

By: Senator(s) Williamson, Dawkins

To: Public Health and Welfare; Appropriations

SENATE BILL NO. 2928

1 AN ACT RELATING TO THE REDUCTION OF THE SHORTAGE OF NURSES IN  
 2 MISSISSIPPI; TO AMEND SECTION 37-143-9, MISSISSIPPI CODE OF 1972,  
 3 TO ESTABLISH A PROFESSIONAL NURSING SHORTAGE REDUCTION PROGRAM BY  
 4 ESTABLISHING INCENTIVE SCHOLARSHIPS, LOAN REPAYMENTS AND GRANTS TO  
 5 INCREASE ENROLLMENTS IN NURSING EDUCATION PROGRAMS AND INCREASING  
 6 NURSING FACULTY; TO PROVIDE THAT REGISTERED NURSES IN POSTGRADUATE  
 7 NURSING DEGREE PROGRAMS SHALL AUTOMATICALLY QUALIFY FOR RESIDENT  
 8 TUITION; TO ESTABLISH A MATCHING FUND PROGRAM TO ALLOW A PRIVATE  
 9 PERSON OR BUSINESS ENTITY TO SPONSOR A REGISTERED NURSING STUDENT  
 10 OR LICENSED PRACTICAL NURSING STUDENT; TO AUTHORIZE THE BOARD OF  
 11 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO STRUCTURE THE  
 12 SCHOLARSHIP PROGRAM, MATCHING FUND PROGRAM AND THE LOAN REPAYMENT  
 13 PROGRAM TO SECURE ANY AVAILABLE FEDERAL OR PRIVATE GRANTS; TO  
 14 AMEND SECTION 73-15-18, MISSISSIPPI CODE OF 1972, TO CLARIFY THE  
 15 RESPONSIBILITIES OF THE OFFICE OF NURSING WORKFORCE WITH THE  
 16 MISSISSIPPI BOARD OF NURSING; TO AMEND SECTION 37-129-1,  
 17 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
 18 PURPOSES.

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

20 **SECTION 1.** Section 37-143-9, Mississippi Code of 1972, is  
 21 amended as follows:

22 37-143-9. (1) This section shall be known and may be cited  
 23 as the "Mississippi Nursing Shortage Reduction Act of 2005."

24 (2) The Legislature finds that:

25 (a) Mississippi is experiencing a significant shortage  
 26 in the registered and licensed practical nurses it needs;

27 (b) The health care needs of Mississippi's growing  
 28 elderly population create a need for more registered and licensed  
 29 practical nurses;

30 (c) Mississippi's nurse work force is aging, and as  
 31 nurses retire in increasing numbers, educating more registered and  
 32 licensed practical nurses is critical;

33 (d) The health care industry plays an important role in  
 34 the Mississippi economy and an adequate nursing work force is an  
 35 essential component of the health care industry; and

36           (e) It is necessary to increase the number of  
37 registered and licensed practical nurses in the state to protect  
38 the health, safety and welfare of the public. It is the purpose  
39 of this section to establish a program to increase the ability of  
40 professional nursing educational programs to prepare the  
41 registered and licensed practical nurses that the state of  
42 Mississippi needs, to encourage persons to enter the nursing  
43 profession or to teach in a nursing program, and to enhance the  
44 nursing work force data center to address issues of supply and  
45 demand in nursing.

46           (3) In this subsection (3), "professional nursing program"  
47 means an education program for preparing students for initial  
48 licensure as registered nurses or licensed practical nurses. A  
49 professional nursing shortage reduction program is hereby  
50 established. The Board of Trustees of State Institutions of  
51 Higher Learning shall administer the professional nursing shortage  
52 reduction program to make grants to professional nursing programs  
53 and other entities involved with a professional nursing program in  
54 the preparation of students for initial licensure as registered  
55 nurses or licensed practical nurses in order to increase the  
56 number and types of nurses to meet the needs for nursing services  
57 in the state. A grant from the professional nursing shortage  
58 reduction program to a professional nursing program or other  
59 entity involved with a professional nursing program in the  
60 preparation of students for initial licensure as registered nurses  
61 or licensed practical nurses must be:

