

# STATE OF NEW YORK

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2863

2019-2020 Regular Sessions

## IN ASSEMBLY

January 28, 2019

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Introduced by M. of A. CROUCH, BARCLAY, FINCH, GIGLIO, McDONOUGH, RAIA, THIELE -- read once and referred to the Committee on Higher Education

AN ACT to amend the executive law and the education law, in relation to establishing the nursing education expansion program; to amend the state finance law, in relation to establishing the "nursing faculty development program fund", the "nursing capital facilities program fund", the "recruitment and promotion program fund", and the "county match awards for professional education in nursing fund"; making an appropriation therefor; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Legislative intent. New York is currently facing a nursing  
2 shortage. This act addresses the shortcomings that have resulted in the  
3 nursing shortage. This act will provide scholarships for those students  
4 who wish to pursue a career in nursing as well as provide assistance to  
5 current nursing programs to expand their capacity in order to educate  
6 more nursing students. This act will also provide funding to attract  
7 potential students to study the field of nursing, beginning with high  
8 school aged students.

9 § 2. The executive law is amended by adding a new section 209-u to  
10 read as follows:

11 § 209-u. Nursing education expansion program. 1. There is hereby  
12 established the nursing education expansion program. The program shall  
13 include but need not be limited to the faculty development program, the  
14 capital facility program and the recruitment and promotion program.

15 2. The commissioner of education shall provide no later than one  
16 hundred eighty days after the effective date of this section, a strate-  
17 gic plan to the governor, the temporary president of the senate, the  
18 minority leader of the senate, the speaker of the assembly, and the  
19 minority leader of the assembly which shall:

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

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1 (a) establish criteria for the awarding of funds made available  
2 through the nursing expansion program; all awards shall be made on a  
3 competitive basis;

4 (b) provide a schedule for issuance of requests for proposals for the  
5 nursing expansion program awards;

6 (c) provide a schedule for completion of review of proposals submitted  
7 by institutions of higher education to the office;

8 (d) provide procedures for the issuance of awards from the nursing  
9 education expansion program.

10 3. The faculty development program is hereby created to assist insti-  
11 tutions of higher education with the retention and recruitment of nurs-  
12 ing faculty. Funds appropriated for this program shall be administered  
13 by the commissioner of education pursuant to request for proposals.  
14 Consideration for the allocation of awards shall be given to all insti-  
15 tutions of higher education within the state provided such institutions  
16 demonstrate to the satisfaction of the commissioner a specific need for  
17 such funds and the manner in which such award for the recruitment and  
18 retention of nursing faculty would enhance the nursing education and  
19 training capabilities and reputation of the institution.

20 The nursing education expansion program shall issue awards of up to  
21 twenty thousand dollars per faculty member annually. Institutions may  
22 apply for no more than three awards per institution per award length.  
23 The commissioner of education shall promulgate rules and regulations to  
24 establish:

25 (a) matching funds required from the academic institutions;

26 (b) a schedule for an annual reduction of the faculty development  
27 award, and a corresponding increase in the matching funds from the  
28 academic institution; and

29 (c) other rules and regulations deemed necessary by the commissioner  
30 of education for the administration of this program.

31 4. (a) The capital facility program shall provide financing for the  
32 design, acquisition, construction, reconstruction, rehabilitation or  
33 improvement of nursing facilities, including equipment.

34 (b) Only an institution with a program that prepares a student to  
35 receive a license to practice nursing as defined in section sixty-nine  
36 hundred five and section sixty-nine hundred six of the education law,  
37 and a program that prepares a student to receive a certificate for nurse  
38 practitioner practice as defined in section sixty-nine hundred ten of  
39 the education law shall be eligible to act as a primary host institution  
40 for a capital facilities award as described in this subdivision.

41 (c) The capital facility program shall also provide financing for the  
42 reconstruction, rehabilitation or improvement of existing laboratory  
43 facilities. Funds available pursuant to this subdivision shall be avail-  
44 able for nursing facilities at all institutions of higher education in  
45 New York state.

46 (d) The capital facility program shall also provide financing for  
47 equipment, such as but not limited to software and simulation equipment.

48 (e) The state education department, the city university construction  
49 fund and the SUNY construction fund, may contract with the dormitory  
50 authority of the state of New York to provide financing for the design,  
51 construction, acquisition, reconstruction, rehabilitation and general  
52 improvement of nursing facilities for those institutions receiving  
53 awards.

