

110TH CONGRESS  
1ST SESSION

# S. 446

To amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2007

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Nurse Education, Ex-  
5       pansion, and Development Act of 2007”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds as follows:

8               (1) While the Nurse Reinvestment Act (Public  
9       Law 107–205) helped to increase applications to  
10       schools of nursing by 125 percent, schools of nursing

1 have been unable to accommodate the influx of in-  
2 terested students because they have an insufficient  
3 number of nurse educators. It is estimated that—

4 (A) in the 2006–2007 school year—

5 (i) 66.6 percent of schools of nursing  
6 had from 1 to 18 vacant faculty positions;  
7 and

8 (ii) an additional 16.7 percent of  
9 schools of nursing needed additional fac-  
10 ulty, but lacked the resources needed to  
11 add more positions; and

12 (B) 41,683 eligible candidates were denied  
13 admission to schools of nursing in 2005, pri-  
14 marily due to an insufficient number of faculty  
15 members.

16 (2) A growing number of nurses with doctoral  
17 degrees are choosing careers outside of education.  
18 Over the last few years, 22.5 percent of doctoral  
19 nursing graduates reported seeking employment out-  
20 side the education profession.

21 (3) In 2006 the average age of nurse faculty at  
22 retirement is 63.1 years. With the average age of  
23 doctorally-prepared nurse faculty at 54.7 years in  
24 2005, a wave of retirements is expected within the  
25 next 10 years.

1           (4) Master’s and doctoral programs in nursing  
2           are not producing a large enough pool of potential  
3           nurse educators to meet the projected demand for  
4           nurses over the next 10 years. While graduations  
5           from master’s and doctoral programs in nursing rose  
6           by 12.8 percent (or 1,369 graduates) and 13.1 per-  
7           cent (or 56 graduates), respectively, in the 2005–  
8           2006 school year, projections still demonstrate a  
9           shortage of nurse faculty. Given current trends,  
10          there will be at least 2,616 unfilled faculty positions  
11          in 2012.

12           (5) According to the February 2004 Monthly  
13          Labor Review of the Bureau of Labor Statistics,  
14          more than 1,000,000 new and replacement nurses  
15          will be needed by 2012.

16 **SEC. 3. CAPITATION GRANTS TO INCREASE THE NUMBER**  
17 **OF NURSING FACULTY AND STUDENTS.**

18          (a) GRANTS.—Part D of title VIII of the Public  
19          Health Service Act (42 U.S.C. 296p) is amended by add-  
20          ing at the end the following:

21 **“SEC. 832. CAPITATION GRANTS.**

22          “(a) IN GENERAL.—For the purpose described in  
23          subsection (b), the Secretary, acting through the Health  
24          Resources and Services Administration, shall award a  
25          grant each fiscal year in an amount determined in accord-

1 ance with subsection (c) to each eligible school of nursing  
 2 that submits an application in accordance with this sec-  
 3 tion.

4 “(b) PURPOSE.—A funding agreement for a grant  
 5 under this section is that the eligible school of nursing  
 6 involved will expend the grant to increase the number of  
 7 nursing faculty and students at the school, including by  
 8 hiring new faculty, retaining current faculty, purchasing  
 9 educational equipment and audiovisual laboratories, en-  
 10 hancing clinical laboratories, repairing and expanding in-  
 11 frastructure, or recruiting students.

12 “(c) GRANT COMPUTATION.—

13 “(1) AMOUNT PER STUDENT.—Subject to para-  
 14 graph (2), the amount of a grant to an eligible  
 15 school of nursing under this section for a fiscal year  
 16 shall be the total of the following:

17 “(A) \$1,800 for each full-time or part-time  
 18 student who is enrolled at the school in a grad-  
 19 uate program in nursing that—

20 “(i) leads to a master’s degree, a doc-  
 21 toral degree, or an equivalent degree; and

22 “(ii) prepares individuals to serve as  
 23 faculty through additional course work in  
 24 education and ensuring competency in an  
 25 advanced practice area.

