

1-1 By: Kolkhorst S.B. No. 458
1-2 (In the Senate - Filed January 13, 2023; February 17, 2023,
1-3 read first time and referred to Committee on Health & Human
1-4 Services; March 20, 2023, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 March 20, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14	<u>X</u>			
1-15	<u>X</u>			
1-16	<u>X</u>			
1-17	<u>X</u>			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 458 By: Hancock

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the authorization for and approval of certain nursing
1-22 programs offered by private postsecondary educational institutions
1-23 or for-profit entities.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 61.302, Education Code, is amended by
1-26 adding Subdivisions (12) and (13) to read as follows:

1-27 (12) "Professional degree" includes a Doctor of
1-28 Medicine (M.D.), Doctor of Osteopathy (D.O.), Doctor of Dental
1-29 Surgery (D.D.S.), Doctor of Veterinary Medicine (D.V.M.), Juris
1-30 Doctor (J.D.), and Bachelor of Laws (LL.B.).

1-31 (13) "Nursing degree" means an Associate Degree in
1-32 Nursing (ADN), Bachelor of Science in Nursing (BSN), Master of
1-33 Science in Nursing (MSN), and Doctor of Nursing Practice (DNP).

1-34 SECTION 2. Section 61.303, Education Code, is amended by
1-35 amending Subsection (c-1) and adding Subsection (c-2) to read as
1-36 follows:

1-37 (c-1) The board may not approve the issuance of a
1-38 certificate of authorization for an exempt institution to grant a
1-39 professional degree or to represent that credits earned in this
1-40 state are applicable toward a professional degree except to the
1-41 extent allowed for an authorized institution operating under a
1-42 State Authorization Reciprocity Agreement (SARA). [~~In this~~
1-43 ~~subsection, "professional degree" includes Doctor of Medicine~~
1-44 ~~(M.D.), Doctor of Osteopathy (D.O.), Doctor of Dental Surgery~~
1-45 ~~(D.D.S.), Doctor of Veterinary Medicine (D.V.M.), Juris Doctor~~
1-46 ~~(J.D.), and Bachelor of Laws (LL.B.).]~~

1-47 (c-2) The board may not approve the issuance of a
1-48 certificate of authorization for an exempt institution to grant a
1-49 nursing degree or to represent that credits earned in this state are
1-50 applicable toward a nursing degree except to the extent allowed for
1-51 an authorized institution operating under a State Authorization
1-52 Reciprocity Agreement (SARA).

1-53 SECTION 3. Section 61.306(c-1), Education Code, is amended
1-54 to read as follows:

1-55 (c-1) The board may issue a certificate of authority for a
1-56 private postsecondary educational institution to grant a
1-57 professional or nursing degree or to represent that credits earned
1-58 in this state are applicable toward a professional or nursing
1-59 degree only if the board determines that:

1-60 (1) the capacity and ability of similar professional

2-1 or nursing degree programs at institutions of higher education and
2-2 private or independent institutions of higher education are
2-3 insufficient to meet the state's current market needs;

2-4 (2) the institution seeking the certificate of
2-5 authority:

2-6 (A) has the necessary faculty and other resources
2-7 to ensure student success; and

2-8 (B) is subject to and agrees to meet the same
2-9 standards for approval and all academic criteria applicable to
2-10 similar professional or nursing degree programs offered by
2-11 institutions of higher education and private or independent
2-12 institutions of higher education; and

2-13 (3) sufficient placements are available to students
2-14 for required field-based experience, such as clinicals or
2-15 clerkships, for the proposed professional or nursing degree.

2-16 SECTION 4. Subchapter D, Chapter 301, Occupations Code, is
2-17 amended by adding Section 301.1571 to read as follows:

2-18 Sec. 301.1571. REQUIREMENTS FOR APPROVAL OF FOR-PROFIT
2-19 NURSING EDUCATION PROGRAMS. (a) In this section, "institution of
2-20 higher education" has the meaning assigned by Section 61.003,
2-21 Education Code.

2-22 (b) The board may not approve an educational program offered
2-23 by a for-profit entity unless the entity submits to the board:

2-24 (1) evidence satisfactory to the board that the
2-25 program will not result in a decrease in the number of clinical
2-26 practice positions available to students enrolled in nursing
2-27 programs in institutions of higher education in the region in which
2-28 the program will be offered;

2-29 (2) if applicable, passage rates for graduates of
2-30 programs operated by the entity in other states on the National
2-31 Council Licensure Examination for registered nurses or other
2-32 nationally recognized nursing licensing examination; and

2-33 (3) a statement from the hospital or other facility at
2-34 which the program's students will complete clinical training that
2-35 the agreement with the entity will not result in a decrease in the
2-36 number of clinical practice positions available to students
2-37 enrolled in nursing programs in institutions of higher education.

2-38 (c) The board may withdraw approval of an educational
2-39 program offered by a for-profit entity if the board determines that
2-40 the operation of the program has resulted in a decrease in the
2-41 number of clinical practice positions available to students
2-42 enrolled in nursing programs in institutions of higher education.

2-43 SECTION 5. Section 61.306(d), Education Code, is repealed.

2-44 SECTION 6. This Act takes effect September 1, 2023.

2-45

* * * * *