

By: Truitt

H.B. No. 3126

Substitute the following for H.B. No. 3126:

By: Taylor

C.S.H.B. No. 3126

A BILL TO BE ENTITLED

AN ACT

relating to increasing the number of registered nurses and other health care professionals in this state.

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

SECTION 1. Section 61.923(a), Education Code, is amended to read as follows:

(a) A grant from the professional nursing shortage reduction program to a professional nursing program or other entity involved with a professional nursing program in the preparation of students for initial licensure as registered nurses must be:

(1) expended exclusively on costs related to:

(A) enrolling additional students; or

~~(B) [assuring the retention of an adequate number of qualified faculty, including providing faculty salaries; or~~

~~[(C)] encouraging innovation in the recruitment and retention of students, including the recruitment and retention of Spanish-speaking and bilingual students;~~

(2) contingent on the professional nursing program's having been approved as a professional nursing program by the board or the Board of Nurse Examiners, as appropriate, by September 1, 2001;

(3) contingent on the professional nursing program's not being on probation with the Board of Nurse Examiners or other accrediting body; and

1 (4) if granted to increase enrollments, contingent on
2 the professional nursing program's ability to enroll additional
3 students, including having the necessary classroom space and
4 clinical slots.

5 SECTION 2. Subchapter U, Chapter 61, Education Code, as
6 added by Chapter 1489, Acts of the 77th Legislature, Regular
7 Session, 2001, is amended by adding Sections 61.9627 and 61.9628 to
8 read as follows:

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

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

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

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

23 Sec. 61.9628. ADMINISTRATIVE COSTS. A reasonable amount,
24 not to exceed five percent, of the money appropriated by the
25 legislature to increase enrollments in professional nursing
26 programs may be used by the board to pay administrative costs of
27 implementing this subchapter or administering the money.

1 SECTION 3. Sections 63.202(f) and (g), Education Code, are
2 amended to read as follows:

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

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

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

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

18 ~~[(A)]~~ institutions proposing to address the
19 shortage of registered nurses by promoting innovation in education,
20 recruitment, and retention of nursing students and qualified
21 faculty;

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

23 ~~[(B) institutions seeking to increase~~
24 ~~enrollments in their nursing programs through financial incentives~~
25 ~~to faculty to provide clinical and classroom instruction in~~
26 ~~addition to carrying a full teaching load]; and~~

27 (3) ~~[may]~~ consider the availability of matching funds

1 ~~[in awarding grants]~~.

2 (g) Subsection (f) and this subsection expire September 1,
3 2007 ~~[2003]~~.

4 SECTION 4. Subchapter M, Chapter 56, Education Code, as
5 added by Chapter 1590, Acts of the 76th Legislature, Regular
6 Session, 1999, is amended by adding Section 56.3075 to read as
7 follows:

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

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

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

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

23 (b) In awarding a grant under Subsection (a), the
24 coordinating board may:

25 (1) give priority to students from a group
26 underrepresented in the programs preparing students for licensure
27 or certification by the state; and

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

4 SECTION 5. Subchapter O, Chapter 56, Education Code, as
5 added by Chapter 624, Acts of the 77th Legislature, Regular
6 Session, 2001, is amended by adding Section 56.3575 to read as
7 follows:

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

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

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

22 (3) meets all the requirements to receive a grant
23 award under Section 56.357, as added by Chapter 624, Acts of the
24 77th Legislature, Regular Session, 2001.

25 (b) In awarding a grant under Subsection (a), the
26 coordinating board may:

27 (1) give priority to students from a group

1 underrepresented in the programs preparing students for licensure
2 or certification by the state; and

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

6 SECTION 6. Sections 105.001-105.007, Health and Safety
7 Code, are designated as Subchapter A, Chapter 105, Health and
8 Safety Code, and a heading for that subchapter is added to read as
9 follows:

10 SUBCHAPTER A. HEALTH PROFESSIONS RESOURCE CENTER

11 SECTION 7. Chapter 105, Health and Safety Code, is amended
12 by adding Subchapter B to read as follows:

13 SUBCHAPTER B. NURSING WORKFORCE DATA SECTION

14 Sec. 105.051. DEFINITIONS. In this subchapter:

15 (1) "Center" means the Health Professions Resource
16 Center.

17 (2) "Data section" means the nursing workforce data
18 section established under this subchapter.

19 (3) "Nurse" means a registered nurse or a licensed
20 vocational nurse.

21 (4) "Nursing" means professional or vocational
22 nursing.

23 (5) "Nursing personnel" means nurses, nurse aides, and
24 other licensed and unlicensed personnel providing nursing
25 services.

26 Sec. 105.052. ESTABLISHMENT OF NURSING WORKFORCE DATA
27 SECTION. (a) The council shall establish a nursing workforce data

1 section to address issues of supply and demand for nursing in this
2 state.

3 (b) The council may use the center or contract with public
4 or private entities to establish and perform the responsibilities
5 of the data section.

6 Sec. 105.053. ADVISORY COMMITTEE. (a) The council shall
7 establish an advisory committee to provide oversight for the data
8 section. The committee is composed of 20 members.

9 (b) The council shall appoint 13 members as follows:

10 (1) a representative of the Texas Nurses Association;

11 (2) a representative of the Texas Nurses Foundation;

12 (3) a representative of the Licensed Vocational Nurses
13 Association of Texas;

14 (4) a director of a bachelor of science in nursing
15 program representing the Texas Organization of Baccalaureate and
16 Graduate Nurse Educators;

17 (5) a director of an associate degree in nursing
18 program representing the Texas Organization for Advancement of
19 Associate Degree Nurses;

20 (6) a director of a vocational nursing program
21 representing the Texas Association of Vocational Nurse Educators;

22 (7) a hospital chief nursing officer representing the
23 Texas Organization of Nurse Executives;

24 (8) a representative of the Texas Hospital
25 Association;

26 (9) a representative of the Texas Medical Association;

27 (10) a representative of the Texas Health Care

1 Association or Texas Association of Homes and Services for the
2 Aged;

3 (11) a representative of the Texas Association for
4 Home Care; and

5 (12) two nurse researchers.

