

House Bill 4471
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

Sec. 61.9621. DEFINITIONS. In this subchapter, "professional nursing program" means an educational program of an institution of higher education, including a private or independent 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 innovative methods to make the most effective use of limited professional nursing program faculty, instructional or clinical space, and other resources, including:

(i) sharing administrative or instructional personnel, facilities, and responsibilities between two or more

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

(i) sharing curriculum and administrative or instructional personnel, facilities, and responsibilities between two or

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professional nursing programs located in the same region of this state; and

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

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

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

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

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

Sec. 61.96232. MEMORANDUM OF UNDERSTANDING TO INCREASE GRADUATES.

(a) Contingent upon the appropriation of funds and in accordance with the process established under Subsection (b), the commissioner of higher education shall enter into a memorandum of understanding with the governing institution, or its board, of a professional nursing program with respect to the distribution of funds

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more professional nursing programs located in the same region of this state; and

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

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

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

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

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

Sec. 61.96232. GRANTS TO INCREASE NUMBER OF GRADUATES: APPLICATION PROCESS.

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to the nursing program based on the program's graduating additional students prepared for initial licensure as registered nurses.

(b) The board, by rule, shall establish a process by which the commissioner may enter into a memorandum of understanding with an institution, or its board, under this section.

The process may authorize the commissioner to enter into a single memorandum of understanding with multiple institutions desiring to cooperate on a regional or joint basis to graduate additional students prepared for initial licensure as registered nurses.

(c) The memorandum of understanding between the commissioner and an institution, or its board, shall set out the terms relating to any funds distributed to the professional nursing program. The memorandum of understanding shall

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

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

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state the number of additional students prepared for initial licensure as registered nurses the professional nursing program will graduate and identify benchmarks for determining progress toward graduating those additional students.

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

(e) If a professional nursing program fails to graduate the additional students as agreed or does not meet a benchmark used to determine progress toward graduating the additional students as agreed, the commissioner may:

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

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

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

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

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

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

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

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

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

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

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

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(3) renegotiate the memorandum of understanding; or
(4) cancel the memorandum of understanding.

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

Sec. 61.96233. NEW PROFESSIONAL NURSING PROGRAMS. The board, by rule, shall establish a process for permitting newly established professional nursing programs to participate in and receive funds under programs established under this subchapter

in an equitable manner, including establishing a base for calculating increases in enrollment or graduates if a program distributes funds on such basis.

Sec. 61.9629. CONTINUED ELIGIBILITY OF PROGRAMS TO RECEIVE FUNDS.
A professional nursing program operated by an entity other than an institution of higher education, including a

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(3) renegotiate the terms of the approved application; or
(4) rescind approval of the application.

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

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

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

- (1) a process for ensuring that newly established professional nursing programs are treated equitably with established programs in the award of grants under this subchapter; and
- (2) a method for calculating increases in enrollment or graduates if grants are awarded based on such increases.

Sec. 61.9629. CONTINUED ELIGIBILITY OF PROGRAMS TO RECEIVE GRANTS.
Notwithstanding Section 61.9621, a professional nursing program offered by an entity other than a public or

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public or independent institution of higher education, that was eligible to receive funds prior to September 1, 2009, from any program established under this subchapter will continue to be eligible to receive funds from any program established under this subchapter if it meets all criteria for participation other than being a program of an institution of higher education, including a public or independent institution of higher education.

No equivalent provision.

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

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private or independent institution of higher education that was eligible to receive grants from a program under this subchapter before September 1, 2009, remains eligible to receive a grant from such a program if the entity meets all criteria for a grant other than the criterion of being a program offered by an institution of higher education.

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

SECTION 5. Same as House version.

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