By:  Kolkhorst S.B. No. 458

(In the Senate - Filed January 13, 2023; February 17, 2023, read first time and referred to Committee on Health & Human Services; March 20, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; March 20, 2023, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Blanco            X

Hall              X

Hancock           X

Hughes            X

LaMantia          X

Miles             X

Sparks            X

COMMITTEE SUBSTITUTE FOR S.B. No. 458 By:  Hancock

A BILL TO BE ENTITLED

AN ACT

relating to the authorization for and approval of certain nursing programs offered by private postsecondary educational institutions or for-profit entities.

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

SECTION 1.  Section 61.302, Education Code, is amended by adding Subdivisions (12) and (13) to read as follows:

(12)  "Professional degree" includes a Doctor of Medicine (M.D.), Doctor of Osteopathy (D.O.), Doctor of Dental Surgery (D.D.S.), Doctor of Veterinary Medicine (D.V.M.), Juris Doctor (J.D.), and Bachelor of Laws (LL.B.).

(13)  “Nursing degree” means an Associate Degree in Nursing (ADN), Bachelor of Science in Nursing (BSN), Master of Science in Nursing (MSN), and Doctor of Nursing Practice (DNP).

SECTION 2.  Section 61.303, Education Code, is amended by amending Subsection (c-1) and adding Subsection (c-2) to read as follows:

(c-1)  The board may not approve the issuance of a certificate of authorization for an exempt institution to grant a professional degree or to represent that 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 (SARA). [~~In this subsection, "professional degree" includes Doctor of Medicine (M.D.), Doctor of Osteopathy (D.O.), Doctor of Dental Surgery (D.D.S.), Doctor of Veterinary Medicine (D.V.M.), Juris Doctor (J.D.), and Bachelor of Laws (LL.B.).~~]

(c-2)  The board may not approve the issuance of a certificate of authorization for an exempt institution to grant a nursing degree or to represent that credits earned in this state are applicable toward a nursing degree except to the extent allowed for an authorized institution operating under a State Authorization Reciprocity Agreement (SARA).

SECTION 3.  Section 61.306(c-1), Education Code, is amended to read as follows:

(c-1)  The board may issue a certificate of authority for a private postsecondary educational institution to grant a professional or nursing degree or to represent that credits earned in this state are applicable toward a professional or nursing degree only if the board determines that:

(1)  the capacity and ability of similar professional or nursing degree programs at institutions of higher education and private or independent institutions of higher education are insufficient to meet the state's current market needs;

(2)  the institution seeking the certificate of authority:

(A)  has the necessary faculty and other resources to ensure student success; and

(B)  is subject to and agrees to meet the same standards for approval and all academic criteria applicable to similar professional or nursing degree programs offered by institutions of higher education and private or independent institutions of higher education; and

(3)  sufficient placements are available to students for required field-based experience, such as clinicals or clerkships, for the proposed professional or nursing degree.

SECTION 4.  Subchapter D, Chapter 301, Occupations Code, is amended by adding Section 301.1571 to read as follows:

Sec. 301.1571.  REQUIREMENTS FOR APPROVAL OF FOR-PROFIT NURSING EDUCATION PROGRAMS. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(b)  The board may not approve an educational program offered by a for-profit entity unless the entity submits to the board:

(1)  evidence satisfactory to the board that the program will not result in a decrease in the number of clinical practice positions available to students enrolled in nursing programs in institutions of higher education in the region in which the program will be offered;

(2)  if applicable, passage rates for graduates of programs operated by the entity in other states on the National Council Licensure Examination for registered nurses or other nationally recognized nursing licensing examination; and

(3)  a statement from the hospital or other facility at which the program's students will complete clinical training that the agreement with the entity will not result in a decrease in the number of clinical practice positions available to students enrolled in nursing programs in institutions of higher education.

(c)  The board may withdraw approval of an educational program offered by a for-profit entity if the board determines that the operation of the program has resulted in a decrease in the number of clinical practice positions available to students enrolled in nursing programs in institutions of higher education.

SECTION 5.  Section 61.306(d), Education Code, is repealed.

SECTION 6.  This Act takes effect September 1, 2023.

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