

1-1 By: Janek S.B. No. 1167
1-2 (In the Senate - Filed March 11, 2003; March 17, 2003, read
1-3 first time and referred to Committee on Education; May 2, 2003,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 7, Nays 0; May 2, 2003, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1167 By: Janek

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to increasing the number of registered nurses and other
1-10 health care professionals in this state and collecting and
1-11 analyzing nursing data.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (a), Section 61.923, Education Code,
1-14 is amended to read as follows:

1-15 (a) A grant from the professional nursing shortage
1-16 reduction program to a professional nursing program or other entity
1-17 involved with a professional nursing program in the preparation of
1-18 students for initial licensure as registered nurses must be:

1-19 (1) expended exclusively on costs related to:

1-20 (A) enrolling additional students; or

1-21 (B) ~~[assuring the retention of an adequate number
1-22 of qualified faculty, including providing faculty salaries, or~~

1-23 ~~[(C)]~~ encouraging innovation in the recruitment
1-24 and retention of students, including the recruitment and retention
1-25 of Spanish-speaking and bilingual students;

1-26 (2) contingent on the professional nursing program's
1-27 having been approved as a professional nursing program by the board
1-28 or the Board of Nurse Examiners, as appropriate, by September 1,
1-29 2001;

1-30 (3) contingent on the professional nursing program's
1-31 not being on probation with the Board of Nurse Examiners or other
1-32 accrediting body; and

1-33 (4) if granted to increase enrollments, contingent on
1-34 the professional nursing program's ability to enroll additional
1-35 students, including having the necessary classroom space and
1-36 clinical slots.

1-37 SECTION 2. Subchapter U, Chapter 61, Education Code, as
1-38 added by Chapter 1489, Acts of the 77th Legislature, Regular
1-39 Session, 2001, is amended by adding Sections 61.9627 and 61.9628 to
1-40 read as follows:

1-41 Sec. 61.9627. DISBURSEMENT AND ACCOUNTING OF APPROPRIATED
1-42 FUNDS. (a) The board shall adopt procedures for assuring that
1-43 money appropriated by the legislature specifically to fund
1-44 enrollment growth in a professional nursing program is:

1-45 (1) distributed in a timely manner, including the
1-46 forfeiture and reallocation of money if an institution fails to
1-47 provide in a timely manner the information required for the money to
1-48 be disbursed and if that failure prevents the timely disbursement
1-49 of money to other institutions; and

1-50 (2) expended on the professional nursing program by
1-51 institutions receiving the money.

1-52 (b) The procedures adopted under Subsection (a) must
1-53 require each professional nursing program receiving money to file a
1-54 report annually with the board accounting for all money received.

1-55 Sec. 61.9628. ADMINISTRATIVE COSTS. A reasonable amount,
1-56 not to exceed five percent, of the money appropriated by the
1-57 legislature to increase enrollments in professional nursing
1-58 programs may be used by the board to pay administrative costs of
1-59 implementing this subchapter or administering the money.

1-60 SECTION 3. Subsections (f) and (g), Section 63.202,
1-61 Education Code, are amended to read as follows:

1-62 (f) Notwithstanding the limitation provided by Subsection
1-63 (b), ~~[in awarding]~~ grants awarded under Subsection (c) for the

2-1 state fiscal biennium ending on August 31, 2005, and the fiscal
2-2 biennium ending on August 31, 2007, by [~~2003~~] the Texas Higher
2-3 Education Coordinating Board shall be awarded[+

2-4 [~~(1) may make awards~~] to programs [~~any program~~]
2-5 preparing students for initial licensure as registered nurses or
2-6 programs preparing qualified faculty members with a master's or
2-7 doctoral degree for the program, including programs at two-year
2-8 institutions of higher education, four-year general academic
2-9 teaching institutions, health science centers, and independent or
2-10 private institutions of higher education. In awarding grants under
2-11 this subsection, the coordinating board may:

2-12 (1) give priority to[+
2-13 [~~(2) shall give priority in awarding grants to:~~
2-14 [~~(A)~~] institutions proposing to address the
2-15 shortage of registered nurses by promoting innovation in education,
2-16 recruitment, and retention of nursing students and qualified
2-17 faculty;

2-18 (2) award grants on a competitive basis [~~and~~
2-19 [~~(B) institutions seeking to increase~~
2-20 ~~enrollments in their nursing programs through financial incentives~~
2-21 ~~to faculty to provide clinical and classroom instruction in~~
2-22 ~~addition to carrying a full teaching load~~]; and

2-23 (3) [~~may~~] consider the availability of matching funds
2-24 [~~in awarding grants~~].