54 5. The recruitment and promotion program is hereby created to provide  
55 resources for, but not limited to, promotional material, advertising and  
56 internships to attract students to the field of nursing. No less than

1 fifty percent of these funds must go to recruitment and promotion  
2 efforts aimed at high school students.

3 § 3. Section 605 of the education law is amended by adding a new  
4 subdivision 2-a to read as follows:

5 2-a. Regents nursing shortage scholarships. At least thirty percent of  
6 the regents professional education in nursing scholarships awarded each  
7 year shall be awarded to students beginning or engaged in the profes-  
8 sional study in nursing who agree to practice nursing upon completion of  
9 their professional training in an area in New York state designated as  
10 having a shortage of nurses, provided, however, that to the extent that  
11 regents nursing shortage scholarships are not awarded, such scholarships  
12 shall be awarded as regents professional education in nursing scholar-  
13 ships. The provisions of this subdivision shall only apply to any recip-  
14 ient who receives his or her first award payment prior to the two thou-  
15 sand nineteen--two thousand twenty academic year.

16 a. In selecting and certifying scholarship recipients under this  
17 section, priority shall be accorded to applicants in the following  
18 order:

19 (i) first, to any applicant who:

20 (1) has a family income of six thousand dollars or less; and

21 (2) resides in an area designated as having a shortage of nurses  
22 pursuant to paragraph c of this subdivision;

23 (ii) second, to any applicant who has a family income of six thousand  
24 dollars or less;

25 (iii) third, to any applicant who:

26 (1) has a family income of ten thousand dollars or less; and

27 (2) resides in an area designated as having a shortage of nurses  
28 pursuant to paragraph c of this subdivision;

29 (iv) fourth, to any applicant who has a family income of ten thousand  
30 dollars or less;

31 (v) fifth, to any other applicant.

32 b. With respect to recipients who have received award payments prior  
33 to the two thousand nineteen--two thousand twenty academic year, with  
34 such time as the commissioner shall by regulation provide, a recipient  
35 of an award shall have practiced nursing in an area designated as having  
36 a shortage of nurses pursuant to paragraph d of this subdivision for  
37 that number of months calculated by multiplying by nine the number of  
38 annual awards he or she received. If a recipient fails to comply fully  
39 with such condition, the president shall be entitled to recover from  
40 such recipient an amount which bears the same ratio to (i) the aggregate  
41 of the amount of the awards received as (ii) the number of months the  
42 recipient failed to comply with this condition bears to the number of  
43 months he or she was obligated to comply with this condition, together  
44 with interest at seven percent per annum computed from the date on which  
45 he or she completed his or her professional training and/or active mili-  
46 tary service. A recipient shall not be required to comply with the  
47 provisions of this paragraph unless he or she shall have received a  
48 nursing degree and any obligation to comply with such provisions shall  
49 be cancelled upon his or her death. The regents shall make regulations  
50 to provide for the waiver or suspension of any financial obligation  
51 where compliance would involve extreme hardship.

52 c. The requirements of this paragraph shall apply to any recipient who  
53 receives his or her first award payment commencing with the two thousand  
54 nineteen--two thousand twenty academic year or subsequently, and the  
55 requirements of paragraph b of this subdivision shall not apply to such  
56 recipients. Within such time as the commissioner shall by regulation

provide, a recipient of an award shall have practiced nursing in an area designated as having a shortage of nurses pursuant to paragraph d of this subdivision for that number of months calculated by multiplying by nine the number of annual awards received by the recipient. If a recipient fails to comply fully with such condition, the president shall be entitled to recover from such recipient an amount determined by the formula:

$$A = 2B (t-s)$$

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t

in which "A" is the amount the president is entitled to recover; "B" is the sum of all awards paid to the recipient and the interest on such amount which would be payable if at the times such awards were paid they were loans bearing interest at the maximum prevailing rate; "t" is the total number of months in the recipient's period of obligated services; and "s" is the number of months of service actually rendered by the recipient. Any amount which the president is entitled to recover under this paragraph shall be paid within the one year period beginning on the date that the recipient failed to comply with this condition. A recipient shall not be required to comply with the provisions of this paragraph unless he or she shall have received a nursing degree and until he or she shall have completed his or her professional training, or active military service, or both. Any obligation to comply with such provisions shall be cancelled upon the death of the recipient. The commissioner shall make regulations to provide for the waiver or suspension of any financial obligation where compliance would involve extreme hardship.