62           (a) Expended exclusively on costs related to (i)  
63 enrolling additional students; (ii) assuring the retention of an  
64 adequate number of qualified faculty, including providing faculty  
65 salaries; or (iii) encouraging innovation in the recruitment and  
66 retention of students, including the recruitment and retention of  
67 bilingual students;

68           (b) Contingent on the professional nursing program's  
69 having been approved by the Board of Trustees of State  
70 Institutions of Higher Learning pursuant to Section 37-129-1, or  
71 the State Department of Education through the Division of  
72 Vocational Education, as appropriate, or by an appropriate  
73 accrediting agency, and that such program is not on probation; and

74           (c) If granted to increase enrollments, contingent on  
75 the professional nursing program's ability to enroll additional  
76 students, including having the necessary classroom space and  
77 clinical slots. The board shall adopt rules and regulations for  
78 the administration of the professional nursing shortage reduction  
79 program. The board shall grant funds under this subsection (3) in  
80 an equitable manner among the various types of professional  
81 nursing programs, in a manner that best promotes innovation in the  
82 recruitment and retention of nursing students. In addition to  
83 funds appropriated by the Legislature for this purpose, the board  
84 may solicit, receive and expend grants, gifts and donations from  
85 public or private sources for the purposes of this subsection (3).  
86 Each professional nursing program participating in this subsection  
87 (3) shall submit an annual report to the board detailing its  
88 strategy for increasing the number of students that graduate from  
89 the program prepared for licensure as registered nurses or  
90 licensed practical nurses, which shall include the capacity of the  
91 program to graduate more students prepared for licensure, and the  
92 resources allocated to increase the number of students that  
93 graduate from the program prepared for licensure.

94           (4) Any institution of higher learning in Mississippi shall  
95 permit a registered nurse licensed in Mississippi to register by  
96 paying the tuition, fees and other charges required for  
97 Mississippi residents without regard to the length of time the  
98 registered nurse has resided in Mississippi, if the registered  
99 nurse (a) is enrolled in a program designed to lead to a master's  
100 degree or other higher degree in nursing, and (b) signs a

101 statement declaring an intention to teach in a program in  
102 Mississippi designed to prepare students for licensure as  
103 registered nurses or licensed practical nurses.

104       (5) There is created a program for advanced study in  
105 nursing. Scholarships are established and shall be allocated to  
106 students who: (a) have graduated from an accredited high school  
107 and from a school of nursing and are licensed registered nurses in  
108 Mississippi; and (b) are approved by the Board of Trustees of  
109 State Institutions of Higher Learning; and (c) enter into contract  
110 with the board of trustees and its successors in office,  
111 obligating themselves to pursue to completion the course of study  
112 agreed upon, and immediately following the completion of such  
113 work, to spend a period of time, equal to the period of study  
114 provided under the scholarship, in teaching nursing at any  
115 accredited school of nursing in Mississippi, approved by the board  
116 of trustees, or in performing other work in the interest of public  
117 health in the state, to be approved by the board of trustees.  
118 Such period of service, after completion of study under a  
119 scholarship, shall in no event be less than one (1) year.

120       In addition to a scholarship, any such student may be  
121 allocated a loan not to exceed One Thousand Five Hundred Dollars  
122 (\$1,500.00) per month for each month of full-time study in a  
123 graduate nursing program. The repayment of the principal and  
124 interest of such loans shall be eligible for deferment during  
125 attendance as a full-time student in an approved program for  
126 advanced study in an accredited school of nursing. For any  
127 student who receives this loan, the student's contract with the  
128 board of trustees shall obligate the student, immediately  
129 following completion of the course of study, to repay the loan by  
130 teaching nursing for not less than two (2) years at any accredited  
131 school of nursing in Mississippi approved by the board of  
132 trustees. Such teaching service shall convert the loan to an  
133 interest-free scholarship, and discharge the same, on the basis of

134 two (2) years of service for one-year's loan amount, or the  
135 appropriate proportion of the total outstanding balance of  
136 principal and interest, all as established by rule and regulation  
137 of the board of trustees. Any such student who fails to complete  
138 all of the teaching service obligation shall be liable to the  
139 board of trustees for the remaining balance of the principal and  
140 interest that remains undischarged.