6 (c) Seven members are selected as provided by this
7 subsection. The following entities shall each appoint one
8 representative to serve on the committee:

9 (1) the Board of Nurse Examiners;

10 (2) the Board of Vocational Nurse Examiners;

11 (3) the Texas Department of Mental Health and Mental
12 Retardation;

13 (4) the Texas Workforce Commission;

14 (5) the Office of Rural Community Affairs;

15 (6) the center; and

16 (7) the council.

17 (d) Members shall serve two-year staggered terms, with the
18 terms of one-half of the members expiring February 1 of each year.

19 (e) The member representing the council shall serve as
20 co-chair of the committee. The committee shall elect another
21 member of the committee as co-chair.

22 (f) The advisory committee shall:

23 (1) subject to approval of the council, develop
24 priorities and a strategic plan for the data section;

25 (2) advise the council on the credentials preferred
26 for researchers collecting, analyzing, and reporting on data under
27 this subchapter; and

1 (3) provide for a review of reports prepared by the
2 data section before the publication of the reports.

3 (g) A member of the advisory committee, who does not
4 represent a trade or professional association, is entitled to
5 receive a per diem as set by the General Appropriations Act for each
6 day a member engages in the business of the data section. A member
7 is entitled to reimbursement for travel expenses, including
8 expenses for meals, lodging, and transportation as provided by the
9 General Appropriations Act.

10 Sec. 105.054. DATA COLLECTION AND ANALYSIS. (a) The data
11 section shall:

12 (1) collect data on nurses and other nursing
13 personnel, including demographics, areas of practice, supply,
14 demand, and migration and to the extent possible collect the data:

15 (A) from existing sources that the data section
16 determines are credible, including information submitted in
17 aggregate by entities that collect similar data, but may take steps
18 to collect additional data, including conducting surveys; and

19 (B) on a county or other appropriate regional
20 basis;

21 (2) analyze data on nursing personnel to identify
22 trends relating to numbers and geographical distribution, practice
23 setting, and area of practice and, to the extent possible, compare
24 those trends with corresponding national trends; and

25 (3) predict supply and demand for nursing personnel in
26 this state using appropriate federal or state supply and demand
27 models.

1 (b) To the extent feasible, the data section shall use a
2 researcher with a doctorate in nursing for the collection,
3 analysis, and reporting of data under this subchapter.

4 Sec. 105.055. CONFIDENTIALITY. The reports, records, and
5 information obtained by the data section under this subchapter are
6 confidential and are not subject to disclosure under Chapter 552,
7 Government Code.

8 Sec. 105.056. COORDINATION OF ACTIVITIES. The data section
9 shall coordinate its activities with the Texas Higher Education
10 Coordinating Board, the Texas Workforce Commission, and other
11 public entities to minimize duplication of collection of data and
12 to promote the sharing of data.

13 Sec. 105.057. REPORTS. (a) The data section shall use the
14 data collected and analyzed under this subchapter to publish
15 reports annually regarding:

16 (1) the educational and employment trends for nursing
17 personnel;

18 (2) the supply of and demand for nursing personnel;
19 and

20 (3) other issues, as necessary, concerning nursing in
21 the state.

22 (b) Reports, records, and information must be released in
23 the aggregate and may not contain employer-specific data.

24 Sec. 105.058. FEES. The data section may establish and
25 charge reasonable fees for nursing workforce data, reports
26 produced, and statistical and other services.

27 Sec. 105.059. FUNDING. (a) In addition to money

1 appropriated by the legislature, the center may solicit, receive,
2 and spend grants, gifts, and donations from public or private
3 sources for the purposes of this subchapter.

4 (b) To provide sufficient money for the data section to
5 implement this subchapter, the Board of Nurse Examiners shall
6 increase the license renewal fee by \$3 and the Board of Vocational
7 Nurse Examiners shall increase the license renewal fee by \$2.

8 (c) Of the \$3 fee increase, \$2.91 may be used only to fund
9 activities under this subchapter. The remaining \$.09 of the fee
10 increase may be used only by the Board of Nurse Examiners to cover
11 the administrative costs of collecting and depositing the fee.

12 (d) Of the \$2 fee increase, \$1.94 may be used only to fund
13 activities under this subchapter. The remaining \$.06 of the fee
14 increase may be used only by the Board of Vocational Nurse Examiners
15 to cover the administrative costs of collecting and depositing the
16 fee.

17 (e) The council shall provide an annual accounting to the
18 Board of Nurse Examiners and Board of Vocational Nurse Examiners of
19 the fees received under Subsection (b).

20 Sec. 105.060. ADMINISTRATIVE COSTS. A reasonable amount,
21 not to exceed seven percent, of the money appropriated by the
22 legislature to fund the data section established under this
23 subchapter may be used by the council to pay the administrative
24 costs of implementing this subchapter.

25 SECTION 8. Chapter 304, Occupations Code, as added by
26 Chapter 1489, Acts of the 77th Legislature, Regular Session, 2001,
27 is repealed.

1 SECTION 9. Not later than October 1, 2003:

2 (1) the Board of Nurse Examiners shall increase the
3 license renewal fee by \$3 as required by Section 105.059, Health and
4 Safety Code, as added by this Act; and

5 (2) the Board of Vocational Nurse Examiners shall
6 increase the license renewal fee by \$2 as required by Section
7 105.059, Health and Safety Code, as added by this Act.

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