

AN ACT

relating to the professional nursing shortage reduction program.

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

SECTION 1. Section 61.9621, Education Code, is amended to read as follows:

Sec. 61.9621. DEFINITION [~~DEFINITIONS~~]. In this subchapter, "professional nursing program" means an educational program offered by a public or private institution of higher education for preparing students for initial licensure as registered nurses.

SECTION 2. Section 61.9623(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;

(B) nursing faculty enhancement in accordance with Section 61.96231;

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

(D) identifying, developing, or implementing

1 innovative methods to make the most effective use of limited  
2 professional nursing program faculty, instructional or clinical  
3 space, and other resources, including:

4 (i) sharing curriculum and administrative  
5 or instructional personnel, facilities, and responsibilities  
6 between two or more professional nursing programs located in the  
7 same region of this state; and

8 (ii) using preceptors or part-time faculty  
9 to provide clinical instruction in order to address the need for  
10 qualified faculty to accommodate increased student enrollment in  
11 the professional nursing program;

12 (2) contingent on the professional nursing program's  
13 having been approved as a professional nursing program by the board  
14 or the Texas Board of Nursing, as appropriate [~~by September 1,~~  
15 ~~2001~~];

16 (3) contingent on the professional nursing program's  
17 not being on probation with the Texas Board of Nursing or other  
18 accrediting body; and

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

23 SECTION 3. Subchapter Z, Chapter 61, Education Code, is  
24 amended by adding Sections 61.96232, 61.96233, and 61.9629 to read  
25 as follows:

26 Sec. 61.96232. GRANTS TO INCREASE NUMBER OF GRADUATES:  
27 APPLICATION PROCESS. (a) The board by rule shall establish a

1 process under which a public or private institution of higher  
2 education that offers a professional nursing program may apply for  
3 a grant under this subchapter and the commissioner of higher  
4 education, contingent on appropriations of money for the grants,  
5 selects one or more applicants to receive a grant based on criteria  
6 established by board rule. The criteria must include the  
7 institution's agreement that the institution's professional  
8 nursing program will enroll additional students or graduate  
9 additional students prepared for initial licensure as registered  
10 nurses.

11 (b) The process established under Subsection (a) may  
12 authorize the commissioner of higher education to accept a joint  
13 application from multiple institutions that agree to cooperate on a  
14 regional or joint basis for their professional nursing programs to  
15 enroll additional students or graduate additional students  
16 prepared for initial licensure as registered nurses.

17 (c) The application for a grant under this section must  
18 require the institution applying for a grant to:

19 (1) state the number of additional students that the  
20 institution's professional nursing program intends to enroll or  
21 graduate;

22 (2) identify benchmarks for determining adequate  
23 progress toward enrolling or graduating those additional students;

24 (3) state the amount of grant money requested; and

25 (4) describe a proposed payment schedule for  
26 distribution of the grant money to the institution seeking the  
27 grant.

1       (d) The commissioner of higher education may negotiate  
2 changes to the application before approving the application.

3       (e) If a professional nursing program fails to enroll or  
4 graduate the number of additional students stated in the approved  
5 application or does not meet a benchmark identified in the approved  
6 application, the commissioner of higher education may:

7           (1) require the institution offering the professional  
8 nursing program to return any unearned grant money awarded to the  
9 program under this subchapter;

10           (2) withhold future grant awards that would otherwise  
11 be made under this subchapter in accordance with the approved  
12 application;

13           (3) renegotiate the terms of the approved application;

14 or

15           (4) rescind approval of the application.

16       (f) The board may appoint an advisory committee to advise  
17 the commissioner of higher education and the board on  
18 implementation of this section. The board may assign to the  
19 committee the responsibility for evaluating applications and  
20 recommending to the commissioner applications for approval.

21       Sec. 61.96233. NEW PROFESSIONAL NURSING PROGRAMS. (a) The  
22 board shall adopt rules for permitting newly established  
23 professional nursing programs to participate in and receive grant  
24 awards under the program established under this subchapter.

25       (b) The rules the board adopts under Subsection (a) must  
26 include:

27           (1) a process for ensuring that newly established

1 professional nursing programs are treated equitably with  
2 established programs in the award of grants under this subchapter;  
3 and

4 (2) a method for calculating increases in enrollment  
5 or graduates if grants are awarded based on such increases.

6 Sec. 61.9629. CONTINUED ELIGIBILITY OF PROGRAMS TO RECEIVE  
7 GRANTS. Notwithstanding Section 61.9621, a professional nursing  
8 program offered by an entity other than a public or private or  
9 independent institution of higher education that was eligible to  
10 receive grants from a program under this subchapter before  
11 September 1, 2009, remains eligible to receive a grant from such a  
12 program if the entity meets all criteria for a grant other than the  
13 criterion of being a program offered by an institution of higher  
14 education.

15 SECTION 4. The Texas Higher Education Coordinating Board  
16 may adopt initial rules for the administration of Sections 61.96232  
17 and 61.96233, Education Code, as added by this Act, at the  
18 coordinating board's first meeting after the effective date of this  
19 Act. For that purpose, the coordinating board may adopt the rules  
20 in the manner provided by law for emergency rules.

21 SECTION 5. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2009.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 4471 was passed by the House on April 23, 2009, by the following vote: Yeas 145, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4471 on May 29, 2009, by the following vote: Yeas 145, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 4471 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor