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:

Section 1. The legislature hereby finds and declares that with the increasing complexity of the American healthcare system and rapidly expanding technology, the educational preparation of the registered professional nurse must be expanded. The nurse of the future must be prepared to partner with multiple disciplines as a collaborator and manager of the complex patient care journey. Shorter lengths of stays, higher patient acuity, and more sophisticated technologies and procedures are increasing the complexity of patient care—which in turn places great demands on nursing competencies. Other countries are 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.
entry requirement for nursing licensure while other professions are
demanding master and doctoral degrees as their entry point. Several
recent research studies clearly demonstrate the added value of addi-
tional education in relation to improved patient outcomes. The legisla-
ture finds that expanding the educational requirements for the profes-
sion of nursing, while maintaining the multiple entry points into the
profession, is needed. This legislation affects future nurses graduat-
ing from associate degree or diploma nursing programs who would be
required to obtain a baccalaureate in nursing within ten years of
initial licensure. All current nurses licensed in New York and students
in programs preparing for registered professional nursing are to be
exempt from the new requirement. This legislation is mirrored after the
progressive education requirement for teachers in New York state. Numer-ous regulatory and accrediting bodies have recommended this change as a
means to address sophisticated patient care needs resulting from shorter
lengths of stay, higher acuity and more sophisticated interventions.
This proposal is the result of a growing body of research evidence that
additional education results in better patient outcomes. Therefore by
requiring the baccalaureate degree for continued registration as a
registered professional nurse this legislation seeks to be responsive to
meet the increasingly complex health care needs of the residents of New
York state.

A temporary commission, to be known as the nursing program
evaluation commission (hereinafter "commission"), is hereby created to
make recommendations on the following:

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

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

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

The commission shall make a report of its findings, including any
recommendations for legislative action as it may deem necessary and
appropriate, to the governor and the legislature no later than twelve
months after this act shall have become a law.

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

(2) Education: have received an education, and a diploma or degree in
professional nursing, in accordance with the commissioner's regulations,
and IN ORDER TO CONTINUE TO MAINTAIN REGISTRATION AS A REGISTERED
PROFESSIONAL NURSE IN NEW YORK STATE, HAVE ATTAINED A BACCALAUREATE
DEGREE OR HIGHER IN NURSING WITHIN TEN YEARS OF INITIAL LICENSURE IN
ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS. THE DEPARTMENT, IN ITS
DISCRETION, MAY ISSUE A CONDITIONAL REGISTRATION TO A LICENSEE WHO FAILS
TO COMPLETE THE BACCALAUREATE DEGREE BUT WHO AGREES TO MEET THE ADDI-
TIONAL REQUIREMENT WITHIN ONE YEAR. THE FEE FOR SUCH A CONDITIONAL
REGISTRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE
TRIENNIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION
SHALL BE FOR ONE YEAR AND MAY BE EXTENDED, WITH THE PAYMENT OF A FEE,
FOR NO MORE THAN ONE ADDITIONAL YEAR, UNLESS THE APPLICANT CAN SHOW GOOD
CAUSE FOR NON-COMPLIANCE ACCEPTABLE TO THE DEPARTMENT. ANY LICENSEE WHO
IS NOTIFIED OF THE DENIAL OF A REGISTRATION FOR FAILURE TO COMPLETE THE
ADDITIONAL EDUCATIONAL REQUIREMENTS AND WHO PRACTICES AS A REGISTERED
PROFESSIONAL NURSE WITHOUT SUCH REGISTRATION MAY BE SUBJECT TO DISCIPLI-
NARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS
TITLE;

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

a. any student entering a generic baccalaureate program preparing
registered professional nurses after the effective date of this act;
b. any student currently enrolled in, or having an application pending
in, a program preparing registered nurses as of the effective date of
this act;
c. any person already licensed as a registered professional nurse or
any unlicensed graduate professional nurse who is eligible to take the
National Council Licensure Examination as of the effective date of this
act.

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

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