

# STATE OF NEW YORK

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6768

2017-2018 Regular Sessions

## IN SENATE

June 16, 2017

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Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed 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  
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-  
14 tional education in relation to improved patient outcomes. The legisla-  
15 ture finds that expanding the educational requirements for the profes-  
16 sion of nursing, while maintaining the multiple entry points into the  
17 profession, is needed. This legislation affects future nurses graduat-  
18 ing from associate degree or diploma nursing programs who would be  
19 required to obtain a baccalaureate in nursing within ten years of  
20 initial licensure. All current nurses licensed in New York and students  
21 in programs preparing for registered professional nursing are to be  
22 exempt from the new requirement. This legislation is mirrored after the  
23 progressive education requirement for teachers in New York state. Numer-  
24 ous regulatory and accrediting bodies have recommended this change as a

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

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1 means to address sophisticated patient care needs resulting from shorter  
2 lengths of stay, higher acuity and more sophisticated interventions.  
3 This proposal is the result of a growing body of research evidence that  
4 additional education results in better patient outcomes. Therefore by  
5 requiring the baccalaureate degree for continued registration as a  
6 registered professional nurse this legislation seeks to be responsive to  
7 meet the increasingly complex health care needs of the residents of New  
8 York state.

9 § 2. 1. A temporary commission, to be known as the nursing program  
10 evaluation commission (hereinafter "commission"), is hereby created to  
11 make recommendations on the following:

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

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

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

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

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

48 (2) Education: have received an education, and a diploma or degree in  
49 professional nursing, in accordance with the commissioner's regulations,  
50 and in order to continue to maintain registration as a registered  
51 professional nurse in New York state, have attained a baccalaureate  
52 degree or higher in nursing within ten years of initial licensure in  
53 accordance with the commissioner's regulations. The department, in its  
54 discretion, may issue a conditional registration to a licensee who fails  
55 to complete the baccalaureate degree but who agrees to meet the addi-  
56 tional requirement within one year. The fee for such a conditional

1 registration shall be the same as, and in addition to, the fee for the  
2 triennial registration. The duration of such conditional registration  
3 shall be for one year and may be extended, with the payment of a fee,  
4 for no more than one additional year, unless the applicant can show good  
5 cause for non-compliance acceptable to the department. Any licensee who  
6 is notified of the denial of a registration for failure to complete the  
7 additional educational requirements and who practices as a registered  
8 professional nurse without such registration may be subject to discipli-  
9 nary proceedings pursuant to section sixty-five hundred ten of this  
10 title;

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

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

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

17 c. any person already licensed as a registered professional nurse or  
18 any unlicensed graduate professional nurse who is eligible to take the  
19 National Council Licensure Examination as of the effective date of this  
20 act.

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

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