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:

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

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

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

14. Hazard duty payments to nurses during a state emergency disaster declaration. (a) Any professional or practical nurse, nurse practitioner, or clinical nurse specialist recognized in accordance with sections six thousand nine hundred five, six thousand nine hundred six, six thousand nine hundred ten and six thousand nine hundred eleven of the education law who is employed by the state and provides services in 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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during any state disaster emergency declared pursuant to article two-B of the executive law to provide for the health, safety and welfare of the public shall be awarded a hazardous duty differential.

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

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

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

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

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

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

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

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

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

(c) be employed as a professional or practical nurse, nurse practitioner, or clinical nurse specialist in the state in accordance with sections six thousand nine hundred five, six thousand nine hundred six, six thousand nine hundred ten and six thousand nine hundred eleven of this chapter;

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

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

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

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

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

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

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

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

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