

STATUS:

S5115 WINNER

Education Law

TITLE....Enacts the New York state nursing shortage correction act

04/25/07 REFERRED TO HIGHER EDUCATION

01/09/08 REFERRED TO HIGHER EDUCATION

BILL TEXT:

STATE OF NEW YORK

5115

2007-2008 Regular Sessions

IN SENATE

April 25, 2007

Introduced by Sen. WINNER -- read twice and ordered printed, and when
printed to be committed to the Committee on Higher Education

AN ACT to amend the education law and the state finance law, in relation
to enacting the New York state nursing shortage correction act

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

1 Section 1. This act shall be known and may be cited as the "New York
2 state nursing shortage correction act".

3 § 2. The education law is amended by adding a new section 669-e to
4 read as follows:

5 § 669-e. New York state nursing recruitment incentive and retention
6 program. 1. The department is authorized, within amounts appropriated or
7 otherwise lawfully available from any other source, to establish a nurs-
8 ing recruitment incentive and retention program.

9 2. Definitions. As used in this section the term:

10 (a) "Prospective nurse" shall mean a person who desires to enter nurs-
11 ing school to become a nurse.

12 (b) "Degree producing curriculum" shall mean a series of courses
13 programmed to culminate in a specific post-secondary degree or diploma
14 when successfully completed.

15 (c) "Tuition" shall mean the total semester, quarter, or classroom
16 hour cost of instruction to the student as periodically published in the
17 catalogue of the institution, specifically excluding mandatory fees,
18 book charges, and room and board.

19 (d) "Tuition benefit" shall mean the payment of whatever cost is
20 attributable to the cost of tuition after the deduction of any other
21 available educational grant aid.

22 (e) "Part-time study" shall mean enrollment in an approved post-secon-
23 dary degree program for at least six but less than twelve semester

19 by this section shall be discontinued. The tuition benefit provided by
20 this section may be suspended at the direction of the department for a
21 recipient's failure to maintain good academic progress and program
22 pursuit or for the failure to maintain sufficient academic standing to
23 retain eligibility for any other financial assistance the recipient may
24 be receiving.

25 (d) Unless otherwise provided for in this section, the tuition benefit
26 shall be on the terms and conditions set by the department, provided
27 that such person shall sign a contract to agree to work in a job that
28 requires such person to be licensed as a registered nurse more than an
29 average of twenty hours per week anywhere within this state; for two
30 years if such person was in an associate in nursing program; or for four
31 years if such person were in a bachelor's or higher degree nursing
32 program. Such job shall begin within one year after leaving college or a
33 nursing degree program.

34 (e) The tuition benefit provided by this section shall be effective
35 beginning with the school semester or quarter following its enactment
36 into law.

37 4. (a) A registered nurse who did not receive the full benefit pursu-
38 ant to subdivision three of this section or is under obligation to repay
39 the loans, and is employed more than an average of twenty hours a week
40 in a licensed and registered nursing job in this state may require the
41 state university of New York or the city university of New York to take
42 over all or part of such registered nurse's student loan payments if
43 such person averages more than thirty-five hours per week in a job that
44 requires such person to be licensed as a registered nurse.

45 (b) If such person averages between twenty and thirty-five hours per

46 week in a job that requires such person to be licensed as a registered
47 nurse, one-half of the student loan payments shall be taken over by such
48 institutions.

49 (c) Only hours worked within New York state may be eligible towards
50 the hours of work per week.

51 5. The state university of New York and the city university of New
52 York shall continue to operate pursuant to subdivision three of this
53 section until such person receives the same amount as would have been
54 received under subdivision one of this section or until such person
55 ceases to be employed more than twenty hours per week in a job in this

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1 state that requires such person to be licensed as a registered nurse, or
2 such person's student loans are paid off, whichever occurs first.

3 6. (a) If such benefit pursuant to subdivision four of this section
4 ceases because such registered nurse ceases to be employed more than an
5 average of twenty hours per week in a job in this state that requires
6 such person to be licensed as a registered nurse, such person may reap-
7 ply when such person begins to work more than an average of twenty hours
8 per week.

