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#138

NURSE Education Legislation

Member L. Orr, M.D., F.A.C.P.
Executive Director



Council Joint of The American
Nurses Association

NEW YORK STATE NURSES ASSOCIATION 2112 Western Avenue, Catskill, N.Y. 12084, (518) 488-5571

MEMORANDUM OF SUPPORT

An Act to amend the education law, in relation to the practice of professional nursing and repealing article one hundred thirty-nine of such law relating thereto.

Subject and Purpose

Amends Article 139 of the education law to require that entrants into nursing possess a baccalaureate degree in nursing for licensure as a "registered professional nurse" and an associate degree in nursing for licensure as a "licensed practical nurse." The requirement would take effect four years after the bill became a law.

Summary of Provisions

This bill amends Article 139 of the education law by repealing the current language and implementing new language requiring either a baccalaureate degree or an associate degree for licensed entry into nursing.

Grandfather provisions are included to ensure that both registered professional nurses and licensed practical nurses licensed prior to the effective date of this act will continue to be licensed without having to meet the criteria set forth in the new amendments.

Additional revisions include definition and reference changes that are necessary to conform to the amendments of this bill.

Statement of Support

Since current nursing education requirements became law in 1903, there has been an astounding technological and social evolution in the health care industry. Upgrading nursing education requirements is essential to meet the multiplicity of current and future complex changes.

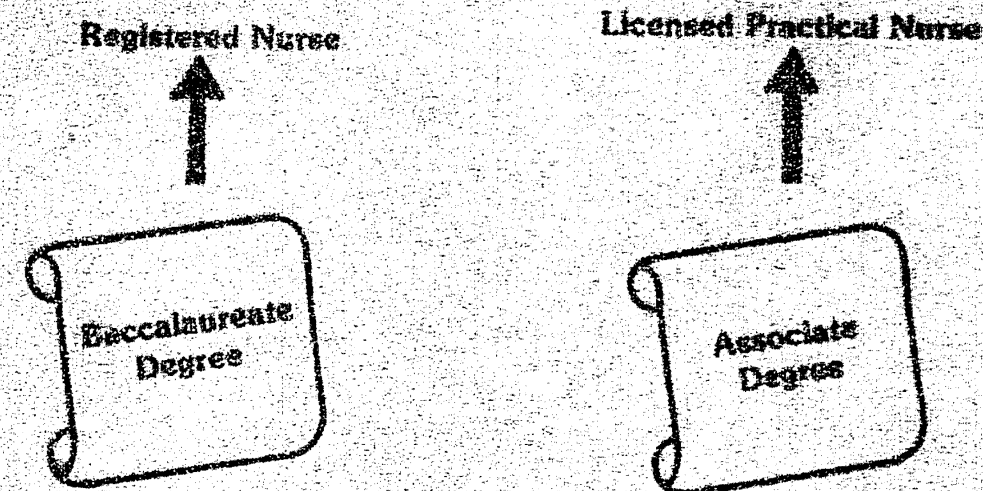
The minimum education requirements for nursing are lower than all other major health professions. In an industry that deals with life and well-being, it is incongruous to require physical therapists, occupational therapists, pharmacists and other major health professionals to meet the minimum standard of a bachelor's degree, yet require less for the largest group of direct care providers - professional nurses. This bill will correct that inequity.

In terms of fiscal implications, this bill will enhance the state's higher education support system through better utilization of available financial resources.

