH THE COMMISSIONER'S REGULATIONS. THE DEPARTMENT, IN ITS DISCRETION,  
31 MAY ISSUE A CONDITIONAL REGISTRATION TO A LICENSEE WHO FAILS TO COMPLETE  
32 THE BACCALAUREATE DEGREE BUT WHO AGREES TO MEET THE ADDITIONAL REQUIRE-  
33 MENT WITHIN ONE YEAR. THE FEE FOR SUCH A CONDITIONAL REGISTRATION SHALL  
34 BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIENNIAL REGISTRA-  
35 TION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL BE FOR ONE  
36 YEAR AND MAY BE EXTENDED, WITH THE PAYMENT OF A FEE, FOR NO MORE THAN  
37 ONE ADDITIONAL YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF A  
38 REGISTRATION FOR FAILURE TO COMPLETE THE ADDITIONAL EDUCATIONAL REQUIRE-  
39 MENTS AND WHO PRACTICES AS A REGISTERED PROFESSIONAL NURSE WITHOUT SUCH  
40 REGISTRATION MAY BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO  
41 SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE;

42 S 3. The provisions of this act shall not apply to:

43 a. any student entering a generic baccalaureate program preparing  
44 registered professional nurses after the effective date of this act;

45 b. any student currently enrolled in, or having an application pending  
46 in, a program preparing registered nurses as of the effective date of  
47 this act;

48 c. any person already licensed as a registered professional nurse or  
49 any unlicensed graduate professional nurse who is eligible to take the  
50 National Council Licensure Examination as of the effective date of this  
51 act.

52 S 4. This act shall take effect immediately and the commissioner of  
53 education is authorized to promulgate any rule or regulation necessary  
54 to implement the provisions of this act.