9 (b) At the time when the benefit ceases, the full amount of money
10 advanced such person shall be converted into a student loan as defined
11 in the contract such person signed pursuant to paragraph (d) of subdivi-
12 sion three of this section.

13 (c) The commissioner of health may waive or delay the enforcement of
14 this subdivision in cases of extreme hardship.

15 7. The respective institutions shall provide the department of taxa-
16 tion and finance on a quarterly basis with pertinent information,
17 including, but not limited to, the names, addresses, social security
18 numbers, names and addresses of employers. Such information shall be in
19 a computer readable format as set forth by the department of taxation
20 and finance.

21 § 3. The state finance law is amended by adding a new section 91-g to
22 read as follows:

23 § 91-g. New York state nursing recruitment incentive and retention
24 account. 1. There is hereby established in the joint custody of the
25 state comptroller and the commissioner of taxation and finance an
26 account in the miscellaneous special revenue fund to be known as the New
27 York state nursing recruitment incentive and retention account.

28 2. Such account shall consist of all revenues received from contrib-
29 utions, donations and other moneys credited or transferred thereto from
30 any other fund or source pursuant to law.

31 3. Moneys of the account, following appropriation by the legislature
32 may be expended for the New York state nursing recruitment incentive and
33 retention program. Moneys shall be paid out of the account on the audit
34 and warrant of the state comptroller on vouchers certified or approved
35 by the adjutant general of New York state.

36 § 4. This act shall take effect July 1, 2007. Effective immediately,
37 the addition, amendment and/or repeal of any rule or regulation neces-
38 sary for the implementation of this act on its effective date are
39 authorized and directed to be made and completed on or before such
40 effective date.

SPONSORS MEMO:

NEW YORK STATE SENATE

INTRODUCER'S MEMORANDUM IN SUPPORT

submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S5115

SPONSOR: WINNER

TITLE OF BILL: An act to amend the education law and the state finance law, in relation to enacting the New York state nursing shortage correction act

PURPOSE OR GENERAL IDEA OF BILL: This bill would address the problem of nursing shortages by creating educational incentives. With these incentives in place, those interested in following a nursing career are given further incentive with regard to various costs attributed to education such as tuition, books, lab fees and other required fees. In return, those opting to take advantage of this educational program would be required to fulfill a commitment to New York commensurate with the amount of time spent in school,

SUMMARY OF SPECIFIC PROVISIONS: The education law is amended by

adding a new section 669-d authorizing the department to establish a nursing recruitment and retention program.

The state finance law is amended to add a new section 91-f, expressing that the Comptroller and the Commissioner of Tax & Finance jointly establish an account in the miscellaneous special revenue fund to be known as the New York State Nursing Recruitment Incentive and Retention Account.

JUSTIFICATION: New York is faced with a severe shortage affecting hospitals, nursing homes and other medical service businesses. Not only are hospital and nursing homes adversely affected, but we as New Yorkers are faced with the possibility of substandard health care due to the nursing shortage. By implementing a program that makes nursing a profession that is attractive to those choosing a career in this field, we can ensure that New Yorkers can have their health needs met.

This legislation meets these needs in three ways. First, it creates an educational opportunity by creating a tuition-free educational opportunity for nursing. This bill will allow those who might not otherwise be able to afford college but are interested in a nursing career the opportunity. It will also give those who are interested in nursing, as well as other careers, an incentive to enroll in a nursing program. Secondly, when one follows this free educational opportunity, New York will benefit. Those who take advantage of this educational opportunity will also be signing up to work in New York, in their field of study for the same

time allotted for the degree program. A two year degree requires a two year return of service, a four year degree, a four year return of service in New York. Finally, the institutions of health will benefit, allowing better patient coverage and a larger workforce.

PRIOR LEGISLATIVE HISTORY:

2006: A.9410, Held in consideration in the Higher Education Committee

2005: A.5014, Not considered by the Higher Education Committee

2004: A.5034, Held for consideration in the Higher Education Committee

2003: A.3034, Not considered by the Higher Education Committee

2002: A.9724, Held for consideration in the Higher Education Committee

FISCAL IMPLICATIONS:To be determined.

EFFECTIVE DATE: The beginning of the semester following the passage of this legislation.