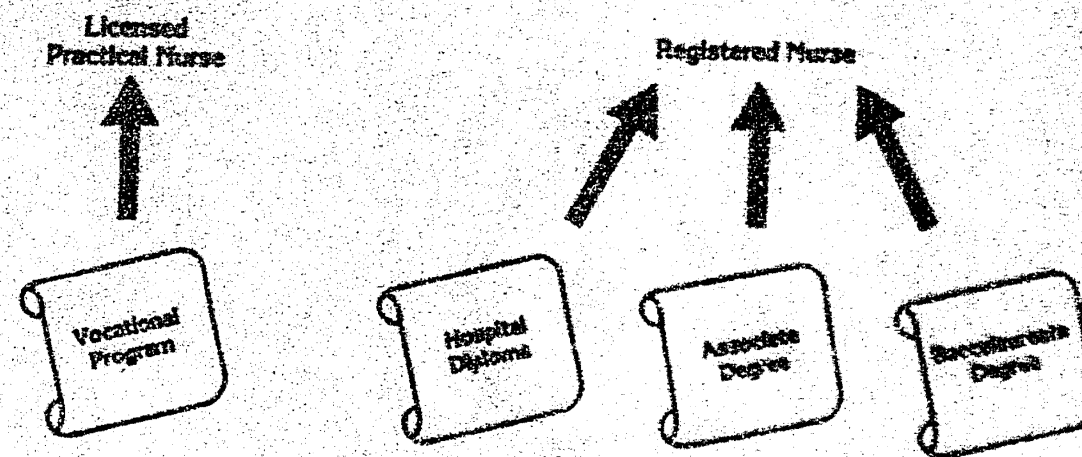
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11/87



PROPOSED STANDARDIZATION for ENTRY INTO PRACTICE for TWO CAREERS in NURSING



CURRENT PREPARATION for ENTRY INTO PRACTICE for TWO CAREERS in NURSING



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1923-1987 ENTRY INTO PRACTICE PROPOSAL

DOCUMENTATION

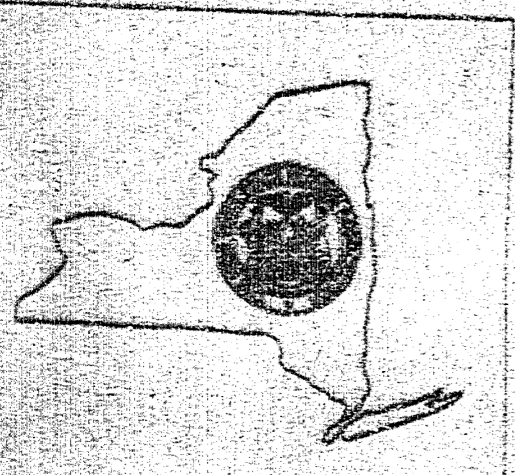
- 1923-24 Williams Foundation
Commission for the Study of
Nursing Education
- 1924-26 Johnson, Roy
Commission on Nursing of
the American Association
- 1928 Smith, Esther L.
Commission for the Study of
Nursing Education
- 1934 Winters, H.L.
Commission on the Nursing of
the American Association
- 1936 East, Margaret
Report on the Study of
Nursing Education
- 1937 Kennan, William
Report on the Study of
Nursing Education
- 1937-38 New York State Nurses
Association
Report on the Study of
Nursing Education
- 1944 New York State Nurses
Association
Report on the Study of
Nursing Education
- 1970 Evans, Carole
AN ADVISORY FOR ACTION
- 1981 National Commission on Nursing
Practice, Entry and Professional
Development
- 1982 National Commission on Nursing
Practice, Entry and Professional
Development
- 1983 New York State Nurses
Association
Report on the Study of
Nursing Education

POSITION STATEMENTS

- 1940 American Nurses' Association
"Deal Three"
- 1938 American Nurses' Association
"... Position Paper"
- 1934 New York State Nurses
Association
"A Blueprint for the Education
for Nurses..."
- 1971 New York State Nurses
Association
"Provisions in Preparation for
Practice..."
- 1974 Voting Body Resolution
"To develop a plan for
establishing... the baccalaureate
degree in nursing as a require-
ment for licensure as a regis-
tered professional nurse..."
- 1978 American Nurses' Association
Resolution on Entry into
Practice
- 1988 American Nurses' Association
Resolution on Legal Titles

