

By: Kolkhorst

S.B. No. 458

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~~

1 ~~(M.D.), Doctor of Osteopathy (D.O.), Doctor of Dental Surgery~~
2 ~~(D.D.S.), Doctor of Veterinary Medicine (D.V.M.), Juris Doctor~~
3 ~~(J.D.), and Bachelor of Laws (LL.B.).]~~

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

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

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

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

21 (2) the institution seeking the certificate of
22 authority:

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

25 (B) is subject to and agrees to meet the same
26 standards for approval and all academic criteria applicable to
27 similar professional or nursing degree programs offered by

1 institutions of higher education and private or independent
2 institutions of higher education; and

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

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

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

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

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

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

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

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

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

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