HOUSE DOCKET, NO. 1611 FILED ON: 1/13/2009

HOUSE . . . . . No. 2069

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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 2006 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:—

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

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

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

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

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

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

SECTION 2. Section 14 of chapter 13 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 35, the word “and”, -- and by inserting after the word “nursing”, in line 37, the following:- ; and

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

SECTION 3. Chapter 15A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 15F the following section:---

Section 15G. Notwithstanding any general or special law to the contrary, any state or community college, or the university of Massachusetts may enter into employment contracts for a minimum period of 5 years with faculty members who teach nursing at such institutions, unless both parties agree to a shorter term of employment. For the purpose of this section in order to preserve the public’s health and safety, any nursing faculty positions made vacant by the retirement of any employee receiving benefits in accordance with this section, shall be deemed a position of critical and essential nature and shall be included on the schedule provided by the board of higher education to the house and senate committee on ways and means as set forth in this section.

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

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

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

Section 19H. The board shall establish the Clara Barton Scholarship Program to provide students in approved Massachusetts colleges, universities and schools of nursing with scholarships for tuition and fees for the purpose of encouraging outstanding Massachusetts students to teach nursing in colleges, universities, or schools of nursing in the commonwealth. The board of higher education shall adopt guidelines governing the implementation of the Clara Barton Scholarship Program. Colleges, universities, and schools of nursing in the commonwealth may administer the Clara Barton Scholarship Program and select recipients in accordance with

guidelines adopted by the board. Scholarships may be made available to full or part time matriculating students in courses of study leading to a degree in the teaching of nursing. The criteria of the recipients and the amount of the scholarships shall be determined by the board of higher education.

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

Section 19J. The board shall appropriate a portion of the Clara Barton Nursing Excellence Trust Fund, established in section 2ZZZ of chapter 29, to be used for refresher courses and retraining at accredited schools of nursing for licensed registered nurses returning to bedside care.

SECTION 5. Chapter 29 of the General Laws is hereby amended by inserting after section 2YYY, as most recently amended by Section 5 of Chapter 304 of the Acts of 2008, the following section:-

Section 2ZZZ. There is hereby established and set up on the books of the commonwealth a separate fund, to be known as the Clara Barton Nursing Excellence Trust Fund, hereinafter referred to as the fund. There shall be credited to the fund all revenues from public, subject to appropriation, and private sources as appropriations, gifts, grants, donations, and from the federal government as reimbursements, grants-in-aid or other receipts to further the purposes of the fund in accordance with sections 19F to 19K, inclusive, of chapter 15A, and any interest or investment

earnings on such revenues. All revenues credited to the fund shall remain in the fund and shall be expended, without further appropriation, for the purposes of said sections 19F to 19K, inclusive of said chapter 15A. The state treasurer shall deposit and invest monies in said fund in accordance with sections 34, and 38 in such a manner as to secure the highest rate of return consistent with the safety of the fund. The fund shall be expended only for the purposes stated in said sections 19F to 19K, inclusive, at the direction of the commissioner of higher education, established in section 6 of said chapter 15A, as most recently amended by Section 24 of Chapter 27 of the Acts of 2008.

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