

4779

2013-2014 Regular Sessions

I N A S S E M B L Y

February 8, 2013

Introduced by M. of A. PALMESANO -- Multi-Sponsored by -- M. of A. BARCLAY, BLANKENBUSH, CROUCH, FINCH, McLAUGHLIN, TENNEY -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law and the state finance law, in relation to enacting the New York state nursing shortage correction act

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

- 1 Section 1. This act shall be known and may be cited as the "New York
2 state nursing shortage correction act".
3 S 2. The education law is amended by adding a new section 669-e to
4 read as follows:
5 S 669-E. NEW YORK STATE NURSING RECRUITMENT INCENTIVE AND RETENTION
6 PROGRAM. 1. THE DEPARTMENT IS AUTHORIZED, WITHIN AMOUNTS APPROPRIATED OR
7 OTHERWISE LAWFULLY AVAILABLE FROM ANY OTHER SOURCE, TO ESTABLISH A NURS-
8 ING RECRUITMENT INCENTIVE AND RETENTION PROGRAM.
9 2. DEFINITIONS. AS USED IN THIS SECTION THE TERM:
10 (A) "PROSPECTIVE NURSE" SHALL MEAN A PERSON WHO DESIRES TO ENTER NURS-
11 ING SCHOOL TO BECOME A NURSE.
12 (B) "DEGREE PRODUCING CURRICULUM" SHALL MEAN A SERIES OF COURSES
13 PROGRAMMED TO CULMINATE IN A SPECIFIC POST-SECONDARY DEGREE OR DIPLOMA
14 WHEN SUCCESSFULLY COMPLETED.
15 (C) "TUITION" SHALL MEAN THE TOTAL SEMESTER, QUARTER, OR CLASSROOM
16 HOUR COST OF INSTRUCTION TO THE STUDENT AS PERIODICALLY PUBLISHED IN THE
17 CATALOGUE OF THE INSTITUTION, SPECIFICALLY EXCLUDING MANDATORY FEES,
18 BOOK CHARGES, AND ROOM AND BOARD.
19 (D) "TUITION BENEFIT" SHALL MEAN THE PAYMENT OF WHATEVER COST IS
20 ATTRIBUTABLE TO THE COST OF TUITION AFTER THE DEDUCTION OF ANY OTHER
21 AVAILABLE EDUCATIONAL GRANT AID.
22 (E) "PART-TIME STUDY" SHALL MEAN ENROLLMENT IN AN APPROVED POST-SECON-
23 DARY DEGREE PROGRAM FOR AT LEAST SIX BUT LESS THAN TWELVE SEMESTER

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

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1 HOURS, OR THE EQUIVALENT PER SEMESTER, OR AT LEAST FOUR BUT LESS THAN
2 EIGHT SEMESTER HOURS PER QUARTER IN AN INSTITUTION.

3 (F) "INSTITUTION" SHALL MEAN UNIVERSITY OF THE STATE OF NEW YORK, THE
4 CITY UNIVERSITY OF NEW YORK OR A COMMUNITY COLLEGE LOCATED WITHIN THIS
5 STATE WHICH PROVIDES A COURSE OF STUDY LEADING TO THE GRANTING OF A
6 POST-SECONDARY DEGREE OR DIPLOMA.

7 (G) "LEGAL RESIDENT" SHALL MEAN A PERSON WHOSE PRINCIPAL DOMICILE IS
8 LOCATED WITHIN NEW YORK STATE IN EXCESS OF ONE HUNDRED EIGHTY-SIX DAYS
9 PER YEAR.

10 3. (A) NOTWITHSTANDING THE PROVISIONS OF ANY OTHER GENERAL, SPECIAL,
11 OR LOCAL LAW, RULE, OR REGULATION, ANY PROSPECTIVE NURSE SHALL BE ENTI-
12 TLED TO THE TUITION BENEFIT PROVIDED BY THIS SECTION UPON SUCH PERSON'S
13 ENROLLMENT IN A DEGREE PRODUCING CURRICULUM IN ANY INSTITUTION.

