

FIRST REGULAR SESSION

# SENATE BILL NO. 191

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time January 27, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1050S.011

## AN ACT

To repeal sections 335.036, 335.200, 335.203, 335.206, and 335.209, RSMo, and to enact in lieu thereof three new sections relating to the caring for Missourians program.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 335.036, 335.200, 335.203, 335.206, and 335.209, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 335.036, 335.200, and 335.203, to read as follows:

335.036. 1. The board shall:

(1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and the board may appoint, employ and fix the compensation of a legal counsel and such board personnel as defined in subdivision (4) of subsection 10 of section 324.001 as are necessary to administer the provisions of sections 335.011 to 335.096;

(2) Adopt and revise such rules and regulations as may be necessary to enable it to carry into effect the provisions of sections 335.011 to 335.096;

(3) Prescribe minimum standards for educational programs preparing persons for licensure pursuant to the provisions of sections 335.011 to 335.096;

(4) Provide for surveys of such programs every five years and in addition at such times as it may deem necessary;

(5) Designate as "approved" such programs as meet the requirements of sections 335.011 to 335.096 and the rules and regulations enacted pursuant to such sections; and the board shall annually publish a list of such programs;

(6) Deny or withdraw approval from educational programs for failure to meet prescribed minimum standards;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18           (7) Examine, license, and cause to be renewed the licenses of duly  
19 qualified applicants;

20           (8) Cause the prosecution of all persons violating provisions of sections  
21 335.011 to 335.096, and may incur such necessary expenses therefor;

22           (9) Keep a record of all the proceedings; and make an annual report to the  
23 governor and to the director of the department of insurance, financial institutions  
24 and professional registration;

25           (10) Establish an impaired nurse program.

26           2. The board shall set the amount of the fees which this chapter  
27 authorizes and requires by rules and regulations. The fees shall be set at a level  
28 to produce revenue which shall not substantially exceed the cost and expense of  
29 administering this chapter.

30           3. All fees received by the board pursuant to the provisions of sections  
31 335.011 to 335.096 shall be deposited in the state treasury and be placed to the  
32 credit of the state board of nursing fund. All administrative costs and expenses  
33 of the board shall be paid from appropriations made for those purposes. **The**  
34 **board is authorized to provide funding for the caring for Missourians**  
35 **program established in sections 335.200 to 335.203.**

36           4. The provisions of section 33.080 to the contrary notwithstanding, money  
37 in this fund shall not be transferred and placed to the credit of general revenue  
38 until the amount in the fund at the end of the biennium exceeds two times the  
39 amount of the appropriation from the board's funds for the preceding fiscal year  
40 or, if the board requires by rule, permit renewal less frequently than yearly, then  
41 three times the appropriation from the board's funds for the preceding fiscal  
42 year. The amount, if any, in the fund which shall lapse is that amount in the  
43 fund which exceeds the appropriate multiple of the appropriations from the  
44 board's funds for the preceding fiscal year.

45           5. Any rule or portion of a rule, as that term is defined in section 536.010,  
46 that is created under the authority delegated in this chapter shall become  
47 effective only if it complies with and is subject to all of the provisions of chapter  
48 536 and, if applicable, section 536.028. All rulemaking authority delegated prior  
49 to August 28, 1999, is of no force and effect and repealed. Nothing in this section  
50 shall be interpreted to repeal or affect the validity of any rule filed or adopted  
51 prior to August 28, 1999, if it fully complied with all applicable provisions of  
52 law. This section and chapter 536 are nonseverable and if any of the powers  
53 vested with the general assembly pursuant to chapter 536 to review, to delay the

54 effective date or to disapprove and annul a rule are subsequently held  
55 unconstitutional, then the grant of rulemaking authority and any rule proposed  
56 or adopted after August 28, 1999, shall be invalid and void.

335.200. As used in sections 335.200 to [335.209] **335.203**, the following  
2 terms mean:

3 (1) "Board", the [Missouri coordinating board for higher education] **state**  
4 **board of nursing**;

5 (2) "**Department**", the **Missouri department of higher education**;

6 (3) "Eligible [nursing program] **institution of higher education**", a  
7 **Missouri public institution of higher education which offers** a nursing  
8 education program [accredited under this chapter];

9 [(3) "Fund", the nurse training incentive fund, established in section  
10 335.203;]

11 (4) "[Incentive] Grant", a grant awarded to a [nurse education program]  
12 **Missouri public institution of higher education** under the guidelines set  
13 forth in sections **335.200 to** 335.203 [to 335.209;

14 (5) "Nontraditional student", a person admitted to an eligible nursing  
15 program that is older than twenty-two years of age at the time he is admitted to  
16 the nursing program;

17 (6) "Nurse", a person holding a license as a registered nurse, pursuant to  
18 this chapter; and

19 (7) "Professional nursing education program", a program of education  
20 accredited by the state board of nursing, pursuant to this chapter, designed to  
21 prepare persons for licensure as registered professional nurses with an  
22 enrollment of no less than sixty-five percent of the enrollment approved by the  
23 state board of nursing].