d. The regents, after consultation with the commissioner of health, shall designate those areas of New York state which have a shortage of nurses for the purposes of this subdivision and, should it be necessary in selecting among the applicants, may establish relative rankings of those areas.

e. A recipient of an award shall report annually to the New York state higher education services corporation, on forms prescribed by it, as to the performance of the required services or the recipient's current status, commencing the calendar year following graduation from nursing school and continuing until the recipient shall have completed, or it is determined he or she shall not be obligated to complete, the required services. The corporation may also require the recipient to file a report on his or her current status prior to graduation during any calendar year in which an application for an additional award is not filed. If the recipient shall fail to file any report required in this subdivision within thirty days of written notice to the recipient, mailed to the address shown on the last application for an award or last report filed, whichever is later, the president may impose a fine of up to one thousand dollars. The president shall have the discretion to waive the filing of a report, excuse a delay in filing, or a failure to file a report, or waive or reduce any fine imposed for good cause shown.

§ 4. The education law is amended by adding a new section 606-a to read as follows:

§ 606-a. County matching awards for professional education in nursing. Each county of the state is hereby authorized to establish awards in such manner as the local legislative body of such county may determine, for attendance by legal residents of this state, who meet the citizenship requirements established by article fourteen of this chapter for the professional study of nursing at approved nursing schools within New York state, conditioned upon the promise of the scholarship holder to

1 practice nursing in such county for such period as such body may fix,  
2 following his or her licensing as a nurse. Each such award shall entitle  
3 the recipient to such sum of money as may be fixed by such body while in  
4 attendance at approved nursing schools in New York state during a period  
5 of not to exceed four years of professional study. For each dollar  
6 provided by the county for such award, equal state dollars shall be  
7 provided, up to but not exceeding two thousand five hundred dollars.  
8 Such awards may, as an alternative to awards herein before authorized,  
9 be granted by any such county to those already so licensed to practice  
10 nursing upon the promise of such grantees to practice within the county  
11 for a period of time and upon such terms and conditions as the county  
12 may fix, provided such recipient did not receive a similar award while a  
13 student. The county shall appropriate annually such sums of money as may  
14 be necessary to defray the costs of such awards and moneys so appropri-  
15 ated shall be deemed appropriated for a lawful county purpose and shall  
16 be raised by the same method as moneys required for other lawful county  
17 purposes. The county may apply for no more than four awards per award  
18 length.

19 § 5. The state finance law is amended by adding four new sections  
20 99-ff, 99-gg, 99-hh and 99-ii to read as follows:

21 § 99-ff. Nursing faculty development program fund. 1. There is hereby  
22 established in the joint custody of the state comptroller and commis-  
23 sioner of education a special fund to be known as the "nursing faculty  
24 development program fund".

25 2. Such fund shall consist of all monies appropriated for the purpose  
26 of such fund.

27 3. Monies of the fund shall be available to the nursing faculty devel-  
28 opment program fund for the purposes of assisting institutions of higher  
29 education with the retention and recruitment of nursing faculty pursu-  
30 ant to subdivision three of section two hundred nine-u of the executive  
31 law.

32 4. The monies of the fund shall be paid out on the audit and warrant  
33 of the comptroller on vouchers certified or approved by the commissioner  
34 of education, or by an officer or employee of the department of educa-  
35 tion designated by such commissioner.

36 § 99-gg. Nursing capital facilities program fund. 1. There is hereby  
37 established in the joint custody of the state comptroller and commis-  
38 sioner of education a special fund to be known as the "nursing capital  
39 facilities program fund".

40 2. Such fund shall consist of all monies appropriated for the purpose  
41 of such fund.

42 3. Monies of the fund shall be available to the nursing capital facil-  
43 ities program fund for the purposes of providing financing for the  
44 design, acquisition, construction, reconstruction, rehabilitation or  
45 improvement of nursing facilities pursuant to subdivision four of  
46 section two hundred nine-u of the executive law.

47 4. The monies of the fund shall be paid out on the audit and warrant  
48 of the comptroller on vouchers certified or approved by the commissioner  
49 of education, or by an officer or employee of the department of educa-  
50 tion designated by such commissioner.

