

By: Nelson

S.B. No. 132

A BILL TO BE ENTITLED

AN ACT

relating to goals and strategies concerning the number of graduates from professional nursing education programs.

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

SECTION 1. Chapter 105, Health and Safety Code, is amended by adding Section 105.008 to read as follows:

Sec. 105.008. GOALS AND STRATEGIES CONCERNING THE NUMBER OF GRADUATES FROM PROFESSIONAL NURSING PROGRAMS. (a) In this section, "professional nursing program" has the meaning assigned by Section 61.9621, Education Code.

(b) The council, in consultation with the Texas Higher Education Coordinating Board, shall perform an analysis to determine, for each academic year, a target number of graduates from the state's professional nursing programs, goals for increasing the number of graduates from those programs, and the levels of public and private funding needed to achieve the target number and goals. The analysis must include assessments and projections concerning:

(1) the number of registered nurses working in this state and the number of registered nurses needed in this state; and

(2) the number of professional nursing program graduates needed to address any difference between the numbers described by Subdivision (1).

(c) Not later than January 1, 2007, the council shall report

1 to the legislature concerning the results of the analysis under
2 Subsection (b).

3 (d) The council shall use existing resources to perform
4 duties imposed under this section.

5 (e) This section expires June 1, 2007.

6 SECTION 2. Subsection (a), Section 61.9623, Education Code,
7 is amended to read as follows:

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

12 (1) expended exclusively on costs related to:

13 (A) enrolling additional students;

14 (B) assuring the recruitment and retention of an
15 adequate number of qualified faculty, including providing faculty
16 salaries; ~~or~~

17 (C) encouraging innovation in the recruitment
18 and retention of students, including the recruitment and retention
19 of Spanish-speaking and bilingual students; or

20 (D) identifying, developing, or implementing
21 innovative methods to make the most effective use of limited
22 professional nursing program faculty, instructional or clinical
23 space, and other resources, including:

24 (i) sharing administrative or
25 instructional personnel, facilities, and responsibilities between
26 two or more professional nursing programs located in the same
27 region of this state; and

1 (ii) using preceptors to provide clinical
2 instruction in order to reduce the number of new faculty needed to
3 accommodate increased student enrollment in the professional
4 nursing program;

5 (2) contingent on the professional nursing program's
6 having been approved as a professional nursing program by the board
7 or the Board of Nurse Examiners, as appropriate, by September 1,
8 2001;

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

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

16 SECTION 3. Section 61.9624, Education Code, is amended to
17 read as follows:

18 Sec. 61.9624. ADMINISTRATION. The board shall adopt rules
19 [~~and regulations~~] for the administration of the professional
20 nursing shortage reduction program. The board shall grant funds
21 under Sections 61.9623(a)(1)(A), [and] (B), and (D) in an equitable
22 manner among the various types of professional nursing programs.
23 The board shall grant funds under Section 61.6923(a)(1)(C) in a
24 manner that best promotes innovation in the recruitment and
25 retention of nursing students, including the recruitment and
26 retention of Spanish-speaking and bilingual students.

27 SECTION 4. Subsection (a), Section 61.9626, Education Code,

1 is amended to read as follows:

2 (a) Each institution of higher education that has a
3 professional nursing program shall submit an annual report to the
4 board detailing its strategy for increasing the number of students
5 that graduate from the program prepared for licensure as registered
6 nurses. The report must include:

7 (1) the capacity of the program, either alone or in
8 cooperation with one or more other programs, to graduate more
9 students prepared for licensure as registered nurses; and

10 (2) the resources allocated to increase the number of
11 students that graduate from the program prepared for licensure as
12 registered nurses.

13 SECTION 5. Subchapter Z, Chapter 61, Education Code, is
14 amended by adding Section 61.96261 to read as follows:

15 Sec. 61.96261. STRATEGIES FOR INCREASING GRADUATION RATES.

16 (a) The board shall:

17 (1) identify, develop, and study strategies for
18 increasing graduation rates from professional nursing programs in
19 this state; and

20 (2) determine which of those strategies are likely to
21 be effective.

22 (b) Not later than January 1, 2007, the board shall report
23 to the legislature concerning the results of the study conducted
24 under Subsection (a). The report must include the board's
25 recommendations for implementing effective strategies for
26 increasing graduation rates from professional nursing programs.

27 (c) The board shall use existing resources to perform duties

1 imposed under this section.