335.203. [The "Nurse Training Incentive Fund" is hereby established in  
2 the state treasury. The fund shall be administered by the coordinating board for  
3 higher education. The board shall base its appropriation request on enrollment,  
4 graduation and licensure figures for the previous year. The board may accept  
5 funds from private, federal and other sources for the purposes of sections 335.200  
6 to 335.209. All appropriations, private donations, and other funds provided to the  
7 board for the implementation of sections 335.200 to 335.209 shall be placed in the  
8 nurse training incentive fund. Notwithstanding the provisions of section 33.080  
9 to the contrary, funds in the nurse training incentive fund shall not revert to the  
10 general revenue fund. Interest accruing to the fund shall be part of the

11 fund. Grants provided pursuant to section 335.206 shall be made within the  
12 amounts appropriated therefor.] 1. There is hereby established the "Caring

13 for Missourians Program" within the department of higher education.

14 2. Subject to appropriation, grants shall be awarded through the  
15 caring for Missourians program to eligible institutions of higher  
16 education based on criteria jointly determined by the board and the  
17 department.

18 3. To be considered for a grant, an eligible institution of higher  
19 education shall offer a program of nursing that meets the  
20 predetermined category and area of need as established by the board  
21 and the department under subsection 4 of this section.

22 4. The board and the department shall determine categories and  
23 areas of need for designating grants to eligible institutions of higher  
24 education. In establishing categories and areas of need, the board and  
25 department may consider criteria including, but not limited to:

26 (1) Data generated from licensure renewal and the department  
27 of health and senior services;

28 (2) National nursing statistical data and trends that have  
29 identified nursing shortages; and

30 (3) Reports from the Institute of Medicine or Robert Wood  
31 Johnson Foundation related to the nursing profession and patient  
32 safety.

33 5. The department shall be the administrative agency responsible  
34 for implementation of the program established under sections 335.200  
35 to 335.203, and shall promulgate reasonable rules for the exercise of its  
36 functions and the effectuation of the purposes of sections 335.200 to  
37 335.203. The department shall, by rule, prescribe the form, time, and  
38 method of filing applications and shall supervise the processing of such  
39 applications.

40 6. Any rule or portion of a rule, as that term is defined in section  
41 536.010, that is created under the authority delegated in this section  
42 shall become effective only if it complies with and is subject to all of  
43 the provisions of chapter 536 and, if applicable, section 536.028. This  
44 section and chapter 536 are nonseverable and if any of the powers  
45 vested with the general assembly pursuant to chapter 536 to review, to  
46 delay the effective date, or to disapprove and annul a rule are  
47 subsequently held unconstitutional, then the grant of rulemaking

48 **authority and any rule proposed or adopted after August 28, 2011, shall**  
49 **be invalid and void.**

[335.206. 1. The nurse training incentive fund shall, upon  
2 appropriation, be used to provide incentive grants to eligible  
3 nursing programs which increase enrollment. Grants shall not be  
4 awarded to classes begun on or after July 1, 1996.

5 2. Grants shall be awarded to eligible nursing programs  
6 which increase enrollment pursuant to subsection 3 of this  
7 section. Eligible programs receiving grants provided under sections  
8 335.200 to 335.209 shall monitor the enrollment of nontraditional  
9 students in their program and shall annually report to the board  
10 the number of nontraditional students enrolled therein. It shall be  
11 the intent of sections 335.200 to 335.209 to encourage the  
12 enrollment and graduation of nontraditional students in nursing  
13 education programs.

14 3. Incentive grants shall be awarded to professional nurse  
15 education programs, as follows:

16 (1) A grant of eight thousand dollars for each entering class  
17 of ten students by which the program increases its enrollment over  
18 the number of entering students admitted in the fall of 1989; and

19 (2) A grant of four hundred dollars for each student from  
20 each entering class cited in subdivision (1) of this section by which  
21 the program increases its number of graduates over the number of  
22 students graduated in the preceding year; or

23 (3) Beginning with the first graduating class of the classes  
24 which enter and are enrolled after August 28, 1990, a grant of four  
25 hundred dollars for each student by which the program increases  
26 its number of graduates over the number of graduates of the  
27 preceding year, if the program is not otherwise qualified to receive  
28 the grant provided pursuant to subdivision (1) of this section.]

[335.209. No rule or portion of a rule promulgated under  
2 the authority of sections 335.200 to 335.209 shall become effective  
3 unless it has been promulgated pursuant to the provisions of  
4 section 536.024.]