HOUSE DOCKET, NO. 2196 FILED ON: 1/20/2011

HOUSE . . . . . No. 2355

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to nursing in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	*20th Middlesex*
Donald F. Humason, Jr.	*4th Hampden*
F. Jay Barrows	*1st Bristol*
George T. Ross	*2nd Bristol*
Donald H. Wong	*9th Essex*
Todd M. Smola	*1st Hampden*
Sheila C. Harrington	*1st Middlesex*
Paul K. Frost	*7th Worcester*
George N. Peterson, Jr.	*9th Worcester*
Elizabeth A. Poirier	*14th Bristol*
Viriato Manuel deMacedo	*1st Plymouth*

HOUSE DOCKET, NO. 2196 FILED ON: 1/20/2011

HOUSE . . . . . No. 2355

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2355) of Bradley H. Jones, Jr. and others relative to establishing a nursing advisory board in the Commonwealth. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *2069* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to nursing in the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 6A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 16G the following section:—

Section 16H. A nursing advisory board is hereby established within, but not subject to, the control of the executive office of health and human services. The advisory board shall consist of 8 members who shall have a demonstrated background in nursing or health services research and who shall represent the continuum of health care settings and services, including, but not limited to, long-term institutional care, acute care, community-based care, public health, school care, and higher education in nursing. The members shall be appointed by the governor from a list of 10 individuals recommended by the board of registration in nursing and a list of 10 persons recommended by the Massachusetts Center for Nursing, Inc. The advisory board shall elect a chair from among its members and adopt bylaws for its proceedings. Each of the 8 members appointed by the governor, shall serve for a term of 3 years, except that in making his initial appointments, the governor shall appoint 2 members to serve for a term of 1 year, 2 members to serve for a term of 2 years, 4 members to serve for a term of 3 years. Persons may be appointed to fill vacancies who shall serve for the unexpired term. No member shall serve more than 2 consecutive full terms.

The advisory board shall:—

18 (a) advise the governor and the general court on matters related to the practice of
19 nursing, including the shortage of nurses across the commonwealth in all settings and services,
20 including long-term institutional care, acute care, community-based care, public health, school
21 care, and higher education in nursing;

22 (b) develop a research agenda, apply for federal and private research grants, and
23 commission and fund research projects to fulfill the agenda;

24 (c) recommend policy initiatives to the governor and the general court;

25 (d) prepare an annual report and disseminate the report to the governor, the general
26 court, the secretary of health and human services, the director of labor and workforce
27 development and the commissioner of public health; and

28 (e) consider the use of current government resources, including, but not limited to, the
29 Workforce Training Fund as provided for time to time in the General Appropriations Act.

30 Any funds granted to the advisory board shall be deposited with the state treasurer and
31 may be expended by the advisory board in accordance with the conditions of the grants, without
32 specific appropriation. The advisory board may expend for services and other expenses any
33 amounts that the general court may appropriate. The advisory board shall conduct at least 1
34 public hearing during each year.

35 SECTION 2. Section 14 of chapter 13 of the General Laws, as appearing in the 2008
36 Official Edition, is hereby amended by striking out, in line 35, the word “and”, -- and by
37 inserting after the word “nursing”, in line 37, the following:- ; and

38 (l) establish an expert nursing corps, to be known as the Clara Barton Expert Nursing
39 Corps, which shall consist of recognized nurses of high achievement in the profession who shall
40 mentor incoming or novice nurses and further the goals of the nursing profession; provided
41 however, that the board shall adopt guidelines governing the implementation of the program;
42 provided further, that such guidelines shall include, but not be limited to, the following
43 provisions: specialty, standing, experience, and successful efforts to enable the nursing
44 profession.

45 SECTION 3. Chapter 15A of the General Laws, as appearing in the 2008 Official
46 Edition, is hereby amended by inserting after section 15F the following section:---

47 Section 15G. Notwithstanding any general or special law to the contrary, any state or
48 community college, or the university of Massachusetts may enter into employment contracts for
49 a minimum period of 5 years with faculty members who teach nursing at such institutions, unless
50 both parties agree to a shorter term of employment. For the purpose of this section in order to
51 preserve the public’s health and safety, any nursing faculty positions made vacant by the
52 retirement of any employee receiving benefits in accordance with this section, shall be deemed a

53 position of critical and essential nature and shall be included on the schedule provided by the
54 board of higher education to the house and senate committee on ways and means as set forth in
55 this section.