141 The board of trustees shall establish such rules and  
142 regulations as it deems necessary and proper to carry out the  
143 purposes and intent of this subsection (5).

144 (6) The Board of Trustees of State Institutions of Higher  
145 Learning shall establish and administer, using funds appropriated  
146 for that purpose or from other public or private sources, a  
147 matching fund program under which a person, hospital, clinic,  
148 physician or other business entity may sponsor a nursing student  
149 in a program preparing the student for initial licensure as a  
150 register nurse or licensed nurse practitioner or for graduate  
151 nursing degree study, by contributing to the costs of the  
152 student's education or loan repayments for such student's  
153 education, and having that contribution matched in whole or in  
154 part by state funds appropriated for that purpose or by other  
155 public or private sources. A scholarship or loan repayment  
156 matching fund program established under this subsection (6) shall  
157 be established and administered in a manner that the board  
158 determines best promotes the health care and educational needs of  
159 this state. The board may establish multiple categories of  
160 persons to receive scholarships, matching funds and loan repayment  
161 funds. The board may include faculty from professional nursing  
162 programs with master's degrees or doctorates among the categories  
163 of persons authorized to receive loan repayments. The criteria  
164 for selecting persons to be assisted under each category may  
165 include: (a) scholastic ability and performance; (b) financial  
166 need; (c) the geographical area in which the person is likely to

167 practice; (d) whether the person receives TANF or other public  
168 assistance; (e) employment by a state agency; (f) employment on a  
169 nursing school faculty or a person's intention to seek employment  
170 on a nursing school faculty; (g) whether the person is practicing  
171 in a geographical area, a practice setting, or an area of practice  
172 with an acute nursing shortage or is likely to practice in such an  
173 area; (h) the type of certificate or academic degree held or  
174 pursued; or (i) any additional factors the board considers  
175 relevant to promoting the health care and educational needs of the  
176 state. The board shall adopt rules relating to the establishment  
177 and administration of the matching fund program providing for (a)  
178 eligibility criteria for sponsors and for students; (b) the  
179 minimum and maximum sponsor contributions that will be matched;  
180 (c) conflict resolution procedures for resolving disputes between  
181 the sponsor and the student; and (d) a standard agreement for use  
182 by the sponsor and the student. The board shall distribute  
183 information about the scholarship program, matching fund program  
184 and loan repayment program established under this subsection (6)  
185 to employers of nurses, associations of employers of nurses,  
186 professional associations of nurses and schools and institutions  
187 of higher learning. The board shall act as a clearinghouse for  
188 nursing education programs and health care providers to identify  
189 sites available for employers and students.

190 (7) The board may structure the scholarship programs, the  
191 matching fund programs and the loan repayment programs established  
192 under this section to secure funds available under federal  
193 matching programs or other public and nonpublic matching programs.  
194 The board shall give priority in awarding grants to institutions  
195 proposing to address the shortage of nurses by promoting  
196 innovation in recruitment and retention of nursing students and  
197 faculty, and to institutions seeking to increase enrollments in  
198 their nursing programs through financial incentives to faculty to

199 provide clinical and classroom instruction in addition to carrying  
200 a full teaching load.

201       **SECTION 2.** Section 73-15-18, Mississippi Code of 1972, is  
202 amended as follows:

203       73-15-18. (1) The Mississippi Board of Nursing is  
204 designated as the state agency responsible for the administration  
205 and supervision of the Nursing Workforce Program as an educational  
206 curriculum in the State of Mississippi. It is the intent of the  
207 Legislature to develop a nursing work force able to carry out the  
208 scope of service and leadership tasks required of the profession  
209 by promoting a strong educational infrastructure between nursing  
210 practice and nursing education.

