

111TH CONGRESS
1ST SESSION

S. 1512

To fund comprehensive programs to ensure an adequate supply of nurses.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2009

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

A BILL

To fund comprehensive programs to ensure an adequate
supply of nurses.

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 Training and
5 Retention Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) America’s healthcare system depends on an
9 adequate supply of trained nurses to deliver quality
10 patient care.

1 (2) Over the next 15 years, this shortage is ex-
2 pected to grow significantly. The Health Resources
3 and Services Administration has projected that by
4 2020, there will be a shortage of nurses in every
5 State and that overall only 64 percent of the de-
6 mand for nurses will be satisfied, with a shortage of
7 1,016,900 nurses nationally.

8 (3) To avert such a shortage, today's network
9 of healthcare workers should have access to edu-
10 cation and support from their employers to partici-
11 pate in educational and training opportunities.

12 (4) With the appropriate education and sup-
13 port, incumbent healthcare workers and incumbent
14 bedside nurses are untapped sources which can meet
15 these needs and address the nursing shortage and
16 provide quality care as the American population
17 ages.

18 **SEC. 3. ESTABLISHMENT OF GRANT PROGRAM.**

19 (a) PURPOSES.—It is the purpose of this section to
20 authorize grants to—

21 (1) address the projected shortage of nurses by
22 funding comprehensive programs to create a career
23 ladder to nursing (including Certified Nurse Assist-
24 ants, Licensed Practical Nurses, Licensed Vocational

1 Nurses, and Registered Nurses) for incumbent ancil-
2 lary healthcare workers;

3 (2) increase the capacity for educating nurses
4 by increasing both nurse faculty and clinical oppor-
5 tunities through collaborative programs between
6 staff nurse organizations, healthcare providers, and
7 accredited schools of nursing; and

8 (3) provide training programs through edu-
9 cation and training organizations jointly adminis-
10 tered by healthcare providers and healthcare labor
11 organizations or other organizations representing
12 staff nurses and frontline healthcare workers, work-
13 ing in collaboration with accredited schools of nurs-
14 ing and academic institutions.

15 (b) GRANTS.—Not later than 6 months after the date
16 of enactment of this Act, the Secretary of Labor (referred
17 to in this section as the “Secretary”) shall establish a
18 partnership grant program to award grants to eligible en-
19 tities to carry out comprehensive programs to provide edu-
20 cation to nurses and create a pipeline to nursing for in-
21 cumbent ancillary healthcare workers who wish to advance
22 their careers, and to otherwise carry out the purposes of
23 this section.

24 (c) ELIGIBLE ENTITIES.—To be eligible to receive a
25 grant under this section an entity shall—

1 (1) be—

2 (A) a healthcare entity that is jointly ad-
3 ministered by a healthcare employer and a labor
4 union representing the healthcare employees of
5 the employer and that carries out activities
6 using labor management training funds as pro-
7 vided for under section 302 of the Labor-Man-
8 agement Relations Act, 1947 (18 U.S.C.
9 186(c)(6));

10 (B) an entity that operates a training pro-
11 gram that is jointly administered by—

12 (i) one or more healthcare providers
13 or facilities, or a trade association of
14 healthcare providers; and

15 (ii) one or more organizations which
16 represent the interests of direct care
17 healthcare workers or staff nurses and in
18 which the direct care healthcare workers or
19 staff nurses have direct input as to the
20 leadership of the organization; or

21 (C) a State training partnership program
22 that consists of non-profit organizations that
23 include equal participation from industry, in-
24 cluding public or private employers, and labor
25 organizations including joint labor-management

1 training programs, and which may include rep-
2 resentatives from local governments, worker in-
3 vestment agency one-stop career centers, com-
4 munity based organizations, community col-
5 leges, and accredited schools of nursing; and

6 (2) submit to the Secretary an application at
7 such time, in such manner, and containing such in-
8 formation as the Secretary may require.

9 (d) ADDITIONAL REQUIREMENTS FOR HEALTHCARE
10 EMPLOYER DESCRIBED IN SUBSECTION (c).—To be eligi-
11 ble for a grant under this section, a healthcare employer
12 described in subsection (c) shall demonstrate—

13 (1) an established program within their facility
14 to encourage the retention of existing nurses;

15 (2) it provides wages and benefits to its nurses
16 that are competitive for its market or that have been
17 collectively bargained with a labor organization; and

18 (3) support for programs funded under this sec-
19 tion through 1 or more of the following:

20 (A) The provision of paid leave time and
21 continued health coverage to incumbent
22 healthcare workers to allow their participation
23 in nursing career ladder programs, including
24 Certified Nurse Assistants, Licensed Practical

1 Nurses, Licensed Vocational Nurses, and Reg-
2 istered Nurses.

3 (B) Contributions to a joint labor-manage-
4 ment training fund which administers the pro-
5 gram involved.

6 (C) The provision of paid release time, in-
7 centive compensation, or continued health cov-
8 erage to staff nurses who desire to work full- or
9 part-time in a faculty position.

10 (D) The provision of paid release time for
11 staff nurses to enable them to obtain a Bach-
12 elor of Science in Nursing degree, other ad-
13 vanced nursing degrees, specialty training, or
14 certification program.

15 (E) The payment of tuition assistance
16 which is managed by a joint labor-management
17 training fund or other jointly administered pro-
18 gram.