14 (B) THE TUITION BENEFIT PROVIDED BY THIS SECTION SHALL BE RESTRICTED
15 TO LEGAL RESIDENTS OF THE STATE. THE BENEFIT MAY BE USED FOR EITHER
16 PART-TIME OR FULL-TIME STUDY. NO RESTRICTION AS TO SESSIONS, STUDENTS
17 STATUS, OR SPACE AVAILABILITY WHICH DOES NOT APPLY TO ALL STUDENTS SHALL
18 BE PLACED BY INSTITUTIONS UPON RECIPIENTS UNDER THIS PROGRAM.

19 (C) UPON THE RECIPIENT'S ATTAINMENT OF A BACCALAUREATE OR CESSATION OF
20 STATUS AS AN ACTIVE MEMBER, WHICHEVER OCCURS FIRST, THE BENEFIT PROVIDED
21 BY THIS SECTION SHALL BE DISCONTINUED. THE TUITION BENEFIT PROVIDED BY
22 THIS SECTION MAY BE SUSPENDED AT THE DIRECTION OF THE DEPARTMENT FOR A
23 RECIPIENT'S FAILURE TO MAINTAIN GOOD ACADEMIC PROGRESS AND PROGRAM
24 PURSUIT OR FOR THE FAILURE TO MAINTAIN SUFFICIENT ACADEMIC STANDING TO
25 RETAIN ELIGIBILITY FOR ANY OTHER FINANCIAL ASSISTANCE THE RECIPIENT MAY
26 BE RECEIVING.

27 (D) UNLESS OTHERWISE PROVIDED FOR IN THIS SECTION, THE TUITION BENEFIT
28 SHALL BE ON THE TERMS AND CONDITIONS SET BY THE DEPARTMENT, PROVIDED
29 THAT SUCH PERSON SHALL SIGN A CONTRACT TO AGREE TO WORK IN A JOB THAT
30 REQUIRES SUCH PERSON TO BE LICENSED AS A REGISTERED NURSE MORE THAN AN
31 AVERAGE OF TWENTY HOURS PER WEEK ANYWHERE WITHIN THIS STATE; FOR TWO
32 YEARS IF SUCH PERSON WAS IN AN ASSOCIATE IN NURSING PROGRAM; OR FOR FOUR
33 YEARS IF SUCH PERSON WERE IN A BACHELOR'S OR HIGHER DEGREE NURSING
34 PROGRAM. SUCH JOB SHALL BEGIN WITHIN ONE YEAR AFTER LEAVING COLLEGE OR A
35 NURSING DEGREE PROGRAM.

36 (E) THE TUITION BENEFIT PROVIDED BY THIS SECTION SHALL BE EFFECTIVE
37 BEGINNING WITH THE SCHOOL SEMESTER OR QUARTER FOLLOWING ITS ENACTMENT
38 INTO LAW.

39 4. (A) A REGISTERED NURSE WHO DID NOT RECEIVE THE FULL BENEFIT PURSU-
40 ANT TO SUBDIVISION THREE OF THIS SECTION OR IS UNDER OBLIGATION TO REPAY
41 THE LOANS, AND IS EMPLOYED MORE THAN AN AVERAGE OF TWENTY HOURS A WEEK
42 IN A LICENSED AND REGISTERED NURSING JOB IN THIS STATE MAY REQUIRE THE
43 STATE UNIVERSITY OF NEW YORK OR THE CITY UNIVERSITY OF NEW YORK TO TAKE
44 OVER ALL OR PART OF SUCH REGISTERED NURSE'S STUDENT LOAN PAYMENTS IF
45 SUCH PERSON AVERAGES MORE THAN THIRTY-FIVE HOURS PER WEEK IN A JOB THAT
46 REQUIRES SUCH PERSON TO BE LICENSED AS A REGISTERED NURSE.

47 (B) IF SUCH PERSON AVERAGES BETWEEN TWENTY AND THIRTY-FIVE HOURS PER
48 WEEK IN A JOB THAT REQUIRES SUCH PERSON TO BE LICENSED AS A REGISTERED
49 NURSE, ONE-HALF OF THE STUDENT LOAN PAYMENTS SHALL BE TAKEN OVER BY SUCH
50 INSTITUTIONS.

51 (C) ONLY HOURS WORKED WITHIN NEW YORK STATE MAY BE ELIGIBLE TOWARDS
52 THE HOURS OF WORK PER WEEK.

