

By: Pacheco

H.B. No. 546

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the application of certain programs that support  
3 certain occupation-related postsecondary educational programs and  
4 students of those programs.

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

6 SECTION 1. Section 61.605(a), Education Code, is amended to  
7 read as follows:

8 (a) The board may provide repayment assistance under this  
9 subchapter for the repayment of any student loan, including a loan  
10 for undergraduate education, received by an eligible person through  
11 any lender for education at:

12 (1) an institution of higher education;

13 (2) [~~7~~] a private or independent institution of higher  
14 education;

15 (3) [~~7~~ or] a public or private out-of-state  
16 institution of higher education accredited by a recognized  
17 accrediting agency; or

18 (4) a nonprofit, tax-exempt, regionally accredited  
19 college or university operating in accordance with a memorandum of  
20 understanding with this state under an executive order issued by  
21 the governor [~~7, including loans for undergraduate education,~~  
22 ~~received by an eligible person through any lender~~].

23 SECTION 2. Section 61.608(b), Education Code, is amended to  
24 read as follows:

1 (b) The board shall distribute to each institution of higher  
2 education or private or independent institution of higher  
3 education, each college or university described by Section  
4 61.605(a)(4), and ~~to~~ any appropriate state agency and  
5 professional association copies of the rules adopted under this  
6 section and other pertinent information relating to this  
7 subchapter.

8 SECTION 3. Section 61.9621, Education Code, is amended to  
9 read as follows:

10 Sec. 61.9621. DEFINITION. In this subchapter,  
11 "professional nursing program" means an educational program that:

12 (1) is offered by:

13 (A) a public or private institution of higher  
14 education; or

15 (B) a nonprofit, tax-exempt, regionally  
16 accredited college or university operating in accordance with a  
17 memorandum of understanding with this state under an executive  
18 order issued by the governor; and

19 (2) either:

20 (A) prepares ~~[for preparing]~~ students to attain  
21 ~~[for]~~ initial licensure as registered nurses; or

22 (B) leads students, including registered nurses  
23 holding an associate or comparable degree, to earn a bachelor of  
24 science degree in nursing.

25 SECTION 4. Section 61.9622, Education Code, is amended to  
26 read as follows:

27 Sec. 61.9622. PROGRAM. A professional nursing shortage

1 reduction program is established to increase the number and types  
2 of registered nurses in order to meet the needs for registered  
3 nurses in this state. The board shall administer the professional  
4 nursing shortage reduction program to make grants for those  
5 purposes to professional nursing programs and other entities  
6 involved with those programs [~~a professional nursing program in the~~  
7 ~~preparation of students for initial licensure as registered nurses~~  
8 ~~in order to increase the number and types of registered nurses to~~  
9 ~~meet the needs for registered nurses in the state~~].

10 SECTION 5. Section 61.9623(a), Education Code, is amended  
11 to read as follows:

12 (a) A grant from the professional nursing shortage  
13 reduction program to a professional nursing program or other entity  
14 described by Section 61.9622 [~~involved with a professional nursing~~  
15 ~~program in the preparation of students for initial licensure as~~  
16 ~~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  
25 innovative methods to make the most effective use of limited  
26 professional nursing program faculty, instructional or clinical  
27 space, and other resources, including:

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

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

9 (2) contingent on the professional nursing program's  
10 having been approved as a professional nursing program by the board  
11 or the Texas Board of Nursing, as appropriate;

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

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

19 SECTION 6. Sections [61.96232](#)(a) and (b), Education Code,  
20 are amended to read as follows:

21 (a) The board by rule shall establish a process under which  
22 a public or private institution of higher education or an  
23 institution described by Section [61.9621](#)(2) that offers a  
24 professional nursing program may apply for a grant under this  
25 subchapter and the commissioner of higher education, contingent on  
26 appropriations of money for the grants, selects one or more  
27 applicants to receive a grant based on criteria established by

1 board rule. The criteria must include the institution's agreement  
2 that the institution's professional nursing program will enroll  
3 additional students or graduate additional students in a program  
4 that:

5 (1) prepares students [~~prepared~~] for initial  
6 licensure as registered nurses; or

7 (2) leads students, including registered nurses  
8 holding an associate or comparable degree, to earn a bachelor of  
9 science degree in nursing.

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

17 SECTION 7. Section 61.9626(a), Education Code, is amended  
18 to read as follows:

19 (a) Each institution of higher education that has a  
20 professional nursing program shall submit an annual report to the  
21 board detailing its strategy for increasing the number of students  
22 who [~~that~~] graduate from the program prepared to attain initial  
23 [~~for~~] licensure as registered nurses or who earn a bachelor of  
24 science degree in nursing. The report must include:

25 (1) the capacity of the program, either alone or in  
26 cooperation with one or more other programs, to graduate more  
27 students who are prepared to attain initial [~~for~~] licensure or who

1 earn a bachelor of science degree as described by this subsection  
2 ~~[as registered nurses]~~; and

3 (2) the resources allocated to increase the number of  
4 students who ~~[that]~~ graduate from the program prepared to attain  
5 initial ~~[for]~~ licensure or who earn a bachelor of science degree as  
6 described by this subsection ~~[as registered nurses]~~.

