

By: Senator(s) Williamson, Dawkins

To: Public Health and Welfare; Appropriations

SENATE BILL NO. 2362

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 2006."

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 workforce 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 workforce 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 workforce 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 programs
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 program, the
191 matching fund program and the loan repayment program 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 workforce 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 workforce 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 workforce
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 workforce 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, 2006.