

## BILL ANALYSIS

Senate Research Center  
2003S1261-1 05/01/03

C.S.S.B. 1167  
By: Janek  
Education  
5/2/2003  
Committee Report (Substituted)

### DIGEST AND PURPOSE

Currently, Texas is facing a shortage of nurses. According to the Center for Health and Economic Policy at The University of Texas Health Science Center San Antonio, the shortage of nurses was caused by demographic factors rather than economic factors. In the future more registered nurses, whose current average age is 45, will be reaching retirement age at the same time the elderly population is increasing, causing an increasing demand for health care and nursing services. C.S.S.B. 1167 provides measures designed to support continued enrollment increases in nursing schools.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 61.923(a), Education Code, to delete text requiring a grant from the professional nursing shortage reduction program to be expended on assuring the retention of an adequate number of qualified faculty, including providing faculty salaries.

SECTION 2. Amends Subchapter U, Chapter 61, Education Code, as added by Chapter 1489, Acts of the 77th Legislature, Regular Session, 2001, by adding Sections 61.9627 and 61.9628, as follows:

**Sec. 61.9627. DISBURSEMENT AND ACCOUNTING OF APPROPRIATED FUNDS.**

(a) Requires the Texas Higher Education Coordinating Board (THECB) to adopt procedures for assuring that money appropriated by the legislature specifically to fund enrollment growth in a professional nursing program is distributed in a timely manner, including the forfeiture and reallocation of money if an institution fails to provide in a timely manner the information required for the money to be disbursed and if that failure prevents the timely disbursement of funds to other institutions and that it is expended on the professional nursing program by the institutions receiving the money.

(b) Requires the procedures adopted under Subsection (a) to require each professional nursing program receiving money to file a report annually with the THECB accounting for all money received.

**Sec. 61.9628. ADMINISTRATIVE COSTS.** Provides that a reasonable amount of the money appropriated by the legislature to increase enrollments in professional nursing programs, not to exceed five percent of the amount of such funds, may be used by THECB to pay administrative costs of implementing this subchapter or administering the money.

SECTION 3. Amends Sections 63.202(f) and (g), Education Code, as follows:

(f) Requires the grants awarded under Subsection (c) for the state fiscal biennium ending August 31, 2005, and the fiscal biennium ending on August 31, 2007, rather than 2003, by THECB to be awarded to programs preparing students for initial licensure as registered nurses or programs preparing qualified faculty members with a master's or

doctoral degree for such program, including programs at two-year institutions of higher education, four-year general academic teaching institutions, health science centers, and independent or private institutions of higher education, notwithstanding the limitations provided by Subsection (b). Authorizes THECB, in awarding grants under this subsection, to take certain actions. Deletes text authorizing THECB to award grants to institutions seeking to increase enrollment in their nursing programs through financial incentives.

(g) Provides that Subsection (f) and this subsection expire September 1, 2007, rather than September 1, 2003.

SECTION 4. Amends Subchapter M, Chapter 56, Education Code, as added by Chapter 1590, Acts of the 76th Legislature, Regular Session, 1999, by adding Section 56.3075, as follows:

Sec. 56.3075. HEALTH CARE PROFESSION STUDENT GRANT. (a) Authorizes THECB to award a grant in an amount not more than three times the amount that may be awarded under Section 56.307 to a student who meets certain requirements.

(b) Authorizes THECB, in awarding grants under Subsection (a), to take certain factors into consideration.

SECTION 5. Amends Subchapter O, Chapter 56, Education Code, as added by Chapter 624, Acts of the 77th Legislature, Regular Session, 2001, by adding Section 56.3575, as follows:

Sec. 56.3575. HEALTH CARE PROFESSION STUDENT GRANT. (a) Authorizes THECB to award a grant in an amount not more than three times the amount that may be awarded under Section 56.357, as added by Chapter 624, Acts of the 77th Legislature, Regular Session, 2001, to a student who meets certain requirements.

(b) Authorizes THECB, in awarding grants under Subsection (a), to take certain factors into consideration.

SECTION 6. Amends Section 104.011(a), Health and Safety Code, to provide that the statewide health coordinating council (council) is composed of 18, rather than 17, certain members.