2-25 (g) Subsection (f) and this subsection expire September 1,
2-26 2007 [~~2003~~].

2-27 SECTION 4. Subchapter M, Chapter 56, Education Code, as
2-28 added by Chapter 1590, Acts of the 76th Legislature, Regular
2-29 Session, 1999, is amended by adding Section 56.3075 to read as
2-30 follows:

2-31 Sec. 56.3075. HEALTH CARE PROFESSION STUDENT GRANT.

2-32 (a) The coordinating board may award a grant in an amount not more
2-33 than three times the amount that may be awarded under Section 56.307
2-34 to a student who:

2-35 (1) is enrolled in a program that fulfills the
2-36 educational requirements for licensure or certification by the
2-37 state in a health care profession that the coordinating board, in
2-38 consultation with the Texas Workforce Commission and the statewide
2-39 health coordinating council, has identified as having a critical
2-40 shortage in the number of license holders needed in this state;

2-41 (2) has completed at least one-half of the work toward
2-42 a degree or certificate that fulfills the educational requirement
2-43 for licensure or certification; and

2-44 (3) meets all the requirements to receive a grant
2-45 award under Section 56.307.

2-46 (b) In awarding a grant under Subsection (a), the
2-47 coordinating board may:

2-48 (1) give priority to students from a group
2-49 underrepresented in the programs preparing students for licensure
2-50 or certification by the state; and

2-51 (2) award different amounts based on the amount of
2-52 course work a student has completed toward earning the degree
2-53 required for licensure or certification.

2-54 SECTION 5. Subchapter O, Chapter 56, Education Code, as
2-55 added by Chapter 624, Acts of the 77th Legislature, Regular
2-56 Session, 2001, is amended by adding Section 56.3575 to read as
2-57 follows:

2-58 Sec. 56.3575. HEALTH CARE PROFESSION STUDENT GRANT.

2-59 (a) The coordinating board may award a grant in an amount not more
2-60 than three times the amount that may be awarded under Section
2-61 56.357, as added by Chapter 624, Acts of the 77th Legislature,
2-62 Regular Session, 2001, to a student who:

2-63 (1) is enrolled in a program that fulfills the
2-64 educational requirements for licensure or certification by the
2-65 state in a health care profession that the coordinating board, in
2-66 consultation with the Texas Workforce Commission and the statewide
2-67 health coordinating council, has identified as having a critical
2-68 shortage in the number of license holders needed in this state;

2-69 (2) has completed at least one-half of the work toward

3-1 a degree or certificate that fulfills the educational requirement
 3-2 for licensure or certification; and

3-3 (3) meets all the requirements to receive a grant
 3-4 award under Section 56.357, as added by Chapter 624, Acts of the
 3-5 77th Legislature, Regular Session, 2001.

3-6 (b) In awarding a grant under Subsection (a), the
 3-7 coordinating board may:

3-8 (1) give priority to students from a group
 3-9 underrepresented in the programs preparing students for licensure
 3-10 or certification by the state; and

3-11 (2) award different amounts based on the amount of
 3-12 course work a student has completed toward earning the degree
 3-13 required for licensure or certification.

