

111TH CONGRESS  
1ST SESSION

# H. R. 2731

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2009

Mrs. McCARTHY of New York introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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# A BILL

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

1       *Be it enacted by the Senate and House of Representatives 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:

## 21 SEC. 3. ESTABLISHMENT OF GRANT PROGRAM.

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

24 (1) address the projected shortage of nurses by  
25 funding comprehensive programs to create a career

1       ladder to nursing (including Certified Nurse Assist-  
2       ants, Licensed Practical Nurses, Licensed Vocational  
3       Nurses, and Registered Nurses) for incumbent ancil-  
4       lary healthcare workers;

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

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

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

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

3           (1) be—

4               (A) a healthcare entity that is jointly ad-  
5 ministered by a healthcare employer and a labor  
6 union representing the healthcare employees of  
7 the employer and that carries out activities  
8 using labor management training funds as pro-  
9 vided for under section 302 of the Labor-Man-  
10 agement Relations Act, 1947 (18 U.S.C.  
11 186(c)(6));

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

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

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

23               (C) a State training partnership program  
24               that consists of non-profit organizations that  
25               include equal participation from industry, in-

1           cluding public or private employers, and labor  
2           organizations including joint labor-management  
3           training programs, and which may include rep-  
4           resentatives from local governments, worker in-  
5           vestment agency one-stop career centers, com-  
6           munity based organizations, community col-  
7           leges, and accredited schools of nursing; and

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

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

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

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

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

22           (A) The provision of paid leave time and  
23           continued health coverage to incumbent  
24           healthcare workers to allow their participation  
25           in nursing career ladder programs, including

1 Certified Nurse Assistants, Licensed Practical  
2 Nurses, Licensed Vocational Nurses, and Reg-  
3 istered Nurses.

(B) Contributions to a joint labor-management training fund which administers the program involved.

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

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

20 (e) OTHER REQUIREMENTS.—

21 (1) MATCHING REQUIREMENT.—

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

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

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind (including paid release time), fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

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

1 nursing which may include community colleges and  
2 other academic institutions providing Associate,  
3 Bachelor's, or advanced nursing degree programs or  
4 specialty training or certification programs.

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

8 (1) To carry out programs that provide edu-  
9 cation and training to establish nursing career ladders 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:

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

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

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.

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

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

### 3 (h) EVALUATION.—

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

(B) an increasing number of graduating nurses and improved nurse graduation and licensure 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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