51 § 99-hh. Recruitment and promotion program fund. 1. There is hereby  
52 established in the joint custody of the state comptroller and commis-  
53 sioner of education a special fund to be known as the "recruitment and  
54 promotion program fund".

55 2. Such fund shall consist of all monies appropriated for the purpose  
56 of such fund.



3. Monies of the fund shall be available to the recruitment and promotion program fund for the purposes of providing resources for attracting students to the field of nursing pursuant to subdivision five of section two hundred nine-u of the executive law.

4. The monies of the fund shall be paid out on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of education, or by an officer or employee of the department of education designated by such commissioner.

§ 99-ii. County match awards for professional education in nursing fund. 1. There is hereby established in the joint custody of the state comptroller and commissioner of education a special fund to be known as the "county match awards for professional education in nursing fund".

2. Such fund shall consist of all monies appropriated for the purpose of such fund.

3. Monies of the fund shall be available to the county match awards for professional education in nursing fund for the purposes of providing awards to persons attending approved nursing schools in New York state pursuant to section six hundred six-a of the education law.

4. The monies of the fund shall be paid out on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of education, or by an officer or employee of the department of education designated by such commissioner.

§ 6. The sum of twenty-five million six hundred twenty thousand dollars (\$25,620,000), or so much thereof as may be necessary, is hereby appropriated to the department of education out of any moneys in the state treasury in the general fund to the credit of the nursing education expansion program fund not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law. Such sum shall be distributed as follows:

1. Three million dollars (\$3,000,000) for the nursing faculty development program, or so much thereof as may be necessary, is hereby appropriated to the department of education from any moneys in the state treasury in the general fund to the credit of the nursing education expansion program fund not otherwise appropriated for services and expenses of the department of education for the purposes of carrying out the provisions of this act. Fifty-five nursing programs will receive twenty thousand dollars (\$20,000) per year, for each year of a three year award length.

2. Twenty million dollars (\$20,000,000) for the nursing capital facilities program, or so much thereof as may be necessary, is hereby appropriated to the department of education from any moneys in the state treasury in the general fund to the credit of the nursing education expansion program fund not otherwise appropriated for services and expenses of the department of education for the purposes of carrying out the provisions of this act.

3. Two million dollars (\$2,000,000) for the nursing recruitment and promotion program, or so much thereof as may be necessary, is hereby appropriated to the department of education from any moneys in the state treasury in the general fund to the credit of the nursing education expansion program fund not otherwise appropriated for services and expenses of the department of education for the purposes of carrying out the provisions of this act. One million dollars will be designated towards promotion of nursing for high school students.

1 4. Six hundred twenty thousand dollars (\$620,000) for the county match  
2 awards for professional education in nursing, or so much thereof as may  
3 be necessary, is hereby appropriated to the department of education from  
4 any moneys in the state treasury in the general fund to the credit of  
5 the nursing education expansion program fund not otherwise appropriated  
6 for services and expenses of the department of education for the  
7 purposes of carrying out the provisions of this act. Four students per  
8 county will receive two thousand dollars per year for four years.

9 5. No expenditure shall be made from this appropriation until a  
10 certificate of approval of availability shall have been issued by the  
11 director of the budget and filed with the state comptroller and a copy  
12 filed with the chair of the senate finance committee and the chair of  
13 the assembly ways and means committee.

14 6. Such certificate may be amended from time to time by the director  
15 of the budget and a copy of each such amendment shall be filed with the  
16 state comptroller, the chair of the senate finance committee and the  
17 chair of the assembly ways and means committee.

18 § 7. Notwithstanding the provisions of section 40 of the state finance  
19 law, the monies appropriated by this act shall first be made available  
20 on the first day of April next succeeding the date on which this act  
21 shall have become a law. Notwithstanding the provisions of section 40 of  
22 the state finance law, the monies appropriated by this act shall lapse  
23 on the thirtieth day of September next succeeding the close of the  
24 fiscal year in which the monies were first made available.

25 § 8. This act shall take effect immediately; provided, however, that  
26 the provisions of paragraph (b) of subdivision 4 of section 209-u of the  
27 executive law as added by section two of this act shall expire and be  
28 deemed repealed 5 years after such date.