19 (e) OTHER REQUIREMENTS.—

20 (1) MATCHING REQUIREMENT.—

21 (A) IN GENERAL.—The Secretary may not
22 make a grant under this section unless the ap-
23 plicant involved agrees, with respect to the costs
24 to be incurred by the applicant in carrying out
25 the program under the grant, to make available

1 non-Federal contributions (in cash or in kind
2 under subparagraph (B)) toward such costs in
3 an amount equal to not less than \$1 for each
4 \$1 of Federal funds provided in the grant. Such
5 contributions may be made directly or through
6 donations from public or private entities, or
7 may be provided through the cash equivalent of
8 paid release time provided to incumbent worker
9 students.

10 (B) DETERMINATION OF AMOUNT OF NON-
11 FEDERAL CONTRIBUTION.—Non-Federal con-
12 tributions required in subparagraph (A) may be
13 in cash or in kind (including paid release time),
14 fairly evaluated, including equipment or services
15 (and excluding indirect or overhead costs).
16 Amounts provided by the Federal Government,
17 or services assisted or subsidized to any signifi-
18 cant extent by the Federal Government, may
19 not be included in determining the amount of
20 such non-Federal contributions.

21 (2) REQUIRED COLLABORATION.—Entities car-
22 rying out or overseeing programs carried out with
23 assistance provided under this section shall dem-
24 onstrate collaboration with accredited schools of
25 nursing which may include community colleges and

1 other academic institutions providing Associate,
2 Bachelor's, or advanced nursing degree programs or
3 specialty training or certification programs.

4 (f) ACTIVITIES.—Amounts awarded to an entity
5 under a grant under this section shall be used for the fol-
6 lowing:

7 (1) To carry out programs that provide edu-
8 cation and training to establish nursing career lad-
9 ders to educate incumbent healthcare workers to be-
10 come nurses (including Certified Nurse Assistants,
11 Licensed Practical Nurses, Licensed Vocational
12 Nurses, and Registered Nurses). Such programs
13 shall include one or more of the following:

14 (A) Preparing incumbent workers to return
15 to the classroom through English as a second
16 language education, GED education, pre-college
17 counseling, college preparation classes, and sup-
18 port with entry level college classes that are a
19 prerequisite to nursing.

20 (B) Providing tuition assistance with pref-
21 erence for dedicated cohort classes in commu-
22 nity colleges, universities, accredited schools of
23 nursing with supportive services including tu-
24 toring and counseling.

1 (C) Providing assistance in preparing for
2 and meeting all nursing licensure tests and re-
3 quirements.

4 (D) Carrying out orientation and
5 mentorship programs that assist newly grad-
6 uated nurses in adjusting to working at the
7 bedside to ensure their retention post gradua-
8 tion, and ongoing programs to support nurse
9 retention.

10 (E) Providing stipends for release time and
11 continued healthcare coverage to enable incum-
12 bent healthcare workers to participate in these
13 programs.

14 (2) To carry out programs that assist nurses in
15 obtaining advanced degrees and completing specialty
16 training or certification programs and to establish
17 incentives for nurses to assume nurse faculty posi-
18 tions on a part-time or full-time basis. Such pro-
19 grams shall include one or more of the following:

20 (A) Increasing the pool of nurses with ad-
21 vanced degrees who are interested in teaching
22 by funding programs that enable incumbent
23 nurses to return to school.

24 (B) Establishing incentives for advanced
25 degree bedside nurses who wish to teach in

1 nursing programs so they can obtain a leave
2 from their bedside position to assume a full- or
3 part-time position as adjunct or full time fac-
4 ulty without the loss of salary or benefits.

5 (C) Collaboration with accredited schools
6 of nursing which may include community col-
7 leges and other academic institutions providing
8 Associate, Bachelor's, or advanced nursing de-
9 gree programs, or specialty training or certifi-
10 cation programs, for nurses to carry out innova-
11 tive nursing programs which meet the needs of
12 bedside nursing and healthcare providers.

13 (g) PREFERENCE.—In awarding grants under this
14 section the Secretary shall give preference to programs
15 that—

16 (1) provide for improving nurse retention;

17 (2) provide for improving the diversity of the
18 new nurse graduates to reflect changes in the demo-
19 graphics of the patient population;

20 (3) provide for improving the quality of nursing
21 education to improve patient care and safety;

22 (4) have demonstrated success in upgrading in-
23 cumbent healthcare workers to become nurses or
24 which have established effective programs or pilots
25 to increase nurse faculty; or

1 (5) are modeled after or affiliated with such
2 programs described in paragraph (4).

3 (h) EVALUATION.—

4 (1) PROGRAM EVALUATIONS.—An entity that
5 receives a grant under this section shall annually
6 evaluate, and submit to the Secretary a report on,
7 the activities carried out under the grant and the
8 outcomes of such activities. Such outcomes may in-
9 clude—

10 (A) an increased number of incumbent
11 workers entering an accredited school of nurs-
12 ing and in the pipeline for nursing programs;

13 (B) an increasing number of graduating
14 nurses and improved nurse graduation and li-
15 censure rates;

16 (C) improved nurse retention;

17 (D) an increase in the number of staff
18 nurses at the healthcare facility involved;

19 (E) an increase in the number of nurses
20 with advanced degrees in nursing;

21 (F) an increase in the number of nurse
22 faculty;

23 (G) improved measures of patient quality
24 (which may include staffing ratios of nurses,

1 patient satisfaction rates, patient safety meas-
2 ures); and

3 (H) an increase in the diversity of new
4 nurse graduates relative to the patient popu-
5 lation.

6 (2) GENERAL REPORT.—Not later than 2 years
7 after the date of enactment of this Act, and annually
8 thereafter, the Secretary of Labor shall, using data
9 and information from the reports received under
10 paragraph (1), submit to Congress a report con-
11 cerning the overall effectiveness of the grant pro-
12 gram carried out under this section.

13 (i) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section,
15 such sums as may be necessary.

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