

By: Truitt, Capelo, McReynolds, Zedler,
Christian, et al.

H.B. No. 3126

A BILL TO BE ENTITLED

AN ACT

1
2 relating to educating health professionals, the composition and
3 authority of the statewide health coordinating council, and certain
4 health planning data collected by the department of health.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter U, Chapter 61, Education Code, as
7 added by Chapter 1489, Acts of the 77th Legislature, Regular
8 Session, 2001, is amended by adding Sections 61.9627 and 61.9628 to
9 read as follows:

10 Sec. 61.9627. DISBURSEMENT AND ACCOUNTING OF APPROPRIATED
11 FUNDS. (a) The board shall adopt procedures for assuring that
12 money appropriated by the legislature specifically to fund
13 enrollment growth in a professional nursing program is:

14 (1) distributed in a timely manner, including the
15 forfeiture and reallocation of money if an institution fails to
16 provide in a timely manner the information required for the money to
17 be disbursed and if that failure prevents the timely disbursement
18 of money to other institutions; and

19 (2) expended on the professional nursing program by
20 institutions receiving the money.

21 (b) The procedures adopted under Subsection (a) must
22 require each professional nursing program receiving money to file a
23 report annually with the board accounting for all money received.

24 Sec. 61.9628. ADMINISTRATIVE COSTS. A reasonable amount,

1 not to exceed five percent, of the money appropriated by the
2 legislature to increase enrollments in professional nursing
3 programs may be used by the board to pay administrative costs of
4 implementing this subchapter or administering the money.

5 SECTION 2. Sections 63.202(f) and (g), Education Code, are
6 amended to read as follows:

7 (f) Notwithstanding the limitation provided by Subsection
8 (b), ~~[in awarding]~~ grants awarded under Subsection (c) for the
9 state fiscal biennium ending on August 31, 2005, and the fiscal
10 biennium ending on August 31, 2007, by [2003,] the Texas Higher
11 Education Coordinating Board shall be awarded~~+~~

12 ~~[(1) may make awards]~~ to programs ~~[any program]~~
13 preparing students for initial licensure as registered nurses or
14 programs preparing qualified faculty members with a master's or
15 doctoral degree for the program, including programs at two-year
16 institutions of higher education, four-year general academic
17 teaching institutions, health science centers, and independent or
18 private institutions of higher education. In awarding grants under
19 this subsection, the coordinating board may:

20 (1) give priority to~~+~~

21 ~~[(2) shall give priority in awarding grants to:~~

22 ~~[(A)]~~ institutions proposing to address the
23 shortage of registered nurses by promoting innovation in education,
24 recruitment, and retention of nursing students and qualified
25 faculty;

26 (2) award grants on a competitive basis ~~[and~~

27 ~~[(B) institutions seeking to increase~~

1 ~~enrollments in their nursing programs through financial incentives~~
2 ~~to faculty to provide clinical and classroom instruction in~~
3 ~~addition to carrying a full teaching load]; and~~

4 (3) ~~[may]~~ consider the availability of matching funds
5 ~~[in awarding grants]~~.

6 (g) Subsection (f) and this subsection expire September 1,
7 2007 ~~[2003]~~.

8 SECTION 3. Subchapter M, Chapter 56, Education Code, as
9 added by Chapter 1590, Acts of the 76th Legislature, Regular
10 Session, 1999, is amended by adding Section 56.3075 to read as
11 follows:

12 Sec. 56.3075. HEALTH CARE PROFESSION STUDENT GRANT. (a)
13 The coordinating board may award a grant in an amount not more than
14 three times the amount that may be awarded under Section 56.307 to a
15 student who:

16 (1) is enrolled in a program that fulfills the
17 educational requirements for licensure or certification by the
18 state in a health care profession that the coordinating board, in
19 consultation with the Texas Workforce Commission and the statewide
20 health coordinating council, has identified as having a critical
21 shortage in the number of license holders needed in this state;

22 (2) has completed at least one-half of the work toward
23 a degree or certificate that fulfills the educational requirement
24 for licensure or certification; and

25 (3) meets all the requirements to receive a grant
26 award under Section 56.307.

27 (b) In awarding a grant under Subsection (a), the

1 coordinating board may:

2 (1) give priority to students from a group
3 underrepresented in the programs preparing students for licensure
4 or certification by the state; and

5 (2) award different amounts based on the amount of
6 course work a student has completed toward earning the degree
7 required for licensure or certification.

