

By: Orr, Frank, Pierson, Bucy

H.B. No. 3801

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Health Professions Workforce Coordinating Council and a workgroup on nursing career pathways and the abolition of the statewide health coordinating council and the nursing advisory committee of that council.

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

SECTION 1. Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 104A to read as follows:

CHAPTER 104A. HEALTH PROFESSIONS WORKFORCE COORDINATING COUNCIL

Sec. 104A.001. DEFINITION. In this chapter, "council" means the Health Professions Workforce Coordinating Council.

Sec. 104A.002. ESTABLISHMENT; ADMINISTRATIVE ATTACHMENT.

(a) The Health Professions Workforce Coordinating Council is established to study and develop a strategic approach for ensuring a thriving health care system and health professions workforce in this state.

(b) The council is administratively attached to the department. The department shall provide administrative support to the council.

Sec. 104A.003. MEMBERSHIP. (a) The council is composed of:

(1) at least one representative appointed by the executive director or governing body of each of the following:

(A) the department;

(B) the commission;

1 (C) the Texas Education Agency;
2 (D) the Texas Higher Education Coordinating
3 Board;
4 (E) the Texas Workforce Commission;
5 (F) the Texas Board of Chiropractic Examiners;
6 (G) the State Board of Dental Examiners;
7 (H) the Texas Medical Board;
8 (I) the Texas Board of Nursing;
9 (J) the Texas Optometry Board;
10 (K) the Texas State Board of Pharmacy;
11 (L) the Executive Council of Physical Therapy and
12 Occupational Therapy Examiners;
13 (M) the Texas Behavioral Health Executive
14 Council;
15 (N) the State Board of Veterinary Medical
16 Examiners; and
17 (O) the Texas Veterinary Medical Association;
18 and

19 (2) four members with relevant health care experience,
20 including experience in health professions workforce planning or
21 complex health care data analysis, appointed by the governor.

22 (b) A council member serves at the pleasure of the
23 appointing authority.

24 (c) A vacancy on the council shall be filled in the same
25 manner as the original appointment.

26 Sec. 104A.004. DUTIES. The council shall:

27 (1) compile from each state agency with a

1 representative appointed to the council under Section
2 104A.003(a)(1) information regarding the health professions
3 workforce, including:

4 (A) high school graduation rates from the Texas
5 Education Agency;

6 (B) higher education graduation and
7 certification rates from the Texas Higher Education Coordinating
8 Board;

9 (C) health professions workforce shortages;

10 (D) the number of licensed health care
11 professionals regulated by each participating licensing state
12 agency;

13 (E) federal labor statistics regarding health
14 professions; and

15 (F) any other information relevant to the supply
16 and demand of health care professionals;

17 (2) prepare the strategic plan described by Section
18 104A.005; and

19 (3) establish the work group described by Section
20 104A.006.

21 Sec. 104A.005. STRATEGIC PLAN. (a) The council shall
22 examine the health professions in this state based on the
23 information compiled under Section 104A.004(1) and biennially
24 prepare a health professions strategic plan. The plan must:

25 (1) include a data analysis model demonstrating the
26 supply, demand, production, and projected need for the next 10
27 years of the health professions workforce;

1 (2) define targeted goals and objectives for the
2 health professions workforce, including short-term and long-term
3 strategies for each state agency participating in the council and
4 local workforce planning agencies to build a thriving health care
5 system;

6 (3) identify immediate shortages in health
7 professions;

8 (4) define goals for this state to support the health
9 care needs of a growing population;

10 (5) examine this state's capacity to satisfy future
11 health profession demands based on the existing education programs
12 offered and current trends of interstate migration, attrition, and
13 other relevant workforce factors;

14 (6) propose recommendations to realign existing
15 workforce and education programs;

16 (7) propose the development of additional education
17 programs for health professions that align with the long-term goals
18 and projections identified in the plan;

19 (8) identify systemic causes of workforce shortages
20 for health professions; and

21 (9) inventory programs and services, including state
22 funding amounts provided for workforce planning and preparation and
23 for health professional education.

24 (b) Not later than October 1 of each even-numbered year, the
25 council shall complete and publish on the council's Internet
26 website the strategic plan described by Subsection (a).

27 Sec. 104A.006. WORK GROUP. (a) The council shall establish

1 a work group to examine the health professions and health care
2 education programs that provide a gateway into a variety of health
3 professions. The work group consists of members of the council or
4 their designees.

5 (b) The work group shall:

6 (1) identify sources for gathering information on
7 gateway health professions; and

8 (2) build a data analysis model to monitor the
9 historical growth of gateway health professions.