2 (d) This section expires June 1, 2007.

3 SECTION 6. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2005.

COMMITTEE AMENDMENT NO. 1

Amend S.B. No. 132 (Senate Engrossment) as follows:

(1) In SECTION 2 of the bill, strike amended Paragraph (B), Subdivision (1), Subsection (a), Section 61.9623, Education Code (page 2, lines 14-16), and substitute "(B) nursing faculty enhancement in accordance with Section 61.96231 [~~assuring the retention of an adequate number of qualified faculty, including providing faculty salaries~~]; [~~or~~]".

(2) In SECTION 3 of the bill, in amended Section 61.9624, Education Code (page 3, line 21), strike "Sections 61.9623(a)(1)(A), [~~and~~] B, and (D)" and substitute "Sections 61.9623(a)(1)(A) and (D) [~~B~~]".

(3) Add the following appropriately numbered new SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 54, Education Code, is amended by adding Sections 54.221 and 54.222 to read as follows:

Sec. 54.221. CHILDREN OF PROFESSIONAL NURSING PROGRAM FACULTY. (a) In this section:

(1) "Child" means a child of any age, including an adult child. The term includes an adopted child.

(2) "Graduate professional nursing program" means an educational program of a public or private institution of higher education that prepares students for a master's or doctoral degree in nursing.

(3) "Undergraduate professional nursing program" means a public or private educational program for preparing

1 students for initial licensure as registered nurses.

2 (b) The governing board of an institution of higher
3 education shall exempt from the payment of tuition a resident of
4 this state enrolled as an undergraduate student at the institution
5 who is a child of a person who, at the beginning of the semester or
6 other academic term for which an exemption is sought, holds a
7 master's or doctoral degree in nursing, if not employed or under
8 contract as a teaching assistant under Subdivision (1) or (2), or a
9 baccalaureate degree in nursing, if employed or under contract as a
10 teaching assistant under Subdivision (1) or (2), and:

11 (1) is employed by an undergraduate or graduate
12 professional nursing program in this state as a full-time member of
13 its faculty or staff with duties that include teaching, serving as a
14 teaching assistant, performing research, serving as an
15 administrator, or performing other professional services; or

16 (2) has contracted with an undergraduate or graduate
17 professional nursing program in this state to serve as a full-time
18 member of its faculty or staff to perform duties described by
19 Subdivision (1) during all or part of the semester or other academic
20 term for which an exemption is sought or, if the child is enrolled
21 for a summer session, during all or part of that session or for the
22 next academic year.

23 (c) A child who would qualify for an exemption under this
24 section but for the fact that the child's parent is not employed
25 full-time is eligible for an exemption on a pro rata basis equal to
26 the percentage of full-time employment the parent is employed,
27 except that a parent employed for less than 25 percent of full-time

1 employment is considered to be employed for 25 percent of full-time
2 employment.

3 (d) A person is not eligible for an exemption under this
4 section if the person:

5 (1) has previously received an exemption under this
6 section for 10 semesters or summer sessions at any institution or
7 institutions of higher education; or

8 (2) has received a baccalaureate degree.

9 (e) For purposes of Subsection (d), a summer session that is
10 less than nine weeks in duration is considered one-half of a summer
11 session.

12 (f) A person attending an institution of higher education
13 who becomes eligible to receive an exemption from tuition under
14 this section is eligible for a refund of the amount of money that
15 the person paid to any institution of higher education for tuition
16 as a resident student in the three-year period preceding the
17 beginning of the first semester or other academic term for which the
18 person receives the exemption.

19 (g) To receive a refund under Subsection (f), the person
20 must apply to the institution from which the refund is sought before
21 the first anniversary of the date the person becomes eligible for
22 the refund. The institution shall pay the refund from any available
23 funds of the institution.

24 (h) The Texas Higher Education Coordinating Board shall
25 adopt:

26 (1) rules governing the granting or denial of an
27 exemption under this section, including rules relating to the

1 determination of eligibility for an exemption or for a refund of
2 previously paid tuition; and

3 (2) a uniform application form for an exemption under
4 this section.

5 Sec. 54.222. PRECEPTORS FOR PROFESSIONAL NURSING EDUCATION
6 PROGRAMS. (a) In this section, "child" and "undergraduate
7 professional nursing program" have the meanings assigned by Section
8 54.221.

