

BILL ANALYSIS

Senate Research Center

S.B. 1490
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Higher Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Background/Issue

Clinical rotations, or clerkships, are a critical component of educating healthcare professionals, including medical, dental, nursing, and other students. Like in graduate medical education (residency programs), students in clerkships are placed in a clinical setting and trained on the delivery of healthcare. Clerkships are the first formal introduction to hands on health care that exposes students to the fundamentals of care delivery and the many fields from which they will choose to pursue throughout the rest of their training and careers.

Just as with residency programs, Texas must ensure the availability of clerkships within the state for students at Texas institutions of higher education. An inadequate supply of clinical placement opportunities increases the cost of healthcare professional education, restricts the ability of Texas programs to expand, and ultimately undermines the state's efforts to create the robust healthcare workforce we need, further imperiling the health of Texans and the state's economic future.

Recognizing the importance of ensuring that Texas' institutions of higher education are able to secure clerkships for their healthcare education programs, in 2013 the legislature prohibited the Texas Higher Education Coordinating Board (THECB) from authorizing private, foreign-based professional schools to operate in the state. Since then however, private, out-of-state medical schools periodically have applied to THECB for authorization to operate in the state, continuing to jeopardize the supply and availability of clerkships.

In most cases, THECB has little authority to restrict these schools under current statute. Occasionally, as was the case with Burrell College of Osteopathic Medicine and its agreement with Texas Tech Health Sciences Center El Paso, the for-profit medical school voluntarily agreed to certain restrictions to ensure adequate clerkship capacity remained. In the majority of cases, however, THECB is required to approve the authorization with little oversight and against the concerns and objections of Texas medical schools. Interest by private, out-of-state schools has been increasing in recent years, particularly in North Texas and East Texas, where new Texas medical schools (Sam Houston, University of Houston, and University of Texas Health East Texas) have plans to expand their own offerings for Texas students.

Solution

The proposed legislation would strengthen the process by which THECB grants authorization to private, out-of-state medical and other professional schools to operate in Texas.

For unaccredited, private, out-of-state professional schools (e.g, medical, dental, etc.) seeking a certificate of authority, THECB may issue the certificate only if THECB determines that:

the capacities and abilities of Texas (public and private) schools are insufficient to meet market demand;

the seeking institution has the necessary faculty and resources to ensure student success;

there is sufficient availability of clerkship sites; and

the seeking institution meets the same program approval standards as Texas institutions.

For accredited, private, out-of-state professional schools seeking a certificate of authorization, the legislation would clarify that THECB has an approval process (as opposed to the current "rubber stamp") and prohibit such schools from operating in Texas other than via the well-established State Authorization Reciprocity Agreement (SARA) that includes its own requirements that keep the operation of clerkships manageable.

As proposed, S.B. 1490 amends current law relating to the authority of the Texas Higher Education Coordinating Board to issue a certificate of authority or certificate of authorization regarding professional degrees.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to Texas Higher Education Coordinating Board is modified in SECTION 1 (Section 61.303, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 61.303(c), Education Code, as follows:

(c) Authorizes the Texas Higher Education Coordinating Board (THECB) to approve the issuance of a certificate of authorization to grant degrees to an exempt institution or person, rather than to issue to an exempt institution or person a certificate of authorization to grant degrees. Authorizes THECB to adopt rules regarding a process to allow an exempt institution or person to apply and receive approval for, rather than apply for and receive, a certificate of authorization under Section 61.303 (Exemptions). Prohibits THECB from issuing a certificate of authorization to any institution offering a professional degree or representing its credits earned in this state are applicable toward a professional degree except to the extent allowed for an authorized institution operating under a State Authorization Reciprocity Agreement. Defines "professional degree."

SECTION 2. Amends Section 61.306, Education Code, by adding Subsection (d). as follows:

(d) Prohibits THECB from issuing a certificate of authority for a private postsecondary institution to grant a professional degree as defined in Section 61.306(c) (relating to the conditions under which THECB is prohibited from issuing a certificate of authority for a private postsecondary institution), or to represent that credits earned in this state are applicable toward a professional degree unless THECB determines that all of the following conditions have been met:

- (1) the capacity and ability of similar professional degree programs at institutions of higher education and private or independent institutions of higher education, as those terms are defined in Section 61.003 (Definitions), are insufficient to meet the current market needs for the state;
- (2) the institution seeking the certificate of authority has the necessary faculty and other resources to ensure student success;
- (3) sufficient placements are available to students for required field-based experience, such as clinicals or clerkships, in the proposed professional degree; and
- (4) the institution seeking the certificate of authority is subject to, and will meet, the same standard for approval and all academic criteria applicable to similar professional degree programs at institutions of higher education and private or independent institutions of higher education, as those terms are defined in Section 61.003.

SECTION 3. Effective date: September 1, 2021.