1           “(B) \$1,405 for each full-time or part-time  
2 student who—

3           “(i) is enrolled at the school in a pro-  
4 gram in nursing leading to a bachelor of  
5 science degree, a bachelor of nursing de-  
6 gree, a graduate degree in nursing if such  
7 program does not meet the requirements of  
8 subparagraph (A), or an equivalent degree;  
9 and

10           “(ii) has not more than 3 years of  
11 academic credits remaining in the pro-  
12 gram.

13           “(C) \$966 for each full-time or part-time  
14 student who is enrolled at the school in a pro-  
15 gram in nursing leading to an associate degree  
16 in nursing or an equivalent degree.

17           “(2) LIMITATION.—In calculating the amount  
18 of a grant to a school under paragraph (1), the Sec-  
19 retary may not make a payment with respect to a  
20 particular student—

21           “(A) for more than 2 fiscal years in the  
22 case of a student described in paragraph (1)(A)  
23 who is enrolled in a graduate program in nurs-  
24 ing leading to a master’s degree or an equiva-  
25 lent degree;

1           “(B) for more than 4 fiscal years in the  
2           case of a student described in paragraph (1)(A)  
3           who is enrolled in a graduate program in nurs-  
4           ing leading to a doctoral degree or an equiva-  
5           lent degree;

6           “(C) for more than 3 fiscal years in the  
7           case of a student described in paragraph  
8           (1)(B); or

9           “(D) for more than 2 fiscal years in the  
10          case of a student described in paragraph  
11          (1)(C).

12          “(d) ELIGIBILITY.—For purposes of this section, the  
13          term ‘eligible school of nursing’ means a school of nursing  
14          that—

15               “(1) is accredited by a nursing accrediting  
16               agency recognized by the Secretary of Education;

17               “(2) has a passage rate on the National Council  
18               Licensure Examination for Registered Nurses of not  
19               less than 80 percent for each of the 3 school years  
20               preceding submission of the grant application; and

21               “(3) has a graduation rate (based on the num-  
22               ber of students in a class who graduate relative to,  
23               for a baccalaureate program, the number of students  
24               who were enrolled in the class at the beginning of  
25               junior year or, for an associate degree program, the

1 number of students who were enrolled in the class  
2 at the end of the first year) of not less than 80 per-  
3 cent for each of the 3 school years preceding submis-  
4 sion of the grant application.

5 “(e) REQUIREMENTS.—The Secretary may award a  
6 grant under this section to an eligible school of nursing  
7 only if the school gives assurances satisfactory to the Sec-  
8 retary that, for each school year for which the grant is  
9 awarded, the school will comply with the following:

10 “(1) The school will maintain a passage rate on  
11 the National Council Licensure Examination for  
12 Registered Nurses of not less than 80 percent.

13 “(2) The school will maintain a graduation rate  
14 (as described in subsection (d)(3)) of not less than  
15 80 percent.

16 “(3)(A) Subject to subparagraphs (B) and (C),  
17 the first-year enrollment of full-time nursing stu-  
18 dents in the school will exceed such enrollment for  
19 the preceding school year by 5 percent or 5 students,  
20 whichever is greater.

21 “(B) Subparagraph (A) does not apply to the  
22 first school year for which a school receives a grant  
23 under this section.

1           “(C) With respect to any school year, the Sec-  
2           retary may waive application of subparagraph (A)  
3           if—

4                   “(i) the physical facilities at the school in-  
5                   volved limit the school from enrolling additional  
6                   students; or

7                   “(ii) the school has increased enrollment in  
8                   the school (as described in subparagraph (A))  
9                   for each of the 2 preceding school years.

10           “(4) Not later than 1 year after receipt of the  
11           grant, the school will formulate and implement a  
12           plan to accomplish at least 2 of the following:

13                   “(A) Establishing or significantly expand-  
14                   ing an accelerated baccalaureate degree nursing  
15                   program designed to graduate new nurses in 12  
16                   to 18 months.

17                   “(B)           Establishing           cooperative  
18                   intradisciplinary education among schools of  
19                   nursing with a view toward shared use of tech-  
20                   nological resources, including information tech-  
21                   nology.