IMPLEMENTATION

- New York State Nurses Association
- 1973 Advisory Conference
Implementation of 1974 Resolu-
tion
- 1978 Special Committee to Study the
Nurses Practice Act
- 1978 Hyatt House Conference
Statewide Forums on
Legislative Proposals
- 1978 Bills introduced in Assembly
and Senate
- 1978 Task Force on Behavioral Out-
comes of Nursing Education
Task Force on LPN to RN Tran-
sition
- 1979 Task Force on Professional
Practice Needs of RN's
- 1978 Gideon Putnam Workshop on
Associate and Baccalaureate
Degree Curricula
- 1985-86 Special Project on Entry Into
Practice
- 1985-87 Minority Focus Workshops
- American Nurses' Association
- 1985 National Plan to Implement
ANA's Education Goal
- 1986 Task Force on Scopes of Prac-
tice for Professional and
Technical Nursing Practice
- 1987 National Commission on Nursing
Implementation Project - Design-
ing change processes for nursing
education and practice



IN NEW YORK STATE

THE NEW YORK STATE NURSES ASSOCIATION

Requirements for the Professions

as contained in Article 131-159 of Title VIII of the Education Law of New York*

Of the thirty-one professions regulated under Title VIII of the Education Law of New York State, twenty-eight are licensed, two are certified and one is registered. The attached chart identifies the education, examination and experience requirements for each of the professions.

Seven professions require a doctoral degree, three a masters degree and eight a bachelors degree. One requires two years of college study. The eleven remaining professions, of which nursing is one, require only a special program of study. Two of those (physical therapy assistants and animal health technology) require that program to be at the college level.

The educational requirements for nursing are clearly inconsistent with those of other major health professions. These requirements must be strengthened to ensure future practitioners of educational preparation essential for safe and competent practice.

*Mckinney's Consolidated Laws of New York, Annotated (Book 16) Sections 5501 to End and Cumulative Annual Pocket Part, for use in 1981-1982.

1 The 31st profession is that of public accountant which applies only to those prepared through six years of experience between 1949 and 1959. That profession has been replaced by certified public accountants requiring a bachelors or higher degree in accounting.

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Requirements for the Profession
As Contained in
Article 131-153 of Title VIII
of the Education Law from
McKinney's Consolidated Laws of New York Annotated
(Book 15)
Sections 5501 to End
and
Cumulative Annual Pocket Part
For Use in 1981-1982

SECTION I REQUIREMENTS FOR LICENSURE

<u>Profession</u>	<u>Education</u>	<u>Examination</u>	<u>Experience</u>
Chiropractor	2 years Preprofessional College Study 4 year Resident Program in Chiropractic	X	Experience satisfactory to the board and in accordance with the commissioner's regulations
Dentist	Doctoral Degree in Dentistry	X	Experience satisfactory to the board and in accordance with the commissioner's regulations; *100 hours of instruction for a certificate in acupuncture
Physical Therapist	Bachelor's or Higher Degree in Physical Therapy	X	Experience satisfactory to the board and in accordance with the commissioner's regulations
Physician	Degree of Doctor of Medicine or Osteopathy	X	Experience satisfactory to the board and in accordance with the commissioner's regulations; *100 hours of instruction for a certificate in acupuncture
Veterinarian	Doctoral Degree in Veterinary Medicine	X	Experience satisfactory to the board and in accordance with the commissioner's regulations