SECTION 7. Amends Subchapter B, Chapter 104, Health and Safety Code, by adding Section 104.0155, as follows:

Sec. 104.0155. NURSING ADVISORY COMMITTEE. (a) Requires the statewide health coordinating council to form a nursing advisory committee (committee), the majority of which are required to be nurses. Requires the committee to include certain individuals.

(b) Requires the committee to perform certain tasks.

(c) Requires a nurse member of the committee and a nurse member of the council to co-chair the committee.

(d) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the committee formed under this section.

(e) Provides that meetings of the committee under this section are subject to Chapter 551 (Open Meetings), Government Code.

SECTION 8. Amends Section 104.042(e), Health and Safety Code, to provide that the data received by the Texas Department of Health (TDH) under this section containing identifying specific persons or health care facilities, rather than patients, is confidential, is not subject to disclosure under Chapter 552 (Public Information) Government Code, and is prohibited from being released unless all identifying information is removed, rather than the information

identifying the patient is removed.

SECTION 9. Amends Section 105.002, Health and Safety Code, as follows:

- (a) Creates new subsection from existing text.
- (b) Requires the council, in conjunction with the committee formed under Section 104.0155, to avoid duplication of effort, and to the extent funding is available through fees collected under Sections 301.155(c) (Fees) and 302.153(d) (Fees), Occupation Code, to establish a nursing resource section within the center for the collection and analysis of educational and employment trends for nurses in this state.
- (c) Requires the council, if the nursing resource section established under Subsection (b) is funded from surcharges collected under Section 301.155(c) and 302.153(d), Occupations Code, to provide the Board of Nursing Examiner (BNE) or the Board of Vocational Nursing Examiners (BVNE), as applicable, with an annual accounting of the money received from the Texas Board of Health (board). Authorizes the council to expend a reasonable amount of the money to pay administrative costs of maintaining the nursing resource section.

SECTION 10. Amends Section 105.003, Health and Safety Code, by adding Subsections (d) and (e), as follows:

- (d) Requires the council, to the extent feasible, to use a researcher with a doctorate in nursing to collect, analyze, and disseminate nursing data that may be used to predict supply and demand for nursing personnel in this state using appropriate federal or state supply and demand models. Requires the nursing data to include certain information.
- (e) Provides that the data received by TDH under this section that contains information identifying specific persons or health care facilities is confidential, is not subject to disclosure under Chapter 552, Government Code, and is prohibited from being released unless all identifying information is removed.

SECTION 11. Amends Chapter 105.004, Health and Safety Code, as follows:

- (a) Creates this subsection from existing text.
- (b) Requires the council to publish reports regarding the data collected analyzed under this chapter related to certain information regarding the nursing professional field.

SECTION 12. Amends Section 301.155, Occupations Code, by adding Subsection (c), to require the board to assess a \$3 surcharge to the fee established by the board under Subsection (a) for a license holder to renew a license under this chapter. Authorizes the board to use nine cents of the surcharge to cover the administrative costs of collecting and depositing the surcharge. Requires the board to quarterly transmit \$2.91 of the surcharge to TDH to be used only to implement the nursing resource section under Section 105.002, Health and Safety Code. Provides that the board is not required to collect the surcharge if the board determines the funds collected are not appropriated for the purpose of funding the nursing resource section.

SECTION 13. Amends Section 302.153, Occupations Code, by adding Subsection (d), to require the board to assess a \$2 surcharge to the fee established by the board under Subsection (a) for a license holder to renew a license under this chapter. Authorizes the board to use six cents of the surcharge to cover the administrative costs of collecting and depositing the surcharge. Requires the board to quarterly transmit \$1.94 of the surcharge to TDH to be used only to implement the nursing resource section under Section 105.002 (Establishment of Center), Health and Safety Code. Provides that the board is not required to collect the surcharge if the board determines the funds collected are not appropriated for the purpose of funding the nursing resource section.

SECTION 14. Repealer: Chapter 304, Occupation Code ( Nurse Licensure Compact), as added

by Chapter 1489, Acts of the 77th Legislature, Regular Session, 2001.

SECTION 15. Effective date: upon passage or September 1,2003.