10 Sec. 104A.007. NURSING ADVISORY COMMITTEE. (a) The
11 council shall establish a nursing advisory committee to assist the
12 council with its duties. A majority of the members of the advisory
13 committee must be nurses, and the advisory committee:

14 (1) must include:

15 (A) members of associations representing nurses,
16 educators of nurses, and employers of nurses;

17 (B) members representing the Texas Board of
18 Nursing; and

19 (C) at least one member who is a nurse
20 researcher; and

21 (2) may include other members who are public or
22 private sector health care experts, nurses, nurse educators,
23 employers of nurses, or consumers of nursing services.

24 (b) The nursing advisory committee shall:

25 (1) review policies governing data collection and
26 reports published under Chapter 105 that relate to the nursing
27 profession;

1 (2) subject to approval of the council, develop
2 priorities and an operations plan for the nursing resource section
3 established under Section 105.002(b); and

4 (3) review reports and information before
5 dissemination by the council.

6 (c) A nurse member of the nursing advisory committee and a
7 nurse member of the council shall co-chair the committee.

8 (d) Chapter 2110, Government Code, does not apply to the
9 nursing advisory committee formed under this section.

10 (e) Meetings of the nursing advisory committee under this
11 section are subject to Chapter 551, Government Code.

12 Sec. 104A.008. DEPARTMENT AUTHORITY TO COLLECT DATA.
13 Nothing in this chapter may be construed to limit the collection of
14 health care facility data by the department or a program the
15 department administers in accordance with other law.

16 SECTION 2. Section 56.3075(a), Education Code, is amended
17 to read as follows:

18 (a) If the money available for TEXAS grants in a period for
19 which grants are awarded is sufficient to provide grants to all
20 eligible applicants in amounts specified by Section 56.307, the
21 coordinating board may use any excess money available for TEXAS
22 grants to award a grant in an amount not more than three times the
23 amount that may be awarded under Section 56.307 to a student who:

24 (1) is enrolled in a program that fulfills the
25 educational requirements for licensure or certification by the
26 state in a health care profession that the coordinating board, in
27 consultation with the Texas Workforce Commission and the Department

1 of State Health Services [~~statewide health coordinating council~~],
2 has identified as having a critical shortage in the number of
3 license holders needed in this state;

4 (2) has completed at least one-half of the work toward
5 a degree or certificate that fulfills the educational requirement
6 for licensure or certification; and

7 (3) meets all the requirements to receive a grant
8 award under Section 56.307.

9 SECTION 3. Section 56.4075(a), Education Code, is amended
10 to read as follows:

11 (a) The coordinating board may award a grant in an amount
12 not more than three times the amount that may be awarded under
13 Section 56.407 to a student who:

14 (1) is enrolled in a program that fulfills the
15 educational requirements for licensure or certification by the
16 state in a health care profession that the coordinating board, in
17 consultation with the Texas Workforce Commission and the Department
18 of State Health Services [~~statewide health coordinating council~~],
19 has identified as having a critical shortage in the number of
20 license holders needed in this state;

21 (2) has completed at least one-half of the work toward
22 a degree or certificate that fulfills the educational requirement
23 for licensure or certification; and

24 (3) meets all the requirements to receive a grant
25 award under Section 56.407.

26 SECTION 4. Section 61.9641, Education Code, is amended to
27 read as follows:

1 Sec. 61.9641. DEFINITIONS. In this subchapter:

2 (1) "Clinical site" means an acute care or
3 rehabilitation facility, a primary care setting, a long-term care
4 facility, a nursing home, a residential care setting, or any other
5 site identified by the board as providing clinical learning
6 experiences for nursing students.

7 (2) "Nursing advisory committee" means the nursing
8 advisory committee established under Section 104A.007 [~~104.0155~~],
9 Health and Safety Code.

10 SECTION 5. Sections 32.046(c) and (d), Health and Safety
11 Code, are amended to read as follows:

12 (c) The commission shall coordinate with the department,
13 ~~[the statewide health coordinating council],~~ the office of mental
14 health coordination, and the statewide behavioral health
15 coordinating council in developing the strategic plan.

16 (d) The commission, in consultation with the department,
17 ~~[the statewide health coordinating council],~~ the office of mental
18 health coordination, and the statewide behavioral health
19 coordinating council, shall annually review and update, as
20 necessary, the strategic plan.

21 SECTION 6. Sections 32.047(d) and (e), Health and Safety
22 Code, are amended to read as follows:

23 (d) The commission shall coordinate with the department
24 ~~[and the statewide health coordinating council]~~ in the development
25 of the strategic plan.

26 (e) The commission, in consultation with the department
27 ~~[and the statewide health coordinating council]~~, shall annually

1 review the strategic plan and update the plan as necessary.