56 SECTION 4. Said chapter 15A is hereby further amended by inserting after section 19E
57 the following 6 sections:—

58 Section 19F. The board shall establish a student loan repayment program and a faculty
59 position payment program, for existing nurses or nurse student graduates to teach nursing within
60 the commonwealth by providing financial assistance for the repayment of qualified education
61 loans or by providing compensation to health care facilities to cover nurse scheduled work time
62 spent teaching. The board of higher education shall adopt guidelines governing the
63 implementation of the program, which shall include, but not be limited to, eligibility, repayment
64 schedules and fair practice measures.

65 Section 19G. The board shall provide grants to institutions of higher education and
66 health care institutions in the commonwealth for the purpose of fostering partnerships between
67 higher education institutions and clinical agencies that promote the recruitment and retention of
68 nurses. Such grants may also be made available to such institutions for the purpose of
69 establishing and maintaining nurse mentoring or nursing internship programs. The board shall
70 adopt guidelines governing the awarding of these grants.

71 Section 19H. The board shall establish the Clara Barton Scholarship Program to provide
72 students in approved Massachusetts colleges, universities and schools of nursing with
73 scholarships for tuition and fees for the purpose of encouraging outstanding Massachusetts
74 students to teach nursing in colleges, universities, or schools of nursing in the commonwealth.
75 The board of higher education shall adopt guidelines governing the implementation of the Clara
76 Barton Scholarship Program. Colleges, universities, and schools of nursing in the commonwealth
77 may administer the Clara Barton Scholarship Program and select recipients in accordance with
78 guidelines adopted by the board. Scholarships may be made available to full or part time
79 matriculating students in courses of study leading to a degree in the teaching of nursing. The
80 criteria of the recipients and the amount of the scholarships shall be determined by the board of
81 higher education.

82 Section 19I. The board shall develop a program to provide matching grants to any
83 hospital that commits resources or personnel to nurse education programs. Such program shall
84 provide a dollar-for-dollar match for any funds committed by a hospital to pay for nurse faculty
85 positions in publicly funded schools of nursing, including the costs of providing hospital
86 personnel loaned to said schools of nursing.

87 Section 19J. The board shall appropriate a portion of the Clara Barton Nursing
88 Excellence Trust Fund, established in section 2ZZZ of chapter 29, to be used for refresher

89 courses and retraining at accredited schools of nursing for licensed registered nurses returning to
90 bedside care.

91 SECTION 5. Chapter 29 of the General Laws, is hereby amended by inserting after
92 section 2YYY, the following section:-

93 Section 2ZZZ. There is hereby established and set up on the books of the commonwealth
94 a separate fund, to be known as the Clara Barton Nursing Excellence Trust Fund, hereinafter
95 referred to as the fund. There shall be credited to the fund all revenues from public, subject to
96 appropriation, and private sources as appropriations, gifts, grants, donations, and from the federal
97 government as reimbursements, grants-in-aid or other receipts to further the purposes of the fund
98 in accordance with sections 19F to 19K, inclusive, of chapter 15A, and any interest or investment
99 earnings on such revenues. All revenues credited to the fund shall remain in the fund and shall
100 be expended, without further appropriation, for the purposes of said sections 19F to 19K,
101 inclusive of said chapter 15A. The state treasurer shall deposit and invest monies in said fund in
102 accordance with sections 34, and 38 in such a manner as to secure the highest rate of return
103 consistent with the safety of the fund. The fund shall be expended only for the purposes stated in
104 said sections 19F to 19K, inclusive, at the direction of the commissioner of higher education,
105 established in section 6 of said chapter 15A.

106 On February 1 of each year, the state treasurer shall notify the advisory board established
107 pursuant to section 16H of chapter 6A of any projected interest and investment earnings
108 available for expenditure from said fund for each fiscal year.