211       (2) The Mississippi Board of Nursing is authorized to  
212 establish an Office of Nursing Workforce within the administrative  
213 framework of the board for the purpose of providing coordination  
214 and consultation to nursing education and practice. The Nursing  
215 Workforce Program shall encompass six (6) interdependent  
216 components:

217       (a) Collect data on nurses and other nursing personnel,  
218 including demographics, areas of practice supply demand and  
219 migration on an appropriate regional basis, to predict supply and  
220 demand for nursing personnel in Mississippi, and submit such data  
221 to the Board of Trustees of State Institutions of Higher Learning  
222 for purposes of the administration of the nursing shortage  
223 reduction scholarship, matching grant and loan repayment programs  
224 authorized under Section 37-143-9, Mississippi Code of 1972. The  
225 Nursing Workforce Program shall submit on a quarterly basis to the  
226 Board of Trustees of State Institutions of Higher Learning data  
227 regarding the education and employment trends for nursing  
228 personnel, the supply of and demand for nursing personnel, and  
229 other issues concerning nursing in the state as requested by the  
230 board.

231           (b) Develop and implement a state educational program  
232 directed toward nursing educators regarding health care delivery  
233 system changes resulting from managed care, case management and  
234 capitated health finance systems and the impact these changes will  
235 have on curriculum and on the retraining needs of nurses.

236           (c) Determine the continuing education needs of the  
237 nursing work force in an environment of restructuring from the  
238 hospital-bed-side setting to the home health and community  
239 practice settings, and implement such continuing education  
240 coursework through the university/college schools of nursing in  
241 the state and the community/junior college nursing programs in the  
242 state.

243           (d) Promote and coordinate through the schools of  
244 nursing opportunities for nurses prepared at the associate degree  
245 and bachelor degree levels to obtain higher degrees.

246           (e) Apply for and administer grants from public and  
247 private sources for the development of the Nursing Workforce  
248 Program prescribed in this section.

249           (f) Establish systems to ensure an adequate supply of  
250 nurses to meet the health care needs of the citizens of  
251 Mississippi. This will include, but is not limited to, gathering  
252 and quantifying dependable data on current nursing work force  
253 capacities and forecasting future requirements. The Office of  
254 Nursing Workforce will report its findings annually to the Board  
255 of Trustees of State Institutions of Higher Learning and the  
256 Mississippi Legislature.

257           (3) Pursuant to the provisions of subsections (1) and (2),  
258 the Board of Nursing is authorized to provide for the services of  
259 an Office of Nursing Workforce Director and such other  
260 professional and nonprofessional staff as may be needed and as  
261 funds are available to the Board of Nursing to implement the  
262 Nursing Workforce Program prescribed in this section. It shall be  
263 the responsibility of such professional staff to coordinate



264 efforts of the Board of Trustees of State Institutions of Higher  
265 Learning, the bachelor degree schools of nursing, the associate  
266 degree schools of nursing and other appropriate agencies in the  
267 State of Mississippi to implement the Nursing Workforce Program.

268 (4) The Board of Nursing shall appoint a Nursing Workforce  
269 Advisory Committee composed of health care professionals, health  
270 agency administrators, nursing educators and other appropriate  
271 individuals to provide technical advice to the Office of Nursing  
272 Workforce created in this section. The members of the committee  
273 shall be appointed by the Board of Nursing from a list of nominees  
274 submitted by appropriate nursing and health care organizations in  
275 the State of Mississippi. The members of the committee shall  
276 receive no compensation for their services, but may be reimbursed  
277 for actual travel expenses and mileage authorized by law for  
278 necessary committee business.

279 (5) All funds made available to the Board of Nursing for the  
280 purpose of nursing work force shall be administered by the board  
281 office for that purpose. The Board of Nursing is authorized to  
282 enter into contract with any private person, organization or  
283 entity capable of contracting for the purpose of administering  
284 this section.

