

1-1 By: Truitt, et al. (Senate Sponsor - Janek) H.B. No. 3126  
1-2 (In the Senate - Received from the House May 6, 2003;  
1-3 May 8, 2003, read first time and referred to Committee on  
1-4 Administration; May 13, 2003, reported favorably by the following  
1-5 vote: Yeas 7, Nays 0; May 13, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to educating health professionals, the composition and  
1-9 authority of the statewide health coordinating council, and certain  
1-10 health planning data collected by the department of health.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter U, Chapter 61, Education Code, as  
1-13 added by Chapter 1489, Acts of the 77th Legislature, Regular  
1-14 Session, 2001, is amended by adding Sections 61.9627 and 61.9628 to  
1-15 read as follows:

1-16 Sec. 61.9627. DISBURSEMENT AND ACCOUNTING OF APPROPRIATED  
1-17 FUNDS. (a) The board shall adopt procedures for assuring that  
1-18 money appropriated by the legislature specifically to fund  
1-19 enrollment growth in a professional nursing program is:

1-20 (1) distributed in a timely manner, including the  
1-21 forfeiture and reallocation of money if an institution fails to  
1-22 provide in a timely manner the information required for the money to  
1-23 be disbursed and if that failure prevents the timely disbursement  
1-24 of money to other institutions; and

1-25 (2) expended on the professional nursing program by  
1-26 institutions receiving the money.

1-27 (b) The procedures adopted under Subsection (a) must  
1-28 require each professional nursing program receiving money to file a  
1-29 report annually with the board accounting for all money received.

1-30 Sec. 61.9628. ADMINISTRATIVE COSTS. A reasonable amount,  
1-31 not to exceed five percent, of the money appropriated by the  
1-32 legislature to increase enrollments in professional nursing  
1-33 programs may be used by the board to pay administrative costs of  
1-34 implementing this subchapter or administering the money.

1-35 SECTION 2. Sections 63.202(f) and (g), Education Code, are  
1-36 amended to read as follows:

1-37 (f) Notwithstanding the limitation provided by Subsection  
1-38 (b), ~~[in awarding]~~ grants awarded under Subsection (c) for the  
1-39 state fiscal biennium ending on August 31, 2005, and the fiscal  
1-40 biennium ending on August 31, 2007, by ~~[2003,]~~ the Texas Higher  
1-41 Education Coordinating Board shall be awarded~~+~~

1-42 ~~[(1) may make awards]~~ to programs [any program]  
1-43 preparing students for initial licensure as registered nurses or  
1-44 programs preparing qualified faculty members with a master's or  
1-45 doctoral degree for the program, including programs at two-year  
1-46 institutions of higher education, four-year general academic  
1-47 teaching institutions, health science centers, and independent or  
1-48 private institutions of higher education. In awarding grants under  
1-49 this subsection, the coordinating board may:

1-50 (1) give priority to~~+~~

1-51 ~~[(2) shall give priority in awarding grants to:~~

1-52 ~~[(A)]~~ institutions proposing to address the  
1-53 shortage of registered nurses by promoting innovation in education,  
1-54 recruitment, and retention of nursing students and qualified  
1-55 faculty;

1-56 (2) award grants on a competitive basis ~~and~~

1-57 ~~[(B) institutions seeking to increase~~  
1-58 ~~enrollments in their nursing programs through financial incentives~~  
1-59 ~~to faculty to provide clinical and classroom instruction in~~  
1-60 ~~addition to carrying a full teaching load]; and~~

1-61 (3) ~~may~~ consider the availability of matching funds  
1-62 ~~[in awarding grants].~~

1-63 (g) Subsection (f) and this subsection expire September 1,  
1-64 2007 [2003].