9 (b) The governing board of an institution of higher
10 education shall exempt from the payment of \$500 of the total amount
11 of tuition a resident of this state enrolled as a student at the
12 institution who:

13 (1) is a registered nurse; and

14 (2) is serving under a written preceptor agreement
15 with an undergraduate professional nursing program as a clinical
16 preceptor for students enrolled in the program for the semester or
17 other academic term for which the exemption is sought.

18 (c) The governing board of an institution of higher
19 education shall exempt from the payment of \$500 of the total amount
20 of tuition a resident of this state enrolled as an undergraduate
21 student at the institution who is a child of a person who meets the
22 requirements of Subsections (b)(1) and (2).

23 (d) Notwithstanding Subsections (b) and (c), if a person
24 eligible for an exemption under this section owes less than \$500 in
25 tuition, the governing board of the institution of higher education
26 in which the person is enrolled shall exempt the person from the
27 payment of only the amount of tuition the person owes.

1 (e) A person is not eligible for an exemption under
2 Subsection (c) if the person:

3 (1) has previously received an exemption under this
4 section for 10 semesters or summer sessions at any institution or
5 institutions of higher education; or

6 (2) has received a baccalaureate degree.

7 (f) For purposes of Subsection (e), a summer session that is
8 less than nine weeks in duration is considered one-half of a summer
9 session.

10 (g) The Texas Higher Education Coordinating Board shall
11 adopt:

12 (1) rules governing the granting or denial of an
13 exemption under this section, including rules relating to the
14 determination of eligibility for an exemption; and

15 (2) a uniform application form for an exemption under
16 this section.

17 SECTION _____. Subchapter Z, Chapter 61, Education Code, is
18 amended by adding Section 61.96231 to read as follows:

19 Sec. 61.96231. NURSING FACULTY ENHANCEMENT GRANTS. (a)
20 Under the professional nursing shortage reduction program, the
21 board may award nursing faculty enhancement grants to professional
22 nursing programs to assist the programs in the education,
23 recruitment, and retention of a sufficient number of faculty
24 members to enable the programs to enroll a sufficient number of
25 students to meet the state's need for registered nurses.

26 (b) A grant awarded under this section may be used only for
27 the purposes specified by Subsection (a), including providing

1 salary supplements and enhancements and reducing the number of
2 hours a faculty member must teach.

3 (c) In awarding a grant under this section, the board may
4 require matching funds from a professional nursing program or may
5 give preference in awarding a grant to a program providing matching
6 funds.

7 (d) The board may appoint an advisory committee to advise
8 the board on successful strategies, in addition to the grants
9 awarded under this section, for educating, recruiting, and
10 retaining qualified professional nursing program faculty members
11 who hold master's or doctoral degrees.

12 SECTION ____ . Section 824.602(a), Government Code, is
13 amended to read as follows:

14 (a) Subject to Section 825.506, the retirement system may
15 not, under Section 824.601, withhold a monthly benefit payment if
16 the retiree is employed in a Texas public educational institution:

17 (1) as a substitute only with pay not more than the
18 daily rate of substitute pay established by the employer and, if the
19 retiree is a disability retiree, the employment has not exceeded a
20 total of 90 days in the school year;

21 (2) in a position, other than as a substitute, on no
22 more than a one-half time basis for the month;

23 (3) in one or more positions on as much as a full-time
24 basis, if the work occurs in not more than six months of a school
25 year that begins after the retiree's effective date of retirement;

26 (4) in a position, other than as a substitute, on no
27 more than a one-half time basis for no more than 90 days in the

1 school year, if the retiree is a disability retiree;

2 (5) in a position as a classroom teacher on as much as
3 a full-time basis, if the retiree has retired under Section
4 824.202(a), is certified under Subchapter B, Chapter 21, Education
5 Code, to teach the subjects assigned, is teaching in an acute
6 shortage area as determined by the board of trustees of a school
7 district as provided by Subsection (m), and has been separated from
8 service with all public schools for at least 12 months;

9 (6) in a position as a principal, including as an
10 assistant principal, on as much as a full-time basis, if the retiree
11 has retired under Section 824.202(a) without reduction for
12 retirement at an early age, is certified under Subchapter B,
13 Chapter 21, Education Code, to serve as a principal, and has been
14 separated from service with all public schools for at least 12
15 months; ~~or~~

16 (7) as a bus driver for a school district on as much as
17 a full-time basis, if the retiree has retired under Section
18 824.202(a); or

19 (8) as a faculty member, during the period beginning
20 with the 2005 fall semester and ending on the last day of the 2015
21 spring semester, in an undergraduate professional nursing program
22 or graduate professional nursing program, as defined by Section
23 54.221, Education Code.