285 (6) The Nursing Workforce Program and the Office of Nursing  
286 Workforce provided for in this section will be established and  
287 implemented only if sufficient funds are appropriated to or  
288 otherwise available to the Board of Nursing for that purpose.

289 **SECTION 3.** Section 37-129-1, Mississippi Code of 1972, is  
290 amended as follows:

291 37-129-1. In addition to all other powers and duties now  
292 vested by law in the Board of Trustees of State Institutions of  
293 Higher Learning of the State of Mississippi, said board is hereby  
294 empowered and required to:

295 (a) Establish by rules and regulations and promulgate  
296 uniform standards for accreditation of schools of nursing in the

297 State of Mississippi (i) insofar as concerns the eligibility of  
298 graduates of such schools to take the examination prescribed by  
299 law to become registered nurses authorized to practice the  
300 profession of nursing as registered nurses in Mississippi, and  
301 (ii) insofar as concerns student nurses attending such schools  
302 being eligible to participate in any student nurse scholarship  
303 program or other program of assistance now existing or hereafter  
304 established by legislative enactment;

305 (b) Issue to such schools of nursing upon an annual  
306 basis certificates of accreditation as may be proper under such  
307 standards;

308 (c) Administer any scholarship program or other program  
309 of assistance heretofore or hereafter established by legislative  
310 enactment for the benefit of students attending accredited schools  
311 of nursing in this state, including specifically the provisions of  
312 Section 37-143-9, Mississippi Code of 1972, relating to the  
313 Mississippi Nursing Shortage Reduction Program, and the board  
314 shall be fully authorized to coordinate the provisions of Section  
315 37-143-9 with the State Department of Education through the  
316 Division of Vocational Education relating to associate degree  
317 nursing programs, and with the Nursing Workforce Program in the  
318 Mississippi Board of Nursing;

319 (d) Administer any other funds available or which may  
320 be made available for the promotion of nursing education in the  
321 state, with the exception of nursing faculty supplement funds to  
322 the public junior colleges, which funds shall be appropriated to  
323 and administered by the Division of Junior Colleges of the State  
324 Department of Education, except as otherwise provided in Section  
325 37-143-9 for nursing shortage reduction program funds;

326 (e) Adopt rules and regulations to provide that a nurse  
327 in training may, during the two-year period in an approved  
328 hospital, be allowed to transfer at any time with full credit  
329 after six (6) months in training, to any other hospital of her

330 choice at which there is a vacancy; suitable provision shall be  
331 made to protect her against coercion or intimidation concerning  
332 such a contemplated transfer.

333 In addition to other powers now vested by law in the Board of  
334 Trustees of State Institutions of Higher Learning, said board is  
335 hereby empowered to establish and maintain a nurse-midwifery  
336 education program that meets the accreditation standards of the  
337 American College of Nurse-Midwives at a state institution of  
338 higher learning under the jurisdiction of the board of trustees.

339 In order to implement paragraph (d) above, the Board of  
340 Trustees of State Institutions of Higher Learning is hereby  
341 authorized and directed to arrange and contract with hospitals,  
342 senior colleges and hospital schools of nursing for the financial  
343 support of programs of nursing education. The said board is  
344 further authorized to adopt such terms for contracts, and such  
345 rules and regulations for reimbursing contracting agencies for  
346 costs of instruction in schools of nursing as may be feasible in  
347 accordance with appropriations made by the Legislature for this  
348 purpose. However, no reimbursement may be made to contracting  
349 agencies in excess of the actual cost of instruction in the  
350 schools of nursing.

351 No provision of this section shall be construed to authorize  
352 any department, agency, officer or employee of the State of  
353 Mississippi to exercise any controls over the admissions policy of  
354 any private educational institution offering a baccalaureate  
355 degree in nursing.

356 **SECTION 4.** This act shall take effect and be in force from  
357 and after July 1, 2005.