

## **BILL ANALYSIS**

Senate Research Center

H.B. 3126  
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Administration  
5/9/2003  
Engrossed

### **DIGEST AND PURPOSE**

Currently, Texas is facing a shortage of nurses. According to the Center for Health and Economic Policy at The University of Texas Health Science at Center San Antonio, the shortage of nurses has been caused by demographic factors rather than economic factors. In the future more registered nurses, whose current average age is 45, will be reaching retirement age at the same time the elderly population is increasing, causing an increasing demand for health care and nursing services. H.B. 3126 provides measures designed to support continued enrollment increases in nursing schools.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter U, Chapter 61, Education Code, as added by Chapter 1489, Acts of the 77th Legislature, Regular Session, 2001, by adding Sections 61.9627 and 61.9628, as follows:

Sec. 61.9627. DISBURSEMENT AND ACCOUNTING OF APPROPRIATED FUNDS.

(a) Requires the Texas Higher Education Coordinating Board (THECB) to adopt procedures for assuring that money appropriated by the legislature specifically to fund enrollment growth in a professional nursing program is distributed in a certain manner and expended on the professional nursing program by institutions receiving money.

(b) Requires the procedures adopted under Subsection (a) to require each professional nursing program receiving money to file a report annually with THECB accounting for all money received.

Sec. 61.9628. ADMINISTRATIVE COSTS. Authorizes a reasonable amount, not to exceed five percent, of the money appropriated by the legislature to increase enrollments in professional nursing programs to be used by THECB to pay administrative costs of implementing this subchapter or administering the money.

SECTION 2. Amends Sections 63.202(f) and (g), Education Code, as follows:

(f) Requires the grants awarded under Subsection (c) for the state fiscal biennium ending August 31, 2005, and the fiscal biennium ending on August 31, 2007, rather than 2003, by THECB to be awarded to programs preparing students for initial licensure as registered nurses or programs preparing qualified faculty members with a master's or doctoral degree for such program, including programs of two-year institutions of higher education, four-year general academic teaching institutions, health science centers, and independent or private institutions of higher education, notwithstanding the limitations provided by Subsection (b). Authorizes THECB, in awarding grants under this subsection, to take certain actions. Deletes text authorizing THECB to award grants to institutions seeking to increase enrollment in their nursing programs through financial incentives.

(g) Provides that Subsection (f) and this subsection expire September 1, 2007, rather than September 1, 2003.

SECTION 3. Amends Subchapter M, Chapter 56, Education Code, as added by Chapter 1590, Acts of the 76th Legislature, Regular Session, by adding Section 56.3075, as follows:

Sec. 56.3075. HEALTH CARE PROFESSION STUDENT GRANT. (a) Authorizes THECB to award a grant in an amount not more than three times the amount that may be awarded under Section 56.307 to a student who meets certain requirements.

(b) Authorizes THECB, in awarding grants under Subsection (a), to take certain factors into consideration.

SECTION 4. Amends Subchapter O, Chapter 56, Education Code, as added by Chapter 624, Acts of the 77th Legislature, Regular Session, 2001, by adding Section 56.3575, as follows:

Sec. 56.3575. HEALTH CARE PROFESSION STUDENT GRANT. (a) Authorizes THECB to award a grant in an amount not more than three times the amount that can be awarded under Section 56.357, as added by Chapter 624, Acts of the 77th Legislature, Regular Session, 2001, to a student who meet certain requirements.

(b) Authorizes THECB, in awarding grants under Subsection (a), to take certain factors into consideration.

SECTION 5. Amends Section 104.011(a), Health and Safety Code, to provide that the statewide health coordinating council (council) is composed of 18, rather than 17, certain members.

SECTION 6. Amends Section 104.0115(a), Health and Safety Code, to provide that members of the council serve for staggered six-year terms, with the terms of four or five members expiring August 31 of each odd-numbered year.