3-14 SECTION 6. Subsection (a), Section 104.011, Health and
 3-15 Safety Code, is amended to read as follows:

3-16 (a) The statewide health coordinating council is composed
 3-17 of 18 [~~17~~] members determined as follows:

3-18 (1) the commissioner of health and human services or a
 3-19 representative designated by the commissioner;

3-20 (2) the presiding officer of the Texas Higher
 3-21 Education Coordinating Board or a representative designated by the
 3-22 presiding officer;

3-23 (3) the presiding officer of the department or a
 3-24 representative designated by the presiding officer;

3-25 (4) the presiding officer of the Texas Health Care
 3-26 Information Council or a representative designated by the presiding
 3-27 officer;

3-28 (5) the presiding officer of the Texas Department of
 3-29 Mental Health and Mental Retardation or a representative designated
 3-30 by the presiding officer; and

3-31 (6) the following members appointed by the governor:

3-32 (A) three health care professionals from the
 3-33 allied health, dental, medical, mental health, [~~nursing,~~] and
 3-34 pharmacy professions, no two of whom may be from the same
 3-35 profession;

3-36 (B) one registered nurse;

3-37 (C) two representatives of a university or
 3-38 health-related institution of higher education;

3-39 (D) [~~C~~] one representative of a junior or
 3-40 community college;

3-41 (E) [~~D~~] one hospital administrator;

3-42 (F) [~~E~~] one managed care administrator; and

3-43 (G) [~~F~~] four public members.

3-44 SECTION 7. Subchapter B, Chapter 104, Health and Safety
 3-45 Code, is amended by adding Section 104.0155 to read as follows:

3-46 Sec. 104.0155. NURSING ADVISORY COMMITTEE. (a) The
 3-47 statewide health coordinating council shall form a nursing advisory
 3-48 committee the majority of which must be nurses. The committee:

3-49 (1) must include:

3-50 (A) members of associations that represent
 3-51 nurses, educators of nurses, and employers of nurses;

3-52 (B) members who represent nurse licensing
 3-53 boards; and

3-54 (C) a nurse researcher; and

3-55 (2) may include other members who are health care
 3-56 experts from the public or private sector, nurses, nurse educators,
 3-57 employers of nurses, or consumers of nursing services.

3-58 (b) The nursing advisory committee shall:

3-59 (1) review policy matters on the collection of data
 3-60 and reports performed under Chapter 105 that relate to the nursing
 3-61 profession;

3-62 (2) subject to approval of the statewide health
 3-63 coordinating council, develop priorities and an operations plan for
 3-64 the nursing resource section under Section 105.002(b); and

3-65 (3) review reports and information before
 3-66 dissemination.

3-67 (c) A nurse member of the nursing advisory committee and a
 3-68 nurse member of the statewide health coordinating council shall
 3-69 co-chair the committee.

4-1 (d) Chapter 2110, Government Code, does not apply to the
4-2 nursing advisory committee formed under this section.

4-3 (e) Meetings of the nursing advisory committee under this
4-4 section are subject to Chapter 551, Government Code.

4-5 SECTION 8. Subsection (e), Section 104.042, Health and
4-6 Safety Code, is amended to read as follows:

4-7 (e) Data received by the department under this section
4-8 containing information identifying specific persons or health care
4-9 facilities ~~[patients]~~ is confidential, is not subject to disclosure
4-10 under Chapter 552, Government Code, and may not be released unless
4-11 all identifying [the] information [identifying the patient] is
4-12 removed.

4-13 SECTION 9. Section 105.002, Health and Safety Code, is
4-14 amended to read as follows:

4-15 Sec. 105.002. ESTABLISHMENT OF CENTER. (a) In conjunction
4-16 with the Texas Higher Education Coordinating Board and in such a way
4-17 as to avoid duplication of effort, the council shall establish a
4-18 comprehensive health professions resource center for the
4-19 collection and analysis of educational and employment trends for
4-20 health professions in this state.

4-21 (b) In conjunction with the nursing advisory committee
4-22 formed under Section 104.0155, to avoid duplication of effort, and
4-23 to the extent funding is available through fees collected under
4-24 Sections 301.155(c) and 302.153(d), Occupations Code, the council
4-25 shall establish a nursing resource section within the center for
4-26 the collection and analysis of educational and employment trends
4-27 for nurses in this state.