2-1 SECTION 3. Subchapter M, Chapter 56, Education Code, as  
 2-2 added by Chapter 1590, Acts of the 76th Legislature, Regular  
 2-3 Session, 1999, is amended by adding Section 56.3075 to read as  
 2-4 follows:

2-5 Sec. 56.3075. HEALTH CARE PROFESSION STUDENT GRANT. (a)  
 2-6 The coordinating board may award a grant in an amount not more than  
 2-7 three times the amount that may be awarded under Section 56.307 to a  
 2-8 student who:

2-9 (1) is enrolled in a program that fulfills the  
 2-10 educational requirements for licensure or certification by the  
 2-11 state in a health care profession that the coordinating board, in  
 2-12 consultation with the Texas Workforce Commission and the statewide  
 2-13 health coordinating council, has identified as having a critical  
 2-14 shortage in the number of license holders needed in this state;

2-15 (2) has completed at least one-half of the work toward  
 2-16 a degree or certificate that fulfills the educational requirement  
 2-17 for licensure or certification; and

2-18 (3) meets all the requirements to receive a grant  
 2-19 award under Section 56.307.

2-20 (b) In awarding a grant under Subsection (a), the  
 2-21 coordinating board may:

2-22 (1) give priority to students from a group  
 2-23 underrepresented in the programs preparing students for licensure  
 2-24 or certification by the state; and

2-25 (2) award different amounts based on the amount of  
 2-26 course work a student has completed toward earning the degree  
 2-27 required for licensure or certification.

2-28 SECTION 4. Subchapter O, Chapter 56, Education Code, as  
 2-29 added by Chapter 624, Acts of the 77th Legislature, Regular  
 2-30 Session, 2001, is amended by adding Section 56.3575 to read as  
 2-31 follows:

2-32 Sec. 56.3575. HEALTH CARE PROFESSION STUDENT GRANT. (a)  
 2-33 The coordinating board may award a grant in an amount not more than  
 2-34 three times the amount that may be awarded under Section 56.357, as  
 2-35 added by Chapter 624, Acts of the 77th Legislature, Regular  
 2-36 Session, 2001, to a student who:

2-37 (1) is enrolled in a program that fulfills the  
 2-38 educational requirements for licensure or certification by the  
 2-39 state in a health care profession that the coordinating board, in  
 2-40 consultation with the Texas Workforce Commission and the statewide  
 2-41 health coordinating council, has identified as having a critical  
 2-42 shortage in the number of license holders needed in this state;

2-43 (2) has completed at least one-half of the work toward  
 2-44 a degree or certificate that fulfills the educational requirement  
 2-45 for licensure or certification; and

2-46 (3) meets all the requirements to receive a grant  
 2-47 award under Section 56.357, as added by Chapter 624, Acts of the  
 2-48 77th Legislature, Regular Session, 2001.

2-49 (b) In awarding a grant under Subsection (a), the  
 2-50 coordinating board may:

2-51 (1) give priority to students from a group  
 2-52 underrepresented in the programs preparing students for licensure  
 2-53 or certification by the state; and

2-54 (2) award different amounts based on the amount of  
 2-55 course work a student has completed toward earning the degree  
 2-56 required for licensure or certification.

2-57 SECTION 5. Section 104.011(a), Health and Safety Code, is  
 2-58 amended to read as follows:

2-59 (a) The statewide health coordinating council is composed  
 2-60 of 18 [~~17~~] members determined as follows:

2-61 (1) the commissioner of health and human services or a  
 2-62 representative designated by the commissioner;

2-63 (2) the presiding officer of the Texas Higher  
 2-64 Education Coordinating Board or a representative designated by the  
 2-65 presiding officer;

2-66 (3) the presiding officer of the department or a  
 2-67 representative designated by the presiding officer;

2-68 (4) the presiding officer of the Texas Health Care  
 2-69 Information Council or a representative designated by the presiding

3-1 officer;  
 3-2 (5) the presiding officer of the Texas Department of  
 3-3 Mental Health and Mental Retardation or a representative designated  
 3-4 by the presiding officer; and

3-5 (6) the following members appointed by the governor:  
 3-6 (A) three health care professionals from the  
 3-7 allied health, dental, medical, mental health, [~~nursing~~] and  
 3-8 pharmacy professions, no two of whom may be from the same  
 3-9 profession;

3-10 (B) one registered nurse;

3-11 (C) two representatives of a university or  
 3-12 health-related institution of higher education;

3-13 (D) [~~(C)~~] one representative of a junior or  
 3-14 community college that has a nursing program;

3-15 (E) [~~(D)~~] one hospital administrator;

3-16 (F) [~~(E)~~] one managed care administrator; and

3-17 (G) [~~(F)~~] four public members.