24 SECTION ____ . Subchapter B, Chapter 1372, Government Code,
25 is amended by adding Section 1372.0223 to read as follows:

26 Sec. 1372.0223. DEDICATION OF PORTION OF STATE CEILING FOR
27 PROFESSIONAL NURSING PROGRAM FACULTY MEMBER HOME LOAN PROGRAM.

1 Until August 1, out of that portion of the state ceiling that is
2 available exclusively for reservations by issuers of qualified
3 mortgage bonds under Section 1372.022, \$5 million shall be allotted
4 each year and made available exclusively to the Texas State
5 Affordable Housing Corporation for the purpose of issuing qualified
6 mortgage bonds in connection with the professional nursing program
7 faculty member home loan program established under Section
8 2306.5622.

9 SECTION _____. (a) This section takes effect only if the Act
10 of the 79th Legislature, Regular Session, 2005, relating to the
11 nonsubstantive additions to and corrections in enacted codes (the
12 general code update bill) is enacted and becomes law.

13 (b) Section 2306.553(a), Government Code, is amended to
14 read as follows:

15 (a) The public purpose of the corporation is to perform
16 activities and services that the corporation's board of directors
17 determines will promote the public health, safety, and welfare
18 through the provision of adequate, safe, and sanitary housing
19 primarily for individuals and families of low, very low, and
20 extremely low income, for professional educators under the
21 professional educators home loan program as provided by Section
22 2306.562, ~~and~~ for fire fighters and police officers under the
23 fire fighter and police officer home loan program as provided by
24 Section 2306.5621, and for professional nursing program faculty
25 members under the professional nursing program faculty member home
26 loan program as provided by Section 2306.5622 ~~[2306.563]~~. The
27 activities and services shall include engaging in mortgage banking

1 activities and lending transactions and acquiring, holding,
2 selling, or leasing real or personal property.

3 SECTION _____. (a) This section takes effect only if the Act
4 of the 79th Legislature, Regular Session, 2005, relating to
5 nonsubstantive additions to and corrections in enacted codes (the
6 general code update bill) does not become law.

7 (b) Section 2306.553(a), Government Code, is amended to
8 read as follows:

9 (a) The public purpose of the corporation is to perform
10 activities and services that the corporation's board of directors
11 determines will promote the public health, safety, and welfare
12 through the provision of adequate, safe, and sanitary housing
13 primarily for individuals and families of low, very low, and
14 extremely low income, for professional educators under the
15 professional educators home loan program as provided by Section
16 2306.562, [~~and~~] for fire fighters and police officers under the
17 fire fighter and police officer home loan program as provided by
18 Section 2306.563, and for professional nursing program faculty
19 members under the professional nursing program faculty member home
20 loan program as provided by Section 2306.5622. The activities and
21 services shall include engaging in mortgage banking activities and
22 lending transactions and acquiring, holding, selling, or leasing
23 real or personal property.

24 SECTION _____. Section 2306.553(b), Government Code, is
25 amended to read as follows:

26 (b) The corporation's primary public purpose is to
27 facilitate the provision of housing by issuing qualified 501(c)(3)

1 bonds and qualified residential rental project bonds and by making
2 affordable loans to individuals and families of low, very low, and
3 extremely low income, to professional educators under the
4 professional educators home loan program, ~~and~~ to fire fighters
5 and police officers under the fire fighter and police officer home
6 loan program, and to professional nursing program faculty members
7 under the professional nursing program faculty member home loan
8 program. The corporation may make first lien, single family
9 purchase money mortgage loans for single family homes only to
10 individuals and families of low, very low, and extremely low income
11 if the individual's or family's household income is not more than
12 the greater of 60 percent of the median income for the state, as
13 defined by the United States Department of Housing and Urban
14 Development, or 60 percent of the area median family income,
15 adjusted for family size, as defined by that department. The
16 corporation may make loans for multifamily developments if:

17 (1) at least 40 percent of the units in a multifamily
18 development are affordable to individuals and families with incomes
19 at or below 60 percent of the median family income, adjusted for
20 family size; or

21 (2) at least 20 percent of the units in a multifamily
22 development are affordable to individuals and families with incomes
23 at or below 50 percent of the median family income, adjusted for
24 family size.