53 5. THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW
54 YORK SHALL CONTINUE TO OPERATE PURSUANT TO SUBDIVISION THREE OF THIS
55 SECTION UNTIL SUCH PERSON RECEIVES THE SAME AMOUNT AS WOULD HAVE BEEN
56 RECEIVED UNDER SUBDIVISION ONE OF THIS SECTION OR UNTIL SUCH PERSON

1 CEASES TO BE EMPLOYED MORE THAN TWENTY HOURS PER WEEK IN A JOB IN THIS
2 STATE THAT REQUIRES SUCH PERSON TO BE LICENSED AS A REGISTERED NURSE, OR
3 SUCH PERSON'S STUDENT LOANS ARE PAID OFF, WHICHEVER OCCURS FIRST.

4 6. (A) IF SUCH BENEFIT PURSUANT TO SUBDIVISION FOUR OF THIS SECTION
5 CEASES BECAUSE SUCH REGISTERED NURSE CEASES TO BE EMPLOYED MORE THAN AN
6 AVERAGE OF TWENTY HOURS PER WEEK IN A JOB IN THIS STATE THAT REQUIRES
7 SUCH PERSON TO BE LICENSED AS A REGISTERED NURSE, SUCH PERSON MAY REAP-
8 PLY WHEN SUCH PERSON BEGINS TO WORK MORE THAN AN AVERAGE OF TWENTY HOURS
9 PER WEEK.

10 (B) AT THE TIME WHEN THE BENEFIT CEASES, THE FULL AMOUNT OF MONEY
11 ADVANCED SUCH PERSON SHALL BE CONVERTED INTO A STUDENT LOAN AS DEFINED
12 IN THE CONTRACT SUCH PERSON SIGNED PURSUANT TO PARAGRAPH (D) OF SUBDIVI-
13 SION THREE OF THIS SECTION.

14 (C) THE COMMISSIONER OF HEALTH MAY WAIVE OR DELAY THE ENFORCEMENT OF
15 THIS SUBDIVISION IN CASES OF EXTREME HARDSHIP.

16 7. THE RESPECTIVE INSTITUTIONS SHALL PROVIDE THE DEPARTMENT OF TAXA-
17 TION AND FINANCE ON A QUARTERLY BASIS WITH PERTINENT INFORMATION,
18 INCLUDING, BUT NOT LIMITED TO, THE NAMES, ADDRESSES, SOCIAL SECURITY
19 NUMBERS, NAMES AND ADDRESSES OF EMPLOYERS. SUCH INFORMATION SHALL BE IN
20 A COMPUTER READABLE FORMAT AS SET FORTH BY THE DEPARTMENT OF TAXATION
21 AND FINANCE.

22 S 3. The state finance law is amended by adding a new section 91-h to
23 read as follows:

24 S 91-H. NEW YORK STATE NURSING RECRUITMENT INCENTIVE AND RETENTION
25 ACCOUNT. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE
26 STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE AN
27 ACCOUNT IN THE MISCELLANEOUS SPECIAL REVENUE FUND TO BE KNOWN AS THE NEW
28 YORK STATE NURSING RECRUITMENT INCENTIVE AND RETENTION ACCOUNT.

29 2. SUCH ACCOUNT SHALL CONSIST OF ALL REVENUES RECEIVED FROM CONTRIB-
30 UTIONS, DONATIONS AND OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM
31 ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

32 3. MONEYS OF THE ACCOUNT, FOLLOWING APPROPRIATION BY THE LEGISLATURE
33 MAY BE EXPENDED FOR THE NEW YORK STATE NURSING RECRUITMENT INCENTIVE AND
34 RETENTION PROGRAM. MONEYS SHALL BE PAID OUT OF THE ACCOUNT ON THE AUDIT
35 AND WARRANT OF THE STATE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED
36 BY THE ADJUTANT GENERAL OF NEW YORK STATE.

37 S 4. This act shall take effect July 1, 2014. Effective immediately,
38 the addition, amendment and/or repeal of any rule or regulation neces-
39 sary for the implementation of this act on its effective date is author-
40 ized and directed to be made and completed on or before such effective
41 date.