

By: Kolkhorst, Howard of Travis

H.B. No. 4471

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the professional nursing shortage reduction program.

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

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

6 Sec. 61.9621. DEFINITIONS. In this subchapter,  
7 "professional nursing program" means an educational program of an  
8 institution of higher education including a private or independent  
9 institution of higher education for preparing students for initial  
10 licensure as registered nurses.

11 SECTION 2. Section 61.9623, Education Code, is amended by  
12 amending Subsection (a) to read as follows:

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

17 (1) expended exclusively on costs related to:

18 (A) enrolling additional students;

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

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

24 (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 administrative or  
5 instructional personnel, facilities, and responsibilities between  
6 two or more professional nursing programs located in the same  
7 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. MEMORANDUM OF UNDERSTANDING TO INCREASE  
27 GRADUATES. (a) Contingent upon the appropriation of funds and in

1 accordance with the process established under Subsection (b), the  
2 Commissioner of Higher Education shall enter into a memorandum of  
3 understanding with the governing institution, or its board, of a  
4 professional nursing program with respect to the distribution of  
5 funds to the nursing program based on the program's graduating  
6 additional students prepared for initial licensure as register  
7 nurses.

8 (b) The board, by rule, shall establish a process by which  
9 the commissioner may enter into a memorandum of understanding with  
10 an institution, or its board, under this section. The process may  
11 authorize the commissioner to enter into a single memorandum of  
12 understanding with multiple institutions desiring to cooperate on a  
13 regional or joint basis to graduate additional students prepared  
14 for initial licensure as register nurses.

15 (c) The memorandum of understanding between the  
16 commissioner and an institution, or its board, shall set out the  
17 terms relating to any funds distributed to the professional nursing  
18 program. The memorandum of understanding shall state the number of  
19 additional students prepared for initial licensure as registered  
20 nurses the professional nursing program will graduate and identify  
21 benchmarks for determining progress toward graduating those  
22 additional students.

23 (d) An institution shall expend any funds received under  
24 this section on its professional nursing program including  
25 expending the funds for any the purposes set out in Sec. 61.9623.

26 (e) If a professional nursing program fails to graduate the  
27 additional students as agreed or does not meet a benchmark used to

1 determine progress toward graduating the additional students as  
2 agreed, the commissioner may:

3 (1) require the institution to return any unspent  
4 funds received by the institution under this section;

5 (2) withhold any future payments required by the  
6 memorandum of understanding;

7 (3) re-negotiate the memorandum of understanding; or

8 (4) cancel the memorandum of understanding.

9 (f) The board may appoint an advisory committee to advise  
10 the commissioner and the board on implementation of this section.  
11 The board may assign the committee the responsibility of evaluating  
12 and making recommendations to the commissioner as to the  
13 institutions with which to enter into memoranda of understanding  
14 under this section.

15 Sec. 61.96233. NEW PROFESSIONAL NURSING PROGRAMS. The  
16 board, by rule, shall establish a process for permitting newly  
17 established professional nursing programs to participate in and  
18 receive funds under programs established under this subchapter in  
19 an equitable manner, including establishing a base for calculating  
20 increases in enrollment or graduates if a program distributes funds  
21 on such basis.

22 Sec. 61.9629. CONTINUED ELIGIBILITY OF PROGRAMS TO RECEIVE  
23 FUNDS. A professional nursing program operated by an entity other  
24 than an institution of higher education, including a public or  
25 independent institution of higher education, that was eligible to  
26 receive funds prior to September 1, 2009 from any program  
27 established under this subchapter will continue to be eligible to

1 receive funds from any program established under this subchapter if  
2 it meets all criteria for participation other than being a program  
3 of an institution of higher education, including a public or  
4 independent institution of higher education.

5         SECTION 4. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2009.