25 SECTION _____. Subchapter Y, Chapter 2306, Government Code,
26 is amended by adding Section 2306.5622 to read as follows:

27 Sec. 2306.5622. PROFESSIONAL NURSING PROGRAM FACULTY

1 MEMBER HOME LOAN PROGRAM. (a) In this section:

2 (1) "Graduate professional nursing program" and
3 "undergraduate professional nursing program" have the meanings
4 assigned by Section 54.221, Education Code.

5 (2) "Home" means a dwelling in this state in which a
6 professional nursing program faculty member intends to reside as
7 the faculty member's principal residence.

8 (3) "Mortgage lender" has the meaning assigned by
9 Section 2306.004.

10 (4) "Professional nursing program faculty member"
11 means a full-time member of the faculty of either an undergraduate
12 or graduate professional nursing program.

13 (5) "Program" means the professional nursing program
14 faculty member home loan program.

15 (b) The corporation shall establish a program to provide
16 eligible professional nursing program faculty members with
17 low-interest home mortgage loans.

18 (c) To be eligible for a loan under this section, at the time
19 a person files an application for the loan, the person must:

20 (1) be a faculty member of an undergraduate or
21 graduate professional nursing program;

22 (2) reside in this state; and

23 (3) have an income of not more than 115 percent of area
24 median family income, adjusted for family size.

25 (d) The corporation may contract with other agencies of the
26 state or with private entities to determine whether applicants
27 qualify as professional nursing program faculty members under this

1 section or otherwise to administer all or part of this section.

2 (e) The board of directors of the corporation may set and
3 collect from each applicant any fees the board considers reasonable
4 and necessary to cover the expenses of administering the program.

5 (f) The board of directors of the corporation shall adopt
6 rules governing:

7 (1) the administration of the program;

8 (2) the making of loans under the program;

9 (3) the criteria for approving mortgage lenders;

10 (4) the use of insurance on the loans and the homes
11 financed under the program, as considered appropriate by the board
12 to provide additional security for the loans;

13 (5) the verification of occupancy of the home by the
14 professional nursing program faculty member as the professional
15 nursing program faculty member's principal residence; and

16 (6) the terms of any contract made with any mortgage
17 lender for processing, originating, servicing, or administering
18 the loans.

19 (g) The corporation shall ensure that a loan under this
20 section is structured in a way that complies with any requirements
21 associated with the source of the funds used for the loan.

22 (h) In addition to funds set aside for the program under
23 Section 1372.0223, the corporation may solicit and accept funding
24 for the program from the following sources:

25 (1) gifts and grants for the purposes of this section;

26 (2) available money in the housing trust fund
27 established under Section 2306.201, to the extent available to the

1 corporation;

2 (3) federal block grants that may be used for the
3 purposes of this section, to the extent available to the
4 corporation;

5 (4) other state or federal programs that provide money
6 that may be used for the purposes of this section; and

7 (5) amounts received by the corporation in repayment
8 of loans made under this section.

9 (i) This section expires September 1, 2016.

10 SECTION _____. (a) Except as provided by Subsection (b) of
11 this section, Sections 54.221 and 54.222, Education Code, as added
12 by this Act, take effect beginning with the 2006 fall semester.

13 (b) Not later than January 1, 2006, the Texas Higher
14 Education Coordinating Board shall adopt rules and forms relating
15 to tuition exemptions under Sections 54.221 and 54.222, Education
16 Code, as added by this Act.

17 SECTION _____. The change in law made by this Act to Section
18 61.9623(a), Education Code, applies only to expenditure of grant
19 money under that section after this Act takes effect. Expenditure
20 of grant money under that section before this Act takes effect is
21 governed by the law in effect at the time grant money was spent, and
22 that law is continued in effect for that purpose.

23 SECTION _____. The change in law made by this Act to Section
24 824.602, Government Code, applies beginning with the 2005 fall
25 semester.

26 SECTION _____. The Texas State Affordable Housing Corporation
27 shall:

1 (1) aggressively pursue funding for the professional
2 nursing school faculty member home loan program required by Section
3 2306.5622, Government Code, as added by this Act; and

4 (2) implement the professional nursing school faculty
5 member home loan program required by that section not later than
6 September 1, 2005, or as soon thereafter as practicable.

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Goolsby