8 SECTION 4. Subchapter O, Chapter 56, Education Code, as
9 added by Chapter 624, Acts of the 77th Legislature, Regular
10 Session, 2001, is amended by adding Section 56.3575 to read as
11 follows:

12 Sec. 56.3575. HEALTH CARE PROFESSION STUDENT GRANT. (a)
13 The coordinating board may award a grant in an amount not more than
14 three times the amount that may be awarded under Section 56.357, as
15 added by Chapter 624, Acts of the 77th Legislature, Regular
16 Session, 2001, to a student who:

17 (1) is enrolled in a program that fulfills the
18 educational requirements for licensure or certification by the
19 state in a health care profession that the coordinating board, in
20 consultation with the Texas Workforce Commission and the statewide
21 health coordinating council, has identified as having a critical
22 shortage in the number of license holders needed in this state;

23 (2) has completed at least one-half of the work toward
24 a degree or certificate that fulfills the educational requirement
25 for licensure or certification; and

26 (3) meets all the requirements to receive a grant
27 award under Section 56.357, as added by Chapter 624, Acts of the

1 77th Legislature, Regular Session, 2001.

2 (b) In awarding a grant under Subsection (a), the
3 coordinating board may:

4 (1) give priority to students from a group
5 underrepresented in the programs preparing students for licensure
6 or certification by the state; and

7 (2) award different amounts based on the amount of
8 course work a student has completed toward earning the degree
9 required for licensure or certification.

10 SECTION 5. Section 104.011(a), Health and Safety Code, is
11 amended to read as follows:

12 (a) The statewide health coordinating council is composed
13 of 18 [~~17~~] members determined as follows:

14 (1) the commissioner of health and human services or a
15 representative designated by the commissioner;

16 (2) the presiding officer of the Texas Higher
17 Education Coordinating Board or a representative designated by the
18 presiding officer;

19 (3) the presiding officer of the department or a
20 representative designated by the presiding officer;

21 (4) the presiding officer of the Texas Health Care
22 Information Council or a representative designated by the presiding
23 officer;

24 (5) the presiding officer of the Texas Department of
25 Mental Health and Mental Retardation or a representative designated
26 by the presiding officer; and

27 (6) the following members appointed by the governor:

1 (A) three health care professionals from the
2 allied health, dental, medical, mental health, [~~nursing,~~] and
3 pharmacy professions, no two of whom may be from the same
4 profession;

5 (B) one registered nurse;

6 (C) two representatives of a university or
7 health-related institution of higher education;

8 (D) [~~(C)~~] one representative of a junior or
9 community college that has a nursing program;

10 (E) [~~(D)~~] one hospital administrator;

11 (F) [~~(E)~~] one managed care administrator; and

12 (G) [~~(F)~~] four public members.

13 SECTION 6. Section 104.0115(a), Health and Safety Code, is
14 amended to read as follows:

15 (a) Members of the council serve for staggered six-year
16 terms, with the terms of four or five members expiring August 31 of
17 each odd-numbered year.

18 SECTION 7. Subchapter B, Chapter 104, Health and Safety
19 Code, is amended by adding Section 104.0155 to read as follows:

20 Sec. 104.0155. NURSING ADVISORY COMMITTEE. (a) The
21 statewide health coordinating council shall form a nursing advisory
22 committee the majority of the members of which must be nurses. The
23 committee:

24 (1) must include:

25 (A) members of associations that represent
26 nurses, educators of nurses, and employers of nurses;

27 (B) members who represent nurse licensing

1 boards; and

2 (C) a nurse researcher; and

3 (2) may include other members who are health care
4 experts from the public or private sector, nurses, nurse educators,
5 employers of nurses, or consumers of nursing services.

6 (b) The committee shall:

7 (1) review policy matters on the collection of data
8 and reports performed under Chapter 105 that relate to the nursing
9 profession;

10 (2) subject to approval of the council, develop
11 priorities and an operations plan for the nursing resource section
12 under Section 105.002(b); and

13 (3) review reports and information before
14 dissemination.

15 (c) A nurse member of the committee and a nurse member of the
16 statewide health coordinating council shall cochair the committee.

17 (d) Chapter 2110, Government Code, does not apply to the
18 committee formed under this section.

19 (e) Meetings of the committee under this section are subject
20 to Chapter 551, Government Code.

21 SECTION 8. Section 104.042(e), Health and Safety Code, is
22 amended to read as follows:

23 (e) Data received by the department under this section
24 containing information identifying specific persons or health care
25 facilities ~~[patients]~~ is confidential, is not subject to disclosure
26 under Chapter 552, Government Code, and may not be released unless
27 all identifying information ~~[the information identifying the~~

1 ~~patient]~~ is removed.

2 SECTION 9. Section 105.002, Health and Safety Code, is
3 amended to read as follows:

4 Sec. 105.002. ESTABLISHMENT OF CENTER. (a) In conjunction
5 with the Texas Higher Education Coordinating Board and in such a way
6 as to avoid duplication of effort, the council shall establish a
7 comprehensive health professions resource center for the
8 collection and analysis of educational and employment trends for
9 health professions in this state.

10 (b) In conjunction with the committee formed under Section
11 104.0155, to avoid duplication of effort, and to the extent funding
12 is available through fees collected under Sections 301.155(c) and
13 302.153(d), Occupations Code, the council shall establish a nursing
14 resource section within the center for the collection and analysis
15 of educational and employment trends for nurses in this state.

16 (c) If the nursing resource section established under
17 Subsection (b) is funded from surcharges collected under Sections
18 301.155(c) and 302.153(d), Occupations Code, the council shall
19 provide the Board of Nurse Examiners and the Board of Vocational
20 Nurse Examiners, as applicable, with an annual accounting of the
21 money received from those boards. The council may expend a
22 reasonable amount of the money to pay administrative costs of
23 maintaining the nursing resource section.

24 SECTION 10. Section 105.003, Health and Safety Code, is
25 amended by adding Subsections (d) and (e) to read as follows:

26 (d) To the extent feasible, the council shall use a
27 researcher with a doctorate in nursing to collect, analyze, and

1 disseminate nursing data that may be used to predict supply and
2 demand for nursing personnel in this state using appropriate
3 federal or state supply-and-demand models. The nursing data must
4 at least:

5 (1) include demographics, areas of practice, supply,
6 demand, and migration; and

7 (2) be analyzed to identify trends relating to numbers
8 and geographical distribution, practice setting, and area of
9 practice and, to the extent possible, compare those trends with
10 corresponding national trends.

11 (e) Data received by the department under this section that
12 contains information identifying specific persons or health care
13 facilities is confidential, is not subject to disclosure under
14 Chapter 552, Government Code, and may not be released unless all
15 identifying information is removed.

16 SECTION 11. Section 105.004, Health and Safety Code, is
17 amended to read as follows:

18 Sec. 105.004. REPORTS. (a) The council may use the data
19 collected and analyzed under this chapter to publish reports
20 regarding:

21 (1) the educational and employment trends for health
22 professions;

23 (2) the supply and demand of health professions; and

24 (3) other issues, as necessary, concerning health
25 professions in this state.

26 (b) The council shall publish reports regarding the data
27 collected and analyzed under this chapter related to:

- 1 (1) the educational and employment trends of nursing
2 professionals;
3 (2) the supply and demand of nursing professionals;
4 and
5 (3) other issues, as determined necessary by the
6 council, concerning nursing professionals in this state.

7 SECTION 12. Section 301.155, Occupations Code, is amended
8 by adding Subsection (c) to read as follows:

9 (c) The board shall assess a \$3 surcharge to the fee
10 established by the board under Subsection (a) for a license holder
11 to renew a license under this chapter. The board may use nine cents
12 of the surcharge to cover the administrative costs of collecting
13 and depositing the surcharge. The board quarterly shall transmit
14 \$2.91 of the surcharge to the Texas Department of Health to be used
15 only to implement the nursing resource section under Section
16 105.002, Health and Safety Code. The board is not required to
17 collect the surcharge if the board determines the funds collected
18 are not appropriated for the purpose of funding the nursing
19 resource section.

20 SECTION 13. Section 302.153, Occupations Code, is amended
21 by adding Subsection (d) to read as follows:

22 (d) The board shall assess a \$2 surcharge to the fee
23 established by the board under Subsection (a) for a license holder
24 to renew a license under this chapter. The board may use six cents
25 of the surcharge to cover the administrative costs of collecting
26 and depositing the surcharge. The board quarterly shall transmit
27 \$1.94 of the surcharge to the Texas Department of Health to be used

1 only to implement the nursing resource section under Section
2 105.002, Health and Safety Code. The board is not required to
3 collect the surcharge if the board determines the funds collected
4 are not appropriated for the purpose of funding the nursing
5 resource section.

6 SECTION 14. Chapter 304, Occupations Code, as added by
7 Chapter 1489, Acts of the 77th Legislature, Regular Session, 2001,
8 is repealed.

9 SECTION 15. This Act takes effect immediately if it
10 receives a vote of two-thirds of all the members elected to each
11 house, as provided by Section 39, Article III, Texas Constitution.
12 If this Act does not receive the vote necessary for immediate
13 effect, this Act takes effect September 1, 2003.