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<u>Profession</u>	<u>Education</u>	<u>Examination</u>	<u>Experience</u>
Pharmacist	Bachelor's Degree in Pharmacy	X	Experience satisfactory to the board and in accordance with the commissioner's regulations
Podiatrist	Doctoral Degree in Podiatry	X	Experience satisfactory to the board and in accordance with the commissioner's regulations
Optometrist	Degree of Doctor of Optometry	X	Experience satisfactory to the board and in accordance with the commissioner's regulations
Professional Engineer	Bachelor's or Higher Degree in Engineering OR 12 years practical experience (1 year of education equals 2 years experience)	X	4 years in work satisfactory to the board/may accept study beyond bachelor's degree in partial fulfillment
Architect	Bachelor's or Higher Degree OR 12 years practical experience (1 year of college equals 2 years experience)	X	Experience satisfactory to the board so that combined study and experience total 8 years
Certified Public Accountant	Bachelor's or Higher Degree in Accounting OR 15 years of practice as a Public Accountant	X	Experience satisfactory to the board and in accordance with the commissioner's regulations

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<u>Profession</u>	<u>Education</u>	<u>Examination</u>	<u>Experience</u>
Psychologist	Doctoral Degree in Psychology	X	2 years supervised employment or engagement in appropriate psychology activities
Certified Social Worker	Master's Degree in Social Work	X	No requirement
Occupational Therapy	Occupational Therapy Curriculum in a Baccalaureate or Masters Program or a Certificate Program Equal to the Baccalaureate Program	X	6 months supervised occupational therapy experience
Speech Pathologist or Audiologist	Master's Degree in Speech Pathology and/or Audiology	X	Experience satisfactory to the board and in accordance with the commissioner's regulations
Nursing	Diploma or Degree in Professional Nursing	X	No requirement
*Acupuncture	Licensed to practice acupuncture by a licensing board of a state or foreign country		10 years experience

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<u>Profession</u>	<u>Education</u>	<u>Examination</u>	<u>Experience</u>
Professional Land Surveyor	Bachelor's or Higher Degree in Land Surveying OR 6 years practical experience (1 year of college equals 1/2 year of experience)	X	4 years in work satisfactory to the board/may accept study beyond bachelor's degree in partial fulfillment
Landscape Architecture	Bachelor's or Higher Degree OR 12 years practical experience (1 year of study equals 2 years of experience not to exceed 8 years toward required 12)		Experience satisfactory to the board so that the combined college study and experience total 8 years
Dental Hygienist	1) High School Graduate 2) Program in Dental Hygiene	X	Experience satisfactory to the board and in accordance with the commissioner's regulations
Licensed Practical Nurse	1) High School 2) Program in Practical Nursing	X	No requirement

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<u>Profession</u>	<u>Education</u>	<u>Examination</u>	<u>Experience</u>
Ophthalmic Dispenser	1) High School 2) 2 year Program in Ophthalmic Dispensing OR 2 years training and experience in Ophthalmic Dispensing under supervision of a Licensed Ophthalmic Dispenser	X	Experience satisfactory to the board and in accordance with the commissioner's regulations
Animal Health Technician	1) Secondary School 2) College level course and a Diploma from a School of Veterinary Science Technology not less than 18 months	X	
Public Accountant	6 years experience between April 1, 1949 - April 1, 1959		
Certified Shorthand Reporter	1) High School 2) Completion of Program in Shorthand Reporting OR 5 years of experience in Shorthand Reporting	X	Experience satisfactory to the board and in accordance with the commissioner's regulations

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<u>Profession</u>	<u>Education</u>	<u>Examination</u>	<u>Experience</u>
Masseur/Masseuse	1) High School Graduate 2) Graduation from a School or Institute of Massage including 500 hours of Classroom Instruction	X	

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SECTION II REQUIREMENTS FOR REGISTRATION

<u>Profession</u>	<u>Education</u>	<u>Examination</u>	<u>Experience</u>
Physician Associates/ Specialists Assistants	1) Secondary School 2) Approved Program for PA's or SA's 40 weeks supervised clinical training 32 credit hours of classroom work OR Commissioner determines equivalent education and training in lieu of approved program - ex. nurse, military corpsman or graduation from school of traditional oriental medicine, herb medicine or acupuncture	*Commissioner may require proficiency examination	None except Special Assistants in Acupuncture need 5 years of experience

