STATE OF NEW YORK

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IN ASSEMBLY

January 13, 2017

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:

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.

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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 additional education in relation to improved patient outcomes. The legislature finds that expanding the educational requirements for the profession of nursing, while maintaining the multiple entry points into the profession, is needed. This legislation affects future nurses graduating 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. Numerous 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.

§ 2. 1. 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.

2. 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, nurses, and related health care professionals. At least one member shall be a nurse and a member of a duly recognized collective bargaining organization and does not have a supervisory or managerial role. At least one member shall be a RN in nursing higher education with academic credentials 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.

3. 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.

4. 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.

§ 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 chapter 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 additional 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 disciplinary proceedings pursuant to section sixty-five hundred ten of this title**;

§ 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.

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

§ 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.