

STATE OF NEW YORK

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IN ASSEMBLY

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Introduced by M. of A. MORELLE, JAFFEE, PERRY, MAGNARELLI, ROSENTHAL, CUSICK, GUNTHER, ORTIZ, PAULIN, TITONE, DINOWITZ, GOTTFRIED, M. G. MILLER, BENEDETTO, BRONSON, GALEF, COLTON, BRINDISI, SKARTADOS, STIRPE, FAHY, SIMANOWITZ, WEPRIN, BLAKE, ARROYO, HARRIS, THIELE, JEAN-PIERRE -- Multi-Sponsored by -- M. of A. ABINANTI, BARCLAY, BRABENEC, BRAUNSTEIN, CAHILL, COOK, CURRAN, CYMBROWITZ, DE LA ROSA, DenDEKKER, ENGLEBRIGHT, FINCH, FITZPATRICK, GARBARINO, HEVESI, HOOPER, JENNE, JOHNS, KOLB, LAWRENCE, LIFTON, LUPARDO, MAGEE, MALLIOTAKIS, McDONALD, McDONOUGH, MONTESANO, MORINELLO, PRETLOW, RAIA, RAMOS, RIVERA, STEC, WALTER, ZEBROWSKI -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the education law, in relation to the educational preparation for practice of professional nursing; and the creation of a temporary nursing program evaluation commission

The People of the State of New York, represented in Senate and Assembly, 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

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

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1 entry requirement for nursing licensure while other professions are
2 demanding master and doctoral degrees as their entry point. Several
3 recent research studies clearly demonstrate the added value of addi-
4 tional education in relation to improved patient outcomes. The legisla-
5 ture finds that expanding the educational requirements for the profes-
6 sion of nursing, while maintaining the multiple entry points into the
7 profession, is needed. This legislation affects future nurses graduat-
8 ing from associate degree or diploma nursing programs who would be
9 required to obtain a baccalaureate in nursing within ten years of
10 initial licensure. All current nurses licensed in New York and students
11 in programs preparing for registered professional nursing are to be
12 exempt from the new requirement. This legislation is mirrored after the
13 progressive education requirement for teachers in New York state. Numer-
14 ous regulatory and accrediting bodies have recommended this change as a
15 means to address sophisticated patient care needs resulting from shorter
16 lengths of stay, higher acuity and more sophisticated interventions.
17 This proposal is the result of a growing body of research evidence that
18 additional education results in better patient outcomes. Therefore by
19 requiring the baccalaureate degree for continued registration as a
20 registered professional nurse this legislation seeks to be responsive to
21 meet the increasingly complex health care needs of the residents of New
22 York state.

23 § 2. 1. A temporary commission, to be known as the nursing program
24 evaluation commission (hereinafter "commission"), is hereby created to
25 make recommendations on the following:

26 a. barriers to entry into nursing, including, but not limited to
27 cultural barriers, economic barriers, and compliance barriers;
28 b. the availability and access to baccalaureate programs, including
29 such availability and access for non-traditional students, rural
30 students, and students of diverse cultural backgrounds;
31 c. the financial barriers to entry into baccalaureate programs; and
32 d. other alternative equivalents through which nurses may obtain
33 training and experience.

34 2. The commission shall consist of nine members as follows: two
35 members shall be appointed by the speaker of the assembly; two members
36 shall be appointed by the temporary president of the senate; one member
37 shall be appointed by the minority leader of the senate; one member
38 shall be appointed by the minority leader of the assembly; and three
39 members shall be appointed by the governor. The commission members shall
40 be appointed within 60 days after this act shall have become a law.
41 Members so appointed shall be representative of patient advocates, nurs-
42 es, and related health care professionals. At least one member shall be
43 a nurse and a member of a duly recognized collective bargaining organ-
44 ization and does not have a supervisory or managerial role. At least one
45 member shall be a RN in nursing higher education with academic creden-
46 tials from a school that has a baccalaureate and higher degree nursing
47 programs. No member, officer or employee of the commission shall be
48 disqualified from holding any other public office or employment, nor
49 shall he or she forfeit any such office or employment by reason of his
50 or her appointment hereunder, notwithstanding the provisions of any
51 general, special or local law, ordinance or city charter.

52 3. The members of the commission shall receive no compensation for
53 their services, but shall be allowed their actual and necessary expenses
54 incurred in the performance of their duties hereunder.

55 4. The commission shall make a report of its findings, including any
56 recommendations for legislative action as it may deem necessary and

1 appropriate, to the governor and the legislature no later than twelve
2 months after this act shall have become a law.

3 § 3. Subdivision 2 of section 6905 of the education law, as amended by
4 chapter 994 of the laws of 1971 and such section as renumbered by chap-
5 ter 50 of the laws of 1972, is amended to read as follows:

6 (2) Education: have received an education, and a diploma or degree in
7 professional nursing, in accordance with the commissioner's regulations,
8 and in order to continue to maintain registration as a registered
9 professional nurse in New York state, have attained a baccalaureate
10 degree or higher in nursing within ten years of initial licensure in
11 accordance with the commissioner's regulations. The department, in its
12 discretion, may issue a conditional registration to a licensee who fails
13 to complete the baccalaureate degree but who agrees to meet the addi-
14 tional requirement within one year. The fee for such a conditional
15 registration shall be the same as, and in addition to, the fee for the
16 triennial registration. The duration of such conditional registration
17 shall be for one year and may be extended, with the payment of a fee,
18 for no more than one additional year, unless the applicant can show good
19 cause for non-compliance acceptable to the department. Any licensee who
20 is notified of the denial of a registration for failure to complete the
21 additional educational requirements and who practices as a registered
22 professional nurse without such registration may be subject to discipli-
23 nary proceedings pursuant to section sixty-five hundred ten of this
24 title;

25 § 4. The provisions of this act shall not apply to:

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

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

31 c. any person already licensed as a registered professional nurse or
32 any unlicensed graduate professional nurse who is eligible to take the
33 National Council Licensure Examination as of the effective date of this
34 act.

35 § 5. Any individual covered by section four of this act shall be
36 deemed fully licensed provided that such individual meets the require-
37 ments set forth by article 139 of the education law.

38 § 6. This act shall take effect immediately; provided, however that
39 section three of this act shall take effect eighteen months after this
40 act shall have become a law.