

1-1 By: Kolkhorst, et al. (Senate Sponsor - Nelson) H.B. No. 4471  
1-2 (In the Senate - Received from the House April 24, 2009;  
1-3 May 6, 2009, read first time and referred to Committee on Higher  
1-4 Education; May 23, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 3, Nays 0;  
1-6 May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 4471 By: Duncan

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the professional nursing shortage reduction program.

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

1-12 SECTION 1. Section 61.9621, Education Code, is amended to  
1-13 read as follows:

1-14 Sec. 61.9621. DEFINITION [~~DEFINITIONS~~]. In this  
1-15 subchapter, "professional nursing program" means an educational  
1-16 program offered by a public or private institution of higher  
1-17 education for preparing students for initial licensure as  
1-18 registered nurses.

1-19 SECTION 2. Section 61.9623(a), Education Code, is amended  
1-20 to read as follows:

1-21 (a) A grant from the professional nursing shortage  
1-22 reduction program to a professional nursing program or other entity  
1-23 involved with a professional nursing program in the preparation of  
1-24 students for initial licensure as registered nurses must be:

1-25 (1) expended exclusively on costs related to:

1-26 (A) enrolling additional students;

1-27 (B) nursing faculty enhancement in accordance  
1-28 with Section 61.96231;

1-29 (C) encouraging innovation in the recruitment  
1-30 and retention of students, including the recruitment and retention  
1-31 of Spanish-speaking and bilingual students; or

1-32 (D) identifying, developing, or implementing  
1-33 innovative methods to make the most effective use of limited  
1-34 professional nursing program faculty, instructional or clinical  
1-35 space, and other resources, including:

1-36 (i) sharing curriculum and administrative  
1-37 or instructional personnel, facilities, and responsibilities  
1-38 between two or more professional nursing programs located in the  
1-39 same region of this state; and

1-40 (ii) using preceptors or part-time faculty  
1-41 to provide clinical instruction in order to address the need for  
1-42 qualified faculty to accommodate increased student enrollment in  
1-43 the professional nursing program;

1-44 (2) contingent on the professional nursing program's  
1-45 having been approved as a professional nursing program by the board  
1-46 or the Texas Board of Nursing, as appropriate~~[, by September 1,~~  
1-47 ~~2001]~~;

1-48 (3) contingent on the professional nursing program's  
1-49 not being on probation with the Texas Board of Nursing or other  
1-50 accrediting body; and

1-51 (4) if granted to increase enrollments, contingent on  
1-52 the professional nursing program's ability to enroll additional  
1-53 students, including having the necessary classroom space and  
1-54 clinical slots.

1-55 SECTION 3. Subchapter Z, Chapter 61, Education Code, is  
1-56 amended by adding Sections 61.96232, 61.96233, and 61.9629 to read  
1-57 as follows:

1-58 Sec. 61.96232. GRANTS TO INCREASE NUMBER OF GRADUATES:  
1-59 APPLICATION PROCESS. (a) The board by rule shall establish a  
1-60 process under which a public or private institution of higher  
1-61 education that offers a professional nursing program may apply for  
1-62 a grant under this subchapter and the commissioner of higher  
1-63 education, contingent on appropriations of money for the grants,

2-1 selects one or more applicants to receive a grant based on criteria  
 2-2 established by board rule. The criteria must include the  
 2-3 institution's agreement that the institution's professional  
 2-4 nursing program will enroll additional students or graduate  
 2-5 additional students prepared for initial licensure as registered  
 2-6 nurses.

2-7 (b) The process established under Subsection (a) may  
 2-8 authorize the commissioner of higher education to accept a joint  
 2-9 application from multiple institutions that agree to cooperate on a  
 2-10 regional or joint basis for their professional nursing programs to  
 2-11 enroll additional students or graduate additional students  
 2-12 prepared for initial licensure as registered nurses.

2-13 (c) The application for a grant under this section must  
 2-14 require the institution applying for a grant to:

2-15 (1) state the number of additional students that the  
 2-16 institution's professional nursing program intends to enroll or  
 2-17 graduate;

2-18 (2) identify benchmarks for determining adequate  
 2-19 progress toward enrolling or graduating those additional students;

2-20 (3) state the amount of grant money requested; and

2-21 (4) describe a proposed payment schedule for  
 2-22 distribution of the grant money to the institution seeking the  
 2-23 grant.

2-24 (d) The commissioner of higher education may negotiate  
 2-25 changes to the application before approving the application.

2-26 (e) If a professional nursing program fails to enroll or  
 2-27 graduate the number of additional students stated in the approved  
 2-28 application or does not meet a benchmark identified in the approved  
 2-29 application, the commissioner of higher education may:

2-30 (1) require the institution offering the professional  
 2-31 nursing program to return any unearned grant money awarded to the  
 2-32 program under this subchapter;

2-33 (2) withhold future grant awards that would otherwise  
 2-34 be made under this subchapter in accordance with the approved  
 2-35 application;

2-36 (3) renegotiate the terms of the approved application;

2-37 or

2-38 (4) rescind approval of the application.

2-39 (f) The board may appoint an advisory committee to advise  
 2-40 the commissioner of higher education and the board on  
 2-41 implementation of this section. The board may assign to the  
 2-42 committee the responsibility for evaluating applications and  
 2-43 recommending to the commissioner applications for approval.

2-44 Sec. 61.96233. NEW PROFESSIONAL NURSING PROGRAMS. (a) The  
 2-45 board shall adopt rules for permitting newly established  
 2-46 professional nursing programs to participate in and receive grant  
 2-47 awards under the program established under this subchapter.

2-48 (b) The rules the board adopts under Subsection (a) must  
 2-49 include:

2-50 (1) a process for ensuring that newly established  
 2-51 professional nursing programs are treated equitably with  
 2-52 established programs in the award of grants under this subchapter;  
 2-53 and

2-54 (2) a method for calculating increases in enrollment  
 2-55 or graduates if grants are awarded based on such increases.

2-56 Sec. 61.9629. CONTINUED ELIGIBILITY OF PROGRAMS TO RECEIVE  
 2-57 GRANTS. Notwithstanding Section 61.9621, a professional nursing  
 2-58 program offered by an entity other than a public or private or  
 2-59 independent institution of higher education that was eligible to  
 2-60 receive grants from a program under this subchapter before  
 2-61 September 1, 2009, remains eligible to receive a grant from such a  
 2-62 program if the entity meets all criteria for a grant other than the  
 2-63 criterion of being a program offered by an institution of higher  
 2-64 education.

2-65 SECTION 4. The Texas Higher Education Coordinating Board  
 2-66 may adopt initial rules for the administration of Sections 61.96232  
 2-67 and 61.96233, Education Code, as added by this Act, at the  
 2-68 coordinating board's first meeting after the effective date of this  
 2-69 Act. For that purpose, the coordinating board may adopt the rules

3-1 in the manner provided by law for emergency rules.  
3-2 SECTION 5. This Act takes effect immediately if it receives  
3-3 a vote of two-thirds of all the members elected to each house, as  
3-4 provided by Section 39, Article III, Texas Constitution. If this  
3-5 Act does not receive the vote necessary for immediate effect, this  
3-6 Act takes effect September 1, 2009.

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