

STATE OF NEW YORK

7320

IN SENATE

January 5, 2018

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 to amend chapter 502 of the laws of 2017, amending the education law relating to the educational preparation for practice of professional nursing and creating a temporary nursing program, in relation to the nursing program evaluation commission and to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 2 of chapter 502 of the laws of
2 2017, amending the education law relating to the educational preparation
3 for practice of professional nursing and creating a temporary nursing
4 program, is amended to read as follows:

5 1. A temporary commission, to be known as the nursing program evalu-
6 ation commission (hereinafter "commission"), is hereby created to make
7 recommendations on the following:

8 a. barriers to entry into nursing, including, but not limited to
9 cultural barriers, economic barriers, and compliance barriers;

10 b. the availability and access to baccalaureate programs, including
11 such availability and access for non-traditional students, rural
12 students, and students of diverse cultural backgrounds;

13 c. the financial barriers to entry into baccalaureate programs; [~~and~~]
14 d. other alternative equivalents through which nurses may obtain
15 training and experience; and

16 e. the impact of requirements for achievement of a baccalaureate
17 degree in any lesser period of time than required by law as condition to
18 maintaining employment.

19 § 2. Subdivision 2 of section 6905 of the education law, as amended by
20 chapter 502 of the laws of 2017, is amended to read as follows:

21 (2) Education: have received an education, and a diploma or degree in
22 professional nursing, in accordance with the commissioner's regulations,
23 and in order to continue to maintain registration as a registered
24 professional nurse in New York state, have attained a baccalaureate

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

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1 degree or higher in nursing within ten years of initial licensure in
2 accordance with the commissioner's regulations. The department, in its
3 discretion, may issue a conditional registration to a licensee who fails
4 to complete the baccalaureate degree but who agrees to meet the addi-
5 tional requirement within one year. The fee for such a conditional
6 registration shall be the same as, and in addition to, the fee for the
7 triennial registration. The duration of such conditional registration
8 shall be for one year and may be extended, with the payment of a fee,
9 for no more than one additional year, unless the applicant can show good
10 cause for non-compliance acceptable to the department. The department,
11 in its discretion, may issue a temporary educational exemption to a
12 licensee who is unable to complete the baccalaureate degree due to a
13 lack of access to educational programs. Licensees seeking a temporary
14 educational exemption shall provide evidence of applying on at least two
15 occasions to a baccalaureate degree program or programs and subsequently
16 being denied access to such program or programs on at least two occa-
17 sions due to there being a limited number of seats. Such denials shall
18 also be corroborated by the higher education institution or institutions
19 that the licensee applied to. Temporary educational exemptions issued
20 pursuant to this subdivision shall be for a single two year period.
21 Licensees shall only be eligible for either a conditional registration
22 or a temporary educational exemption. The fee for such a temporary
23 educational exemption shall be the same as, and in addition to, the fee
24 for the triennial registration. Any licensee who is notified of the
25 denial of a registration for failure to complete the additional educa-
26 tional requirements and who practices as a registered professional nurse
27 without such registration may be subject to disciplinary proceedings
28 pursuant to section sixty-five hundred ten of this title;

29 § 3. Section 4 of chapter 502 of the laws of 2017, amending the educa-
30 tion law relating to the educational preparation for practice of profes-
31 sional nursing and creating a temporary nursing program, is amended to
32 read as follows:

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

34 a. any student entering a generic baccalaureate program preparing
35 registered professional nurses after the effective date of this act, but
36 prior to the effective date of section three of this act;

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

40 c. any person already licensed as a registered professional nurse or
41 any unlicensed graduate professional nurse who is eligible to take the
42 National Council Licensure Examination as of the effective date of this
43 act.

44 § 4. Section 6 of chapter 502 of the laws of 2017, amending the educa-
45 tion law relating to the educational preparation for practice of profes-
46 sional nursing and creating a temporary nursing program, is amended to
47 read as follows:

48 § 6. This act shall take effect immediately; provided, however that
49 section three of this act shall take effect [~~eighteen~~] thirty months
50 after this act shall have become a law.

51 § 5. This act shall take effect immediately; provided, however,
52 section two of this act shall take effect on the same date and in the
53 same manner as section three of chapter 502 of the laws of 2017 takes
54 effect.