2 SECTION 7. Section 105.001(2), Health and Safety Code, is
3 amended to read as follows:

4 (2) "Council" means the Health Professions Workforce
5 Coordinating Council [~~statewide health coordinating council~~].

6 SECTION 8. Section 105.002(b), Health and Safety Code, is
7 amended to read as follows:

8 (b) In conjunction with the nursing advisory committee
9 formed under Section 104A.007 [~~104.0155~~], to avoid duplication of
10 effort, and to the extent funding is available through fees
11 collected under Section 301.155(c), Occupations Code, the council
12 shall establish a nursing resource section within the center for
13 the collection and analysis of educational and employment trends
14 for nurses in this state.

15 SECTION 9. Section 222.022(2), Health and Safety Code, is
16 amended to read as follows:

17 (2) "Health care facility" means a public or private
18 hospital, skilled nursing facility, intermediate care facility,
19 ambulatory surgical center, family planning clinic that performs
20 ambulatory surgical procedures, rural or urban health initiative
21 clinic, end stage renal disease facility, and inpatient
22 rehabilitation facility. The term does not include the office of
23 physicians or practitioners of the healing arts practicing
24 individually or in groups or [~~has the meaning assigned by Section~~
25 ~~104.002, except that the term does not include~~] a chemical
26 dependency treatment facility licensed by the Department of State
27 Health Services under Chapter 464.

SECTION 10. (a) The Texas Center for Nursing Workforce Studies shall establish and oversee a workgroup to assess the feasibility of better aligning the certification and career pathways of nurse aides, medication aides, personal care technicians, and persons trained in nursing during service in the United States armed forces into the nursing profession.

(b) The workgroup must include:

(1) the executive head of each of the following entities, or that person's designated representative:

- (A) the Texas Board of Nursing;
- (B) the Health and Human Services Commission;
- (C) the Texas Workforce Commission;
- (D) the Texas Education Agency; and
- (E) the Texas Higher Education Coordinating Board; and

(2) relevant academic or health care professionals.

(c) In conducting the assessment under this section, the workgroup shall consider and evaluate:

(1) the standards, regulations, and laws currently impacting the nursing profession; and

(2) the feasibility of alignment in licensure and certification requirements for nurse aides, medication aides, personal care technicians, and persons trained in nursing during service in the United States armed forces to minimize duplicative efforts in the educational pathways in nursing.

(d) Not later than December 1, 2026, the workgroup established under this section shall submit a report summarizing

1 the results of the assessment conducted under this section to the
2 governor, the lieutenant governor, the speaker of the house of
3 representatives, and each standing committee of the legislature
4 with primary jurisdiction over nursing.

5 (e) This section expires January 1, 2027.

6 SECTION 11. The following provisions of the Health and
7 Safety Code are repealed:

8 (1) Chapter 104;

9 (2) Section 105.011(c); and

10 (3) Section 311.033(d).

11 SECTION 12. (a) On the effective date of this Act:

12 (1) the statewide health coordinating council
13 established under Subchapter B, Chapter 104, Health and Safety
14 Code, is abolished, and the council member terms expire; and

15 (2) the nursing advisory committee established under
16 Section 104.0155, Health and Safety Code, is abolished, and the
17 committee member terms expire.

18 (b) On the effective date of this Act, any appropriation to,
19 and any unexpended, unobligated funds of, the statewide health
20 coordinating council or the nursing advisory committee is an
21 appropriation to the Department of State Health Services for
22 purposes of establishing and providing administrative support to
23 the Health Professions Workforce Coordinating Council. The
24 department and council assume all obligations, property, rights,
25 and duties of the statewide health coordinating council and the
26 nursing advisory committee.

27 SECTION 13. (a) Not later than October 1, 2025, the

1 appropriate entities shall designate members of the Health
2 Professions Workforce Coordinating Council established under
3 Chapter 104A, Health and Safety Code, as added by this Act.

4 (b) Not later than December 1, 2026, the Health Professions
5 Workforce Coordinating Council established under Chapter 104A,
6 Health and Safety Code, as added by this Act, shall appoint the
7 members of the nursing advisory committee established under Section
8 104A.007, Health and Safety Code, as added by this Act. An
9 individual who is a member of the statewide health coordinating
10 council nursing advisory committee established under Section
11 104.0155, Health and Safety Code, as repealed by this Act, may be
12 appointed as a member of the nursing advisory committee established
13 under Section 104A.007, Health and Safety Code, as added by this
14 Act.

15 (c) Not later than October 1, 2026, the Health Professions
16 Workforce Coordinating Council established under Chapter 104A,
17 Health and Safety Code, as added by this Act, shall publish its
18 initial strategic plan as required by Section 104A.005, Health and
19 Safety Code, as added by this Act.

20 SECTION 14. This Act takes effect September 1, 2025.