

STATE OF NEW YORK

7385

2021-2022 Regular Sessions

IN ASSEMBLY

May 6, 2021

Introduced by M. of A. JOYNER -- read once and referred to the Committee on Higher Education

AN ACT to amend the civil service law, the tax law and the education law, in relation to enacting the "New York state nurse employment, enhancement and dignity act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York state nurse employment, enhancement and dignity act".

3 § 2. Legislative Findings. The profession of nursing is critical to
4 the general health and safety of the residents of the state of New York
5 and the need for nurses has been exacerbated by the COVID-19 pandemic.
6 The nursing shortage and high attrition rates for nursing titles nega-
7 tively impacts patients and staff and serves to undermine the quality of
8 care in this state. The educational requirements for licensure into
9 certain nursing titles has served as a practical and financial barrier
10 to too many aspiring health care professionals. As an employer and the
11 entity charged with the care of the state's most vulnerable, New York
12 state must lead the way in making this profession more accessible and
13 attractive so as to ensure the quality and continuity of care for New
14 York's most at-risk citizens.

15 § 3. Subdivision 14 of section 130 of the civil service law is renum-
16 bered subdivision 15 and a new subdivision 14 is added to read as
17 follows:

18 14. Hazard duty payments to nurses during a state emergency disaster
19 declaration. (a) Any professional or practical nurse, nurse practi-
20 tioner, or clinical nurse specialist recognized in accordance with
21 sections six thousand nine hundred five, six thousand nine hundred six,
22 six thousand nine hundred ten and six thousand nine hundred eleven of
23 the education law who is employed by the state and provides services in
24 a licensed medical care or other state-operated agency or facility

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

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1 during any state disaster emergency declared pursuant to article
2 two-B of the executive law to provide for the health, safety and welfare
3 of the public shall be awarded a hazardous duty differential.

4 (b) A hazardous duty differential under this subdivision shall be
5 twenty-five hundred dollars. The hazard pay differential provided in
6 this subdivision shall be in addition to and shall not be part of an
7 employee's basic annual salary, and shall not affect or impair any
8 performance advancement payments, performance awards, longevity payments
9 or other rights or benefits to which an employee may be entitled under
10 the provisions of this chapter, provided, however, that any differential
11 payable pursuant to this subdivision shall be included as compensation
12 for retirement purposes. Employees eligible for the hazard duty
13 payments authorized by this subdivision shall also receive thirty-five
14 hours of additional vacation time accrual. The director of the budget
15 shall adopt regulations to carry out the provisions of this subdivision.

16 § 4. Section 606 of the tax law is amended by adding a new
17 subsection (kkk) to read as follows:

18 (kkk) Nurse exemption. (1) Allowance of credit. A taxpayer that is a
19 professional or practical nurse, nurse practitioner, or clinical
20 nurse specialist in the state recognized in accordance with sections
21 six thousand nine hundred five, six thousand nine hundred six, six
22 thousand nine hundred ten and six thousand nine hundred eleven of the
23 education law and who provides services in a licensed medical care or
24 other state-operated agency or facility in this state shall be allowed
25 an annual credit of five hundred dollars against the tax imposed by this
26 article.

27 (2) Overpayment. If the amount of the credit allowed under this
28 subsection for any taxable year exceeds the taxpayer's tax for the taxa-
29 ble year, the excess shall be treated as an overpayment of tax to be
30 credited or refunded in accordance with the provisions of section six
31 hundred eighty-six of this article, provided, however, no interest will
32 be paid thereon.

33 § 5. The education law is amended by adding a new section 679-k to
34 read as follows:

35 § 679-k. New York state nursing loan forgiveness incentive program. 1.
36 Purpose. The president shall grant student loan forgiveness awards for
37 the purpose of alleviating the burden of student loan debt for nurses
38 in the state. Such awards shall be made on a competitive basis as
39 promulgated by the corporation for such purposes, to applicants who
40 meet the eligibility criteria. Such rules and regulations shall include
41 provisions for the consideration of applicants who are economically
42 disadvantaged.

43 2. Eligibility. To be eligible for an award pursuant to this
44 section, applicants shall:

45 (a) have graduated and obtained a degree from an approved New York
46 state college or university;

47 (b) have an outstanding student loan debt from obtaining such degree;

48 (c) be employed as a professional or practical nurse, nurse practi-
49 tioner, or clinical nurse specialist in the state in accordance with
50 sections six thousand nine hundred five, six thousand nine hundred six,
51 six thousand nine hundred ten and six thousand nine hundred eleven of
52 this chapter;

53 (d) apply for this program within five years of college graduation;

54 (e) comply with subdivision five of section six hundred sixty-one
55 of this part;

1 (f) make a commitment to practice in a licensed medical care or
2 other state-operated agency or facility in this state for a minimum
3 period of ten years or for the duration of the award whichever is long-
4 er.

5 3. Awards. The corporation shall grant such awards not to exceed
6 one thousand dollars per recipient per year and the total cost of any
7 awards made shall fall within amounts appropriated for such purposes
8 and based on the availability of funds.

9 § 6. Paragraph (h) of subdivision 2 of section 355 of the education
10 law is amended by adding a new subparagraph 4-b to read as follows:

11 (4-b) Notwithstanding the provisions of any other general or special
12 law, rule or regulation to the contrary, such regulations shall require
13 admission of any professional or practical nurse, nurse practitioner,
14 or clinical nurse specialist recognized in accordance with sections
15 six thousand nine hundred five, six thousand nine hundred six, six
16 thousand nine hundred ten and six thousand nine hundred eleven of this
17 chapter and who is employed by the state and who provides services in a
18 licensed medical care or other state-operated agency or facility for
19 purposes of attaining the baccalaureate degree requirements prescribed
20 by section six thousand nine hundred five of this chapter.

21 § 7. Subdivision 7 of section 6206 of the education law is amended by
22 adding a new paragraph (f) to read as follows:

23 (f) Notwithstanding the provisions of any other general or special
24 law, rule or regulation to the contrary, the board of trustees shall
25 adopt regulations requiring admission of any professional or practical
26 nurse, nurse practitioner, or clinical nurse specialist recognized
27 in accordance with sections six thousand nine hundred five, six thou-
28 sand nine hundred six, six thousand nine hundred ten and six thousand
29 nine hundred eleven of this chapter and who is employed by the state and
30 who provides services in a licensed medical care or other state-operated
31 agency or facility for purposes of attaining the baccalaureate degree
32 requirements prescribed by section six thousand nine hundred five of
33 this chapter.

34 § 8. This act shall take effect immediately and shall be deemed to
35 have been in full force and effect on and after April 1, 2021.