SECTION 7. Amends Subchapter B, Chapter 104, Health and Safety Code, by adding Section 104.0155, as follows:

Sec. 104.0155. NURSING ADVISORY COMMITTEE. (a) Requires the statewide health coordinating council to form a nursing advisory committee (committee), the majority of the members of which are required to be nurses. Requires the committee to include certain individuals and authorizes the committee to include other individuals.

(b) Requires the committee to perform certain tasks.

(c) Requires a nurse member of the committee and a nurse member of the council to co-chair the committee.

(d) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the committee formed under this section.

(e) Provides that meetings of the committee under this section are subject to Chapter 551 (Open Meetings), Government Code.

SECTION 8. Amends Section 104.042(e), Health and Safety Code, to provide that the data received by the Texas Department of Health (TDH) under this section containing information identifying specific persons or health care facilities, rather than patients, is confidential, is not subject to disclosure under Chapter 552 (Public Information), Government Code, and is prohibited from being released unless all identifying information is removed, rather than the information identifying the patient is removed.

SECTION 9. Amends Section 105.002, Health and Safety Code, as follows:

(a) Creates new subsection from existing text.

(b) Requires the council, in conjunction with the committee formed under Section 104.0155, to avoid duplication of effort, and to the extent funding is available through fees collected under Sections 301.155(c) (Fees) and 302.153(d) (Fees), Occupation Code, to establish a nursing resource section within the center for the collection and analysis of educational and employment trends for nurses in this state.

(c) Requires the council, if the nursing resource section established under Subsection (b) is funded from surcharges collected under Section 301.155(c) and 302.153(d), Occupations Code, to provide the Board of Nursing Examiner (BNE) or the Board of Vocational Nursing Examiners (BVNE), as applicable, with an annual accounting of the money received from the Texas Board of Health (board). Authorizes the council to expend a reasonable amount of the money to pay administrative costs of maintaining the nursing resource section.

SECTION 10. Amends Section 105.003, Health and Safety Code, by adding Subsections (d) and (e), as follows:

(d) Requires the council, to the extent feasible, to use a researcher with a doctorate in nursing to collect, analyze, and disseminate nursing data that may be used to predict supply and demand for nursing personnel in this state using appropriate federal or state supply and demand models. Requires the nursing data to include certain information.

(e) Provides that the data received by TDH under this section that contains information identifying specific persons or health care facilities is confidential, is not subject to disclosure under Chapter 552, Government Code, and is prohibited from being released unless all identifying information is removed.

SECTION 11. Amends Chapter 105.004, Health and Safety Code, as follows:

(a) Creates this subsection from existing text.

(b) Requires the council to publish reports regarding the data collected analyzed under this chapter related to certain information regarding the nursing professional field.

SECTION 12. Amends Section 301.155, Occupations Code, by adding Subsection (c), to require the board to assess a \$3 surcharge to the fee established by the board under Subsection (a) for a license holder to renew a license under this chapter. Authorizes the board to use nine cents of the surcharge to cover the administrative costs of collecting and depositing the surcharge. Requires the board to quarterly transmit \$2.91 of the surcharge to TDH to be used only to implement the nursing resource section under Section 105.002, Health and Safety Code. Provides that the board is not required to collect the surcharge if the board determines the funds collected are not appropriated for the purpose of funding the nursing resource section.

SECTION 13. Amends Section 302.153, Occupations Code, by adding Subsection (d), to require the board to assess a \$2 surcharge to the fee established by the board under Subsection (a) for a license holder to renew a license under this chapter. Authorizes the board to use six cents of the surcharge to cover the administrative costs of collecting and depositing the surcharge. Requires the board to quarterly transmit \$1.94 of the surcharge to TDH to be used only to implement the nursing resource section under Section 105.002 (Establishment of Center), Health and Safety Code. Provides that the board is not required to collect the surcharge if the board determines the funds collected are not appropriated for the purpose of funding the nursing resource section.

SECTION 14. Repealer: Chapter 304, Occupation Code ( Nurse Licensure Compact), as added by Chapter 1489, Acts of the 77th Legislature, Regular Session, 2001.

SECTION 15. Effective date: upon passage or September 1,2003.