22                   “(C) Establishing cooperative interdiscipli-  
23                   nary training between schools of nursing and  
24                   schools of allied health, medicine, dentistry, os-  
25                   teopathy, optometry, podiatry, pharmacy, public

1 health, or veterinary medicine, including train-  
2 ing for the use of the interdisciplinary team ap-  
3 proach to the delivery of health services.

4 “(D) Integrating core competencies on evi-  
5 dence-based practice, quality improvements, and  
6 patient-centered care.

7 “(E) Increasing admissions, enrollment,  
8 and retention of qualified individuals who are  
9 financially disadvantaged.

10 “(F) Increasing enrollment of minority and  
11 diverse student populations.

12 “(G) Increasing enrollment of new grad-  
13 uate baccalaureate nursing students in graduate  
14 programs that educate nurse faculty members.

15 “(H) Developing post-baccalaureate resi-  
16 dency programs to prepare nurses for practice  
17 in specialty areas where nursing shortages are  
18 most severe.

19 “(I) Increasing integration of geriatric con-  
20 tent into the core curriculum.

21 “(J) Partnering with economically dis-  
22 advantaged communities to provide nursing  
23 education.

1           “(K) Expanding the ability of nurse man-  
2           aged health centers to provide clinical education  
3           training sites to nursing students.

4           “(5) The school will submit an annual report to  
5           the Secretary that includes updated information on  
6           the school with respect to student enrollment, stu-  
7           dent retention, graduation rates, passage rates on  
8           the National Council Licensure Examination for  
9           Registered Nurses, the number of graduates em-  
10          ployed as nursing faculty or nursing care providers  
11          within 12 months of graduation, and the number of  
12          students who are accepted into graduate programs  
13          for further nursing education.

14          “(6) The school will allow the Secretary to  
15          make on-site inspections, and will comply with the  
16          Secretary’s requests for information, to determine  
17          the extent to which the school is complying with the  
18          requirements of this section.

19          “(f) REPORTS TO CONGRESS.—The Secretary shall  
20          evaluate the results of grants under this section and sub-  
21          mit to the Congress—

22                 “(1) not later than 18 months after the date of  
23                 the enactment of this section, an interim report on  
24                 such results; and

1           “(2) not later than the end of fiscal year 2010,  
2           a final report on such results.

3           “(g) APPLICATION.—To seek a grant under this sec-  
4           tion, a school nursing shall submit an application to the  
5           Secretary at such time, in such manner, and containing  
6           such information and assurances as the Secretary may re-  
7           quire.

8           “(h) AUTHORIZATION OF APPROPRIATIONS.—

9           “(1) IN GENERAL.—For the costs of carrying  
10           out this section (except the costs described in para-  
11           graph (2)), there are authorized to be appropriated  
12           \$75,000,000 for fiscal year 2008, \$85,000,000 for  
13           fiscal year 2009, and \$95,000,000 for fiscal year  
14           2010.

15           “(2) ADMINISTRATIVE COSTS.—For the costs of  
16           administering this section, including the costs of  
17           evaluating the results of grants and submitting re-  
18           ports to the Congress, there are authorized to be ap-  
19           propriated such sums as may be necessary for each  
20           of fiscal years 2008, 2009, and 2010.”.

21           (b) GAO STUDY.—

22           “(1) IN GENERAL.—Not later than 1 year after  
23           the date of the enactment of this Act, the Comp-  
24           troller General of the United States shall conduct a  
25           study and submit a report to the Congress on ways

1 to increase participation in the nurse faculty profes-  
2 sion.

3 (2) CONTENTS OF REPORT.—The report re-  
4 quired by paragraph (1) shall include the following:

5 (A) A discussion of the master's degree  
6 and doctoral degree programs that are success-  
7 ful in placing graduates as faculty in schools of  
8 nursing.

9 (B) An examination of compensation dis-  
10 parities throughout the nursing profession and  
11 compensation disparities between higher edu-  
12 cation instructional faculty generally and higher  
13 education instructional nursing faculty.

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