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SECTION III REQUIREMENTS FOR CERTIFICATION

<u>Profession</u>	<u>Education</u>	<u>Examination</u>	<u>Experience</u>
Physical Therapist Assistant	1) Secondary School 2) 2 year College Program in a Physical Therapy Assistant Program	None	Experience satisfactory to the board and in accordance with the commissioner's regulations
Occupational Therapy Assistant	(Exemption in Occupational Therapy Act - certified by Commissioner as having completed a Program of Occupational Therapy Assistant		

* Contained in Sections of the Rules of the Board of Regents and Regulations
of the Commissioner of Education of the State of New York.

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An Associate Degree Educator Supports the Entry to Practice Resolution

by Joan Sweeney

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Nurse Educator, Concept Development, Inc., Wakefield, MA.)

The American Nurses' Association resolution proposing that the baccalaureate degree be required for entry into professional nursing practice has stirred much debate and has particularly distressed many associate degree and diploma program educators. In this article the chairwoman of an associate degree program supports the ANA resolution, basing her arguments on the need for nursing to establish standardization and definition of nursing educational programs and functional roles.

Joan Sweeney, R.N., M.S., is chairwoman, Division of Nursing, Junior College of Albany (a division of Russell Sage College), Troy, New York. She is also a clinical evaluator for Regents External Degree—Nursing, The University of the State of New York.

In 1978 the American Nurses' Association House of Delegates supported the proposal that the minimum requirement for entry into professional nursing practice be the baccalaureate degree in nursing. Many associate degree educators who have struggled over the years to prepare their graduates for professional practice feel threatened and angered by this proposal. As an associate degree educator, I can understand and empathize with these feelings. However, I urgently challenge to look beyond their immediate reactions and consider the issue in its entirety. This article attempts to facilitate that process.

Why should associate degree educators support the ANA resolution?

Because the existing multiple, non-standardized educational patterns for nursing education have created diversity within the profession. One major result of this diffusion of nurse energy is the failure of nurses to have an impact on the health care system commensurate with their numbers (about 600,000

LPNs and 1,200,000 RNs). The health care industry uses this lack of unity to maintain a low status, subordinate, economically stagnant nurse pool. In other words, economic vested interest perpetuates the current system to keep nurses in their place.

The ANA resolution is designed to correct past inequities and standardize nurses' educational patterns. It defines two levels of nursing, implying that two valid, measurable, educational systems will be developed and two identifiable practice roles will be forged. Technical nurses would be educated for a specific practice role, that of delivering skilled, patient-side care in a structured setting such as a hospital. Their defined role would be known, respected, and valued by nurse colleagues, other health care workers, and patient-consumers. Baccalaureate nurses would deliver a broader range of patient care services in a variety of settings, including functional roles in specialty areas such as mental health or maternal-child care.

This forward-looking proposal will help to remedy the following problems of the nursing profession:

• Our present nursing education patterns create a nonsystem which perpetuates confusion and diffusion of the nurse energy pool. The present registered nurse education "plan" has four different patterns—diploma, associate degree, baccalaureate, and masters programs—ranging from two to five years in length. The present licensed

practical nurse education "plan" has programs sponsored by high schools, vocational schools, technical schools, hospitals, and two and four year colleges. They range in length from 10 to 23 months. In some states a high school equivalency education is not even required to enter an LPN program.

• The past nurse educational process was discriminatory toward middle and lower income groups and especially toward women. It was conceived to prepare the poor and disadvantaged to function as cheap, skilled workers in the growing hospital industry[2]. Nursing education's historical origin, that of "training" in a hospital setting rather than "educating" in a collegiate setting is the basis of many of the problems besetting the profession today. In earlier years collegiate education for middle and lower income families was more appropriate for men than for women, and was considered particularly unnecessary for nurses. The result of training people is to limit their scope of performance. But when you educate them, you increase their ability to create options for themselves and others.