3-18 SECTION 6. Section 104.0115(a), Health and Safety Code, is  
 3-19 amended to read as follows:

3-20 (a) Members of the council serve for staggered six-year  
 3-21 terms, with the terms of four or five members expiring August 31 of  
 3-22 each odd-numbered year.

3-23 SECTION 7. Subchapter B, Chapter 104, Health and Safety  
 3-24 Code, is amended by adding Section 104.0155 to read as follows:

3-25 Sec. 104.0155. NURSING ADVISORY COMMITTEE. (a) The  
 3-26 statewide health coordinating council shall form a nursing advisory  
 3-27 committee the majority of the members of which must be nurses. The  
 3-28 committee:

3-29 (1) must include:

3-30 (A) members of associations that represent  
 3-31 nurses, educators of nurses, and employers of nurses;

3-32 (B) members who represent nurse licensing  
 3-33 boards; and

3-34 (C) a nurse researcher; and

3-35 (2) may include other members who are health care  
 3-36 experts from the public or private sector, nurses, nurse educators,  
 3-37 employers of nurses, or consumers of nursing services.

3-38 (b) The committee shall:

3-39 (1) review policy matters on the collection of data  
 3-40 and reports performed under Chapter 105 that relate to the nursing  
 3-41 profession;

3-42 (2) subject to approval of the council, develop  
 3-43 priorities and an operations plan for the nursing resource section  
 3-44 under Section 105.002(b); and

3-45 (3) review reports and information before  
 3-46 dissemination.

3-47 (c) A nurse member of the committee and a nurse member of the  
 3-48 statewide health coordinating council shall cochair the committee.

3-49 (d) Chapter 2110, Government Code, does not apply to the  
 3-50 committee formed under this section.

3-51 (e) Meetings of the committee under this section are subject  
 3-52 to Chapter 551, Government Code.

3-53 SECTION 8. Section 104.042(e), Health and Safety Code, is  
 3-54 amended to read as follows:

3-55 (e) Data received by the department under this section  
 3-56 containing information identifying specific persons or health care  
 3-57 facilities [patients] is confidential, is not subject to disclosure  
 3-58 under Chapter 552, Government Code, and may not be released unless  
 3-59 all identifying information [the information identifying the  
 3-60 patient] is removed.

3-61 SECTION 9. Section 105.002, Health and Safety Code, is  
 3-62 amended to read as follows:

3-63 Sec. 105.002. ESTABLISHMENT OF CENTER. (a) In conjunction  
 3-64 with the Texas Higher Education Coordinating Board and in such a way  
 3-65 as to avoid duplication of effort, the council shall establish a  
 3-66 comprehensive health professions resource center for the  
 3-67 collection and analysis of educational and employment trends for  
 3-68 health professions in this state.

3-69 (b) In conjunction with the committee formed under Section

4-1 104.0155, to avoid duplication of effort, and to the extent funding  
 4-2 is available through fees collected under Sections 301.155(c) and  
 4-3 302.153(d), Occupations Code, the council shall establish a nursing  
 4-4 resource section within the center for the collection and analysis  
 4-5 of educational and employment trends for nurses in this state.

4-6 (c) If the nursing resource section established under  
 4-7 Subsection (b) is funded from surcharges collected under Sections  
 4-8 301.155(c) and 302.153(d), Occupations Code, the council shall  
 4-9 provide the Board of Nurse Examiners and the Board of Vocational  
 4-10 Nurse Examiners, as applicable, with an annual accounting of the  
 4-11 money received from those boards. The council may expend a  
 4-12 reasonable amount of the money to pay administrative costs of  
 4-13 maintaining the nursing resource section.

