

FIRST REGULAR SESSION

HOUSE BILL NO. 223

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WALLINGFORD (Sponsor), SCHUPP, MAY, THOMSON,
HOSKINS, BRANDOM, RICHARDSON, SMITH (150),
LICHTENEGGER AND FREDERICK (Co-sponsors).

0998L.011

D. ADAM CRUMBLISS, Chief Clerk

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
2 repealed and three new sections enacted in lieu thereof, to be known as sections 335.036,
3 335.200, and 335.203, to read as follows:

335.036. 1. The board shall:

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

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

18 (8) Cause the prosecution of all persons violating provisions of sections 335.011 to
19 335.096, and may incur such necessary expenses therefor;

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

22 (10) Establish an impaired nurse program.

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

26 3. All fees received by the board pursuant to the provisions of sections 335.011 to
27 335.096 shall be deposited in the state treasury and be placed to the credit of the state board of
28 nursing fund. All administrative costs and expenses of the board shall be paid from
29 appropriations made for those purposes. **The board is authorized to provide funding for the**
30 **caring for Missourians program established in sections 335.200 to 335.203.**

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

39 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
40 under the authority delegated in this chapter shall become effective only if it complies with and
41 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All
42 rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed.
43 Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or
44 adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This
45 section and chapter 536 are nonseverable and if any of the powers vested with the general
46 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
47 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
48 any rule proposed 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 terms mean:

- 2 (1) "Board", the [Missouri coordinating board for higher education] **state board of**
3 **nursing**;
- 4 (2) "**Department**", the **Missouri department of higher education**;
- 5 (3) "Eligible [nursing program] **institution of higher education**", a **Missouri public**
6 **institution of higher education which offers** a nursing education program [accredited under
7 this chapter];
- 8 [(3) "Fund", the nurse training incentive fund, established in section 335.203;]
- 9 (4) "[Incentive] Grant", a grant awarded to a [nurse education program] **Missouri public**
10 **institution of higher education** under the guidelines set forth in sections **335.200 to 335.203**
11 [to 335.209;
- 12 (5) "Nontraditional student", a person admitted to an eligible nursing program that is
13 older than twenty-two years of age at the time he is admitted to the nursing program;
- 14 (6) "Nurse", a person holding a license as a registered nurse, pursuant to this chapter; and
- 15 (7) "Professional nursing education program", a program of education accredited by the
16 state board of nursing, pursuant to this chapter, designed to prepare persons for licensure as
17 registered professional nurses with an enrollment of no less than sixty-five percent of the
18 enrollment approved by the state board of nursing].

335.203. [The "Nurse Training Incentive Fund" is hereby established in the state
2 treasury. The fund shall be administered by the coordinating board for higher education. The
3 board shall base its appropriation request on enrollment, graduation and licensure figures for the
4 previous year. The board may accept funds from private, federal and other sources for the
5 purposes of sections 335.200 to 335.209. All appropriations, private donations, and other funds
6 provided to the board for the implementation of sections 335.200 to 335.209 shall be placed in
7 the nurse training incentive fund. Notwithstanding the provisions of section 33.080 to the
8 contrary, funds in the nurse training incentive fund shall not revert to the general revenue fund.
9 Interest accruing to the fund shall be part of the fund. Grants provided pursuant to section
10 335.206 shall be made within the amounts appropriated therefor.] **1. There is hereby**
11 **established the "Caring for Missourians Program" within the department of higher**
12 **education.**

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

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

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

23 **(1) Data generated from licensure renewal data and the department of health and**
24 **senior services;**

25 **(2) National nursing statistical data and trends that have identified nursing**
26 **shortages; and**

27 **(3) Reports from the Institute of Medicine or Robert Wood Johnson Foundation**
28 **related to the nursing profession and patient safety.**

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

35 **6. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
36 **created under the authority delegated in this section shall become effective only if it**
37 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
38 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
39 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
40 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
41 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2011,**
42 **shall be invalid and void.**

2 [335.206. 1. The nurse training incentive fund shall, upon appropriation,
3 be used to provide incentive grants to eligible nursing programs which increase
4 enrollment. Grants shall not be awarded to classes begun on or after July 1,
5 1996.

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

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

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

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

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

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