7 SECTION 8. Section 61.9751(2), Education Code, is amended  
8 to read as follows:

9 (2) "Nursing education program" means:

10 (A) an undergraduate professional nursing  
11 program or a graduate professional nursing program as those terms  
12 are defined by Section 54.355; and

13 (B) a comparable nursing program offered by a  
14 nonprofit, tax-exempt, regionally accredited college or university  
15 operating in accordance with a memorandum of understanding with  
16 this state under an executive order issued by the governor.

17 SECTION 9. Section 61.9821, Education Code, is amended to  
18 read as follows:

19 Sec. 61.9821. REPAYMENT AUTHORIZED. The board shall  
20 establish and administer a program to provide, in accordance with  
21 this subchapter and board rules, assistance in the repayment of  
22 student loans for nurses who:

23 (1) are serving on the faculties of nursing degree  
24 programs at institutions to which this subchapter applies ~~[of~~  
25 ~~higher education or private or independent institutions of higher~~  
26 ~~education]~~ in positions that require an advanced degree in  
27 professional nursing; and

1 (2) apply and qualify for the assistance.

2 SECTION 10. Subchapter JJ, Chapter 61, Education Code, is  
3 amended by adding Section 61.98211 to read as follows:

4 Sec. 61.98211. APPLICABILITY OF SUBCHAPTER. This  
5 subchapter applies to:

6 (1) an institution of higher education;

7 (2) a private or independent institution of higher  
8 education; and

9 (3) a nonprofit, tax-exempt, regionally accredited  
10 college or university operating in accordance with a memorandum of  
11 understanding with this state under an executive order issued by  
12 the governor.

13 SECTION 11. Section 61.9822, Education Code, is amended to  
14 read as follows:

15 Sec. 61.9822. ELIGIBILITY. To be eligible to receive loan  
16 repayment assistance under this subchapter, a nurse must:

17 (1) apply to the board;

18 (2) at the time of application for repayment  
19 assistance have been employed part-time or full-time for at least  
20 one year as, and be currently employed part-time or full-time as, a  
21 faculty member of a nursing degree program at an institution to  
22 which this subchapter applies [~~of higher education or a private or~~  
23 ~~independent institution of higher education~~]; and

24 (3) comply with any additional requirements adopted by  
25 board rule.

26 SECTION 12. Sections 61.9823(a) and (b), Education Code,  
27 are amended to read as follows:

1 (a) On qualifying for loan repayment assistance under this  
2 subchapter, a nurse may receive repayment assistance for each year  
3 of part-time or full-time employment as a faculty member of a  
4 nursing degree program at an institution to which this subchapter  
5 applies [~~of higher education or private or independent institution~~  
6 ~~of higher education~~], not to exceed five years.

7 (b) The board by rule shall determine the maximum amount of  
8 loan repayment assistance received by a nurse under this subchapter  
9 [~~may not exceed \$7,000~~] in any one year. The board shall base the  
10 amount of loan repayment assistance received by a nurse for  
11 part-time employment on the proportion of the number of hours  
12 worked by the nurse to the number of hours worked by a full-time  
13 nurse.

14 SECTION 13. Section [61.9824](#)(a), Education Code, is amended  
15 to read as follows:

16 (a) The board may provide repayment assistance for the  
17 repayment of any student loan received by an eligible person  
18 through any lender that is for education, including undergraduate  
19 education, at:

20 (1) a public or private institution of higher  
21 education; or

22 (2) a nonprofit, tax-exempt, regionally accredited  
23 college or university operating in accordance with a memorandum of  
24 understanding with this state under an executive order issued by  
25 the governor [~~any public or private institution of higher~~  
26 ~~education, including a loan for undergraduate education, received~~  
27 ~~by an eligible person through any lender~~].



1 SECTION 14. Section 61.9828(b), Education Code, is amended  
2 to read as follows:

3 (b) The board shall distribute a copy of the rules adopted  
4 under this section and pertinent information regarding this  
5 subchapter to:

6 (1) each institution to which this subchapter applies  
7 ~~[of higher education and private or independent institution of~~  
8 ~~higher education];~~

9 (2) any appropriate state agency; and

10 (3) any appropriate professional association.

11 SECTION 15. As soon as practicable after the effective date  
12 of this Act, the Texas Higher Education Coordinating Board shall  
13 adopt any rules necessary to administer the changes in law made by  
14 this Act.

15 SECTION 16. The Texas Higher Education Coordinating Board  
16 may not award grants under the professional nursing shortage  
17 reduction program as provided by the changes in law made by this Act  
18 to Sections 61.9621 and 61.96232, Education Code, before June 1,  
19 2023.

20 SECTION 17. Subchapter JJ, Chapter 61, Education Code, as  
21 amended by this Act, applies beginning with loan repayment  
22 assistance awarded under that subchapter for the 2022-2023 academic  
23 year. Loan repayment assistance awarded under Subchapter JJ,  
24 Chapter 61, Education Code, for an academic year before the  
25 2022-2023 academic year is governed by the law in effect  
26 immediately before the effective date of this Act, and the former  
27 law is continued in effect for that purpose.

1           SECTION 18. This Act takes effect immediately if it  
2 receives a vote of two-thirds of all the members elected to each  
3 house, as provided by Section 39, Article III, Texas Constitution.  
4 If this Act does not receive the vote necessary for immediate  
5 effect, this Act takes effect September 1, 2021.