4-14 SECTION 10. Section 105.003, Health and Safety Code, is  
 4-15 amended by adding Subsections (d) and (e) to read as follows:

4-16 (d) To the extent feasible, the council shall use a  
 4-17 researcher with a doctorate in nursing to collect, analyze, and  
 4-18 disseminate nursing data that may be used to predict supply and  
 4-19 demand for nursing personnel in this state using appropriate  
 4-20 federal or state supply-and-demand models. The nursing data must  
 4-21 at least:

4-22 (1) include demographics, areas of practice, supply,  
 4-23 demand, and migration; and

4-24 (2) be analyzed to identify trends relating to numbers  
 4-25 and geographical distribution, practice setting, and area of  
 4-26 practice and, to the extent possible, compare those trends with  
 4-27 corresponding national trends.

4-28 (e) Data received by the department under this section that  
 4-29 contains information identifying specific persons or health care  
 4-30 facilities is confidential, is not subject to disclosure under  
 4-31 Chapter 552, Government Code, and may not be released unless all  
 4-32 identifying information is removed.

4-33 SECTION 11. Section 105.004, Health and Safety Code, is  
 4-34 amended to read as follows:

4-35 Sec. 105.004. REPORTS. (a) The council may use the data  
 4-36 collected and analyzed under this chapter to publish reports  
 4-37 regarding:

4-38 (1) the educational and employment trends for health  
 4-39 professions;

4-40 (2) the supply and demand of health professions; and

4-41 (3) other issues, as necessary, concerning health  
 4-42 professions in this state.

4-43 (b) The council shall publish reports regarding the data  
 4-44 collected and analyzed under this chapter related to:

4-45 (1) the educational and employment trends of nursing  
 4-46 professionals;

4-47 (2) the supply and demand of nursing professionals;  
 4-48 and

4-49 (3) other issues, as determined necessary by the  
 4-50 council, concerning nursing professionals in this state.

4-51 SECTION 12. Section 301.155, Occupations Code, is amended  
 4-52 by adding Subsection (c) to read as follows:

4-53 (c) The board shall assess a \$3 surcharge to the fee  
 4-54 established by the board under Subsection (a) for a license holder  
 4-55 to renew a license under this chapter. The board may use nine cents  
 4-56 of the surcharge to cover the administrative costs of collecting  
 4-57 and depositing the surcharge. The board quarterly shall transmit  
 4-58 \$2.91 of the surcharge to the Texas Department of Health to be used  
 4-59 only to implement the nursing resource section under Section  
 4-60 105.002, Health and Safety Code. The board is not required to  
 4-61 collect the surcharge if the board determines the funds collected  
 4-62 are not appropriated for the purpose of funding the nursing  
 4-63 resource section.

4-64 SECTION 13. Section 302.153, Occupations Code, is amended  
 4-65 by adding Subsection (d) to read as follows:

4-66 (d) The board shall assess a \$2 surcharge to the fee  
 4-67 established by the board under Subsection (a) for a license holder  
 4-68 to renew a license under this chapter. The board may use six cents  
 4-69 of the surcharge to cover the administrative costs of collecting

5-1 and depositing the surcharge. The board quarterly shall transmit  
5-2 \$1.94 of the surcharge to the Texas Department of Health to be used  
5-3 only to implement the nursing resource section under Section  
5-4 105.002, Health and Safety Code. The board is not required to  
5-5 collect the surcharge if the board determines the funds collected  
5-6 are not appropriated for the purpose of funding the nursing  
5-7 resource section.

5-8 SECTION 14. Chapter 304, Occupations Code, as added by  
5-9 Chapter 1489, Acts of the 77th Legislature, Regular Session, 2001,  
5-10 is repealed.

5-11 SECTION 15. This Act takes effect immediately if it  
5-12 receives a vote of two-thirds of all the members elected to each  
5-13 house, as provided by Section 39, Article III, Texas Constitution.  
5-14 If this Act does not receive the vote necessary for immediate  
5-15 effect, this Act takes effect September 1, 2003.

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