• Career guidance has been misguided. Career counselors and prospective students have understandable difficulty making informed decisions about the myriad routes to nursing practice. Furthermore, a 1975 comparative study indicates that most practical nursing students are eligible for associate and baccalaureate degree programs[3].

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• *Career mobility has been frustrated, confusing, and restricted. Nurses take endless courses for enrichment and professional development without furthering their nursing career goals. It is economically unsound and wasteful to travel the route of LPN to AD to BSN to MSN(4).*

• *The educational competencies required of each type of nursing program are different. An April 1979 NLN task force reported a recognized need to delineate the competencies of new graduates from the four types of nursing education programs. It noted that such delineation is an unresolved dilemma(7). If NLN, the accrediting agency for nursing education programs, is still trying to define the competencies of the various new nurse graduates, how can the public be expected to define its image of nursing?*

• *The public is confused about what practicing nurses can and can't do. NLN identifies three different "practice roles" for RNs from associate degree, diploma, and baccalaureate programs of instruction(6). Why then, are these different practice roles presented to the public under the single title of RN?*

• *Nurses are often expected to function in roles they are not prepared for. Such misuse causes disenchantment, particularly among new graduates(7). In many institutions LPNs work in charge nurse roles during the 3-11 and 11-7 shifts. They may distribute medication without supervision, even though they are not licensed to dispense it. Many new associate degree graduates tell of the unsafe roles they are*

forced to accept as "float nurse," "home nurse," or "ICU team leader" without the benefit of adequate preparation.

"Consumers have a right to know their nurse's educational competencies."

• *An average student needs at least two academic years (80 semester weeks) to learn the functional role of a technical nurse. Thus, a two-year associate degree curriculum can educate students to give direct patient care. However, there is not time within this curriculum for students to also process information such as leadership theory, management styles, group or family dynamics, and community health resources. A baccalaureate education is more appropriate for integration of such content.*

• *The consumer represents a captive audience at the mercy of a nurse pool which lacks a clearly definable educational system. Consumers usually accept a nurse as a nurse. A "truth in packaging" law should apply to the practice role of the nurse. Consumers have a right to know their nurse's educational competencies. Perhaps they could more appropriately and effectively demand quality nursing services if each nurse's educational background was identified (LPN, ADN, BSN, MSN). Such a procedure would also encourage nurse staffing that is dictated by standards of care and quality assurance rather than by budget constraints.*

CONCLUSIONS

Support of the entry to practice resolution is a step toward a meaningful, responsible role for nurses educated at the associate degree level—a role originally intended for them, but lost sight of over the past twenty years(8).

The resolution is a future-oriented plan. It urges clarification of nurses' educational patterns and functional roles, and guarantees appropriate linkage of educational preparation to practice roles for the ultimate purpose of entering safe, high quality care for consumers.

References

1. American Nurses' Association. *Facts About Nursing*. Kansas City, MO: ANA, 1977.
2. NYSNA Response to A.K. Doize, Who needs the 1983 proposal, everyone. *J. Health Pol., Policy Law*, 2(Winter), 1978.
3. Kiser, J. *The Comparison of Students in Practical Nurse Programs and Students in Associate Degree Programs*. New York: National League for Nursing, 1976.
4. Vaughn, J. (Director Annual Survey, Division of Resear. NLN Data Service). *Nursing Data Book*. New York: National League for Nursing 1977.
5. Working paper of the NLN Task Force on Competencies of Graduates of Nursing Programs. National League for Nursing, April 1979.
6. Working paper of the NLN Task Force on Competencies of Graduates of Nursing Programs, 1979.
7. Kramer, M. *Reality Shock: Why Nurses Leave Nursing*. St. Louis: C.V. Mosby Company, 1974.
8. Montag, M. Looking back: Associate degree education in perspective. *Nursing Outlook*, 28(4):248-250.



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