

## **BILL ANALYSIS**

Senate Research Center  
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C.S.H.B. 2099  
By: Guillen (Hinojosa)  
Higher Education  
5/17/2013  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

C.S.H.B. 2099 seeks to enable nursing programs to share limited resources, grow the pool of nursing faculty, and increase the capacity of Texas's nursing education programs. C.S.H.B. 2099 implements several Legislative Budget Board recommendations to address Texas's nursing shortage.

This bill allows representatives from career colleges and private universities with nursing programs to participate on statutorily created higher education regional councils. This bill amends the Education Code to include admissions and available scholarships to nursing students as part of a common application used by all state nursing programs.

C.S.H.B. 2099 amends current law relating to improving access to nursing education programs.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Higher Education Coordinating Board is modified in SECTION 1 (Section 51.762, Education Code) of this bill.

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 3 (Sections 61.9821, 61.9822, and 61.9828, Education Code) and SECTION 5 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 51.762(a) and (b), Education Code, as follows:

(a) Provides that the Texas Higher Education Coordinating Board (THECB), with the assistance of an advisory committee composed of representatives of general academic teaching institutions, junior college districts, public state colleges, and public technical institutes, and with the consultation of all institutions of higher education that admit freshman-level students:

(1) is required to adopt by rule a common admission application form for use by a person seeking admission as a freshman student to a general academic teaching institution; an electronic common admission application form for use by a person seeking admission as a freshman student to an institution of higher education that admits freshman-level students, other than a general academic teaching institution; and, if THECB determines that adoption of the form would be cost-effective for nursing schools, an electronic common admission application form for use by a person seeking admission as a student to an undergraduate nursing education program at an institution of higher education; and

(2) Makes no change to this subdivision.

(b) Authorizes THECB, with the assistance of an advisory committee composed of representatives of general academic teaching institutions, junior college districts, public state colleges, and public technical institutes, and with the consultation of all institutions of higher education that admit undergraduate transfer students, to adopt by rule:

(1)-(2) Makes nonsubstantive changes; and

(3) if THECB determines that adoption of the form would be cost-effective for nursing schools, and electronic common admission application form for use by a person seeking admission as a transfer student to an undergraduate nursing education program at an institution of higher education.

SECTION 2. Amends Section 61.026, Education Code, as follows:

Sec. 61.026. COMMITTEES AND ADVISORY COMMITTEES. (a) Creates this subsection from existing text. Authorizes the chairman to appoint committees from THECB's membership as the chairman or THECB may find necessary from time to time. Makes nonsubstantive changes.

(b) Requires THECB, if THECB directs an advisory committee to assist THECB in exercising its authority under Section 61.051(j) (relating to prohibiting off-campus courses for credit from being offered by any public school without specific prior approval by THECB) regarding an off-campus course in nursing education, including clinical coursework, to require the advisory committee to include or consult with one or more private postsecondary educational institutions or private career schools and colleges in this state that offer degree programs.

SECTION 3. Amends Chapter 61, Education Code, by adding Subchapter II, as follows:

#### SUBCHAPTER II. NURSING FACULTY LOAN REPAYMENT ASSISTANCE PROGRAM

Sec. 61.9821. REPAYMENT AUTHORIZED. Requires THECB to establish and administer a program to provide, in accordance with this subchapter and THECB rules, assistance in the repayment of student loans for nurses who are serving on the faculties of nursing degree programs at institutions of higher education or private or independent institutions of higher education in positions that require an advanced degree in professional nursing, and apply for the assistance.

Sec. 61.9822. ELIGIBILITY. Requires a nurse, to be eligible to receive loan repayment assistance under this subchapter, to:

(1) apply to THECB;

(2) at the time of application for repayment assistance have been employed full-time for at least one year as, and be currently employed full-time as, a faculty member of a nursing degree program at an institution of higher education or a private or independent institution of higher education; and

(3) comply with any additional requirements adopted by THECB rule.

Sec. 61.9823. LIMITATIONS. (a) Authorizes a nurse, on qualifying for loan repayment assistance under this subchapter, to receive repayment assistance for each year of full-time employment as a faculty member of a nursing degree program at an institution of higher education or private or independent institution of higher education, not to exceed five years.

(b) Prohibits the amount of loan repayment assistance received by a nurse under this subchapter from exceeding \$7,000 in any one year.

(c) Prohibits the total amount of loan repayment assistance provided under this subchapter from exceeding the total amount of gifts and grants accepted by THECB for the repayment assistance and other funds available to THECB for the repayment assistance, including any money reallocated under Section 61.9826.

Sec. 61.9824. ELIGIBLE LOANS. (a) Authorizes THECB to provide repayment assistance for the repayment of any student loan for education at any public or private institution of higher education, including a loan for undergraduate education, received by an eligible person through any lender.

(b) Prohibits THECB from providing repayment assistance for a student loan that is in default at the time of the nurse's application.

Sec. 61.9825. REPAYMENT. (a) Requires THECB to deliver any repayment under this subchapter in a lump sum payable to both the lender or other holder of the loan and the nurse or directly to the lender or other holder of the loan on the nurse's behalf.

(b) Authorizes a repayment under this subchapter to be applied to any amount due in connection with the loan.

Sec. 61.9826. REALLOCATION OF MONEY. (a) Requires THECB, in each state fiscal year, to reallocate for loan repayment assistance under this subchapter for a particular year any money in the physician education loan repayment program account established under Section 61.5391 (Physician Education Loan Repayment Program Account) that exceeds the amount necessary in that fiscal year for purposes of repayment assistance under Subchapter J (Repayment of Certain Physician Education Loans).

(b) Provides that any money reallocated under Subsection (a) in a fiscal year that is not used for loan repayment assistance under this subchapter in that fiscal year is treated as if that unused amount had not been reallocated in that fiscal year.

Sec. 61.9827. GIFTS AND GRANTS. Authorizes THECB to solicit and accept gifts and grants from any source for the purposes of this subchapter.

Sec. 61.9827. RULES. (a) Requires THECB to adopt rules as necessary to administer this subchapter.

(b) Requires THECB to distribute a copy of the rules adopted under this section and pertinent information regarding this subchapter to each institution of higher education and private or independent institution of higher education; any appropriate state agency; and any appropriate professional association.

SECTION 4. Amends Section 61.5391(b), Education Code, to prohibit money in the account from being appropriated for any purpose except to provide loan repayment assistance under Subchapter II if reallocated under Section 61.9826.

SECTION 5. Requires THECB to adopt the rules for loan repayment assistance under Subchapter II, Chapter 61, Education Code, as added by this Act, not later than December 1, 2013.

SECTION 6. Requires THECB, not later than September 1, 2014, to make an initial determination regarding whether adopting an electronic common admission application forms for undergraduate nursing education programs would be cost-effective as required by Sections 51.762(a) and (b), Education Code, as amended by this Act, not later than September 1, 2014.

SECTION 7. Effective date: September 1, 2013.