

HOUSE No.

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 bill:

An Act Relative to Nursing in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Viriato Manuel deMacedo	1st Plymouth
Bradley H. Jones, Jr.	20th Middlesex
George N. Peterson, Jr.	9th Worcester
Elizabeth Poirier	14th Bristol

The Commonwealth of Massachusetts

In the Year Two Thousand and 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:

1 SECTION 1. Chapter 6A of the General Laws, as appearing in the 2006 Official Edition, is
2 hereby amended by inserting after section 16G the following section:—

3 Section 16H. A nursing advisory board is hereby established within, but not subject to, the
4 control of the executive office of health and human services. The advisory board shall consist of
5 8 members who shall have a demonstrated background in nursing or health services research and
6 who shall represent the continuum of health care settings and services, including, but not limited
7 to, long-term institutional care, acute care, community-based care, public health, school care, and
8 higher education in nursing. The members shall be appointed by the governor from a list of 10
9 individuals recommended by the board of registration in nursing and a list of 10 persons
10 recommended by the Massachusetts Center for Nursing, Inc. The advisory board shall elect a
11 chair from among its members and adopt bylaws for its proceedings. Each of the 8 members
12 appointed by the governor, shall serve for a term of 3 years, except that in making his initial
13 appointments, the governor shall appoint 2 members to serve for a term of 1 year, 2 members to

14 serve for a term of 2 years, 4 members to serve for a term of 3 years. Persons may be appointed
15 to fill vacancies who shall serve for the unexpired term. No member shall serve more than 2
16 consecutive full terms.

17 The advisory board shall:—

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

22 (b) develop a research agenda, apply for federal and private research grants, and commission
23 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 court, the
26 secretary of health and human services, the director of labor and workforce development and the
27 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 may be
31 expended by the advisory board in accordance with the conditions of the grants, without specific
32 appropriation. The advisory board may expend for services and other expenses any amounts that
33 the general court may appropriate. The advisory board shall conduct at least 1 public hearing
34 during each year.

35

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

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

45

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

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

57

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

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

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

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

79 may administer the Clara Barton Scholarship Program and select recipients in accordance with
80 guidelines adopted by the board. Scholarships may be made available to full or part time
81 matriculating students in courses of study leading to a degree in the teaching of nursing. The
82 criteria of the recipients and the amount of the scholarships shall be determined by the board of
83 higher education.

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

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

92

93 SECTION 5. Chapter 29 of the General Laws is hereby amended by inserting after section
94 2YYY, as most recently amended by Section 5 of Chapter 304 of the Acts of 2008, the following
95 section:-

96 Section 2ZZZ. There is hereby established and set up on the books of the commonwealth a
97 separate fund, to be known as the Clara Barton Nursing Excellence Trust Fund, hereinafter
98 referred to as the fund. There shall be credited to the fund all revenues from public, subject to
99 appropriation, and private sources as appropriations, gifts, grants, donations, and from the federal
100 government as reimbursements, grants-in-aid or other receipts to further the purposes of the fund

101 in accordance with sections 19F to 19K, inclusive, of chapter 15A, and any interest or investment
102 earnings on such revenues. All revenues credited to the fund shall remain in the fund and shall
103 be expended, without further appropriation, for the purposes of said sections 19F to 19K,
104 inclusive of said chapter 15A. The state treasurer shall deposit and invest monies in said fund in
105 accordance with sections 34, and 38 in such a manner as to secure the highest rate of return
106 consistent with the safety of the fund. The fund shall be expended only for the purposes stated in
107 said sections 19F to 19K, inclusive, at the direction of the commissioner of higher education,
108 established in section 6 of said chapter 15A, as most recently amended by Section 24 of Chapter
109 27 of the Acts of 2008.

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