4-28 (c) If the nursing resource section established under
4-29 Subsection (b) is funded from surcharges collected under Sections
4-30 301.155(c) and 302.153(d), Occupations Code, the council shall
4-31 provide the Board of Nurse Examiners or the Board of Vocational
4-32 Nurse Examiners, as applicable, an annual accounting of the money
4-33 received from the board. The council may expend a reasonable amount
4-34 of the money to pay the administrative costs of maintaining the
4-35 nursing resource section.

4-36 SECTION 10. Section 105.003, Health and Safety Code, is
4-37 amended by adding Subsections (d) and (e) to read as follows:

4-38 (d) To the extent feasible, the council shall use a
4-39 researcher with a doctorate in nursing to collect, analyze, and
4-40 disseminate nursing data that may be used to predict supply and
4-41 demand for nursing personnel in this state using appropriate
4-42 federal or state supply and demand models. The nursing data must at
4-43 least:

4-44 (1) include demographics, areas of practice, supply,
4-45 demand, and migration; and

4-46 (2) be analyzed to identify trends relating to numbers
4-47 and geographical distribution, practice setting, and area of
4-48 practice and, to the extent possible, compare those trends with
4-49 corresponding national trends.

4-50 (e) Data received by the department under this section that
4-51 contains information identifying specific persons or health care
4-52 facilities is confidential, is not subject to disclosure under
4-53 Chapter 552, Government Code, and may not be released unless all
4-54 identifying information is removed.

4-55 SECTION 11. Chapter 105.004, Health and Safety Code, is
4-56 amended to read as follows:

4-57 Sec. 105.004. REPORTS. (a) The council may use the data
4-58 collected and analyzed under this chapter to publish reports
4-59 regarding:

4-60 (1) the educational and employment trends for health
4-61 professions;

4-62 (2) the supply and demand of health professions; and

4-63 (3) other issues, as necessary, concerning health
4-64 professions in this state.

4-65 (b) The council shall publish reports regarding the data
4-66 collected and analyzed under this chapter related to:

4-67 (1) the educational and employment trends of nursing
4-68 professionals;

4-69 (2) the supply and demand of nursing professionals;

5-1 and

5-2 (3) other issues, as determined necessary by the
5-3 council, concerning nursing professionals in this state.

5-4 SECTION 12. Section 301.155, Occupations Code, is amended
5-5 by adding Subsection (c) to read as follows:

5-6 (c) The board shall assess a \$3 surcharge to the fee
5-7 established by the board under Subsection (a) for a license holder
5-8 to renew a license under this chapter. The board may use nine cents
5-9 of the surcharge to cover the administrative costs of collecting
5-10 and depositing the surcharge. The board quarterly shall transmit
5-11 \$2.91 of the surcharge to the Texas Department of Health to be used
5-12 only to implement the nursing resource section under Section
5-13 105.002, Health and Safety Code. The board is not required to
5-14 collect the surcharge if the board determines the funds collected
5-15 are not appropriated for the purpose of funding the nursing
5-16 resource section.

5-17 SECTION 13. Section 302.153, Occupations Code, is amended
5-18 by adding Subsection (d) to read as follows:

5-19 (d) The board shall assess a \$2 surcharge to the fee
5-20 established by the board under Subsection (a) for a license holder
5-21 to renew a license under this chapter. The board may use six cents
5-22 of the surcharge to cover the administrative costs of collecting
5-23 and depositing the surcharge. The board quarterly shall transmit
5-24 \$1.94 of the surcharge to the Texas Department of Health to be used
5-25 only to implement the nursing resource section under Section
5-26 105.002, Health and Safety Code. The board is not required to
5-27 collect the surcharge if the board determines the funds collected
5-28 are not appropriated for the purpose of funding the nursing
5-29 resource section.

5-30 SECTION 14. Chapter 304, Occupations Code, as added by
5-31 Chapter 1489, Acts of the 77th Legislature, Regular Session, 2001,
5-32 is repealed.

5-33 SECTION 15. This Act takes effect immediately if it
5-34 receives a vote of two-thirds of all the members elected to each
5-35 house, as provided by Section 39, Article III, Texas Constitution.
5-36 If this Act does not receive the vote necessary for immediate
5-37 effect, this Act takes effect September 1, 2003.

5-38 * * * * *