CHAPTER 110

South Carolina Critical Needs Nursing Initiative Act

Code Commissioner’s Note

At the direction of the Code Commissioner, this chapter as added by 2008 Act No. 276 replaces chapter 110 added by 2007 Act No. 49, Section 2 because it was enacted at a later date.

**SECTION 59‑110‑10.** Critical Needs Nursing Initiative Fund; purpose.

The South Carolina Critical Needs Nursing Initiative Fund is hereby created under the Commission on Higher Education to provide incentives to retain nurse faculty scholars, attract new nurse faculty, provide loans, grants, and scholarships to in‑state resident nursing students, establish a research office to predict health care workforce needs, and provide technology to increase accessibility to clinical education needs.

HISTORY: 2008 Act No. 276, Section 2, eff June 5, 2008.

NOTES OF DECISIONS

Validity 1

1. Validity

Provisions of the Critical Needs Nursing Initiative Act [enacted by 2007 Act No. 49] that violated the one subject requirement of the South Carolina Constitution were severable, despite the absence of a severability clause in the Act, and thus the Supreme Court would sever the offending portions of the Act, which exempted the Department of Health and Environmental Control (DHEC) from certain pharmacy requirements and allowed DHEC to retain certain funds derived from radiation safety requirements; legislative intent was clear, and the purposes of the Act could be complied with by upholding the Act. South Carolina Public Interest Foundation v. Harrell (S.C. 2008) 378 S.C. 441, 663 S.E.2d 52. Statutes 1535(20)

The Critical Needs Nursing Initiative Act, [enacted by 2007 Cat No. 49] as amended to include sections exempting the Department of Health and Environmental Control (DHEC) from certain pharmacy requirements, and sections allowing DHEC to retain certain funds derived from radiation safety requirements, violated the one subject requirement of the South Carolina Constitution. South Carolina Public Interest Foundation v. Harrell (S.C. 2008) 378 S.C. 441, 663 S.E.2d 52. Environmental Law 476; Health 105; Health 358; Statutes 1617(21)

**SECTION 59‑110‑20.** Administration of fund; consultation.

(A) The Commission on Higher Education shall administer the provisions of this chapter and the funding provided to the Critical Needs Nursing Initiative Fund to implement the initiatives provided in this chapter. The commission shall make disbursements from the Critical Needs Nursing Initiative Fund to the institutions or students in the manner and for the purposes provided by this chapter.

(B) To assist the commission in performing its duties related to this fund, the commission shall consult with members of the Advisory Committee on Academic Programs (ACAP) from institutions with accredited nursing programs and the chairperson, or designee, of the South Carolina Council of Deans and Directors in Nursing Education.

HISTORY: 2008 Act No. 276, Section 2, eff June 5, 2008.

**SECTION 59‑110‑30.** Use of funds; priorities.

(A) Of the funds made available for the Critical Needs Nursing Initiative Fund, amounts must be used for the following nursing initiatives in recommended priority order:

(1) faculty salary enhancements;

(2) new faculty;

(3) student scholarship, loan, and grant programs;

(4) establishment of the Office for Health Care Workforce Research; and

(5) use of simulation technology and equipment.

(B) Once the first priority for faculty salary enhancements has been provided in an amount not exceeding six million dollars in total funds for the program from each year funds are allocated for any year, the commission shall fund other priorities in such amounts as it considers appropriate within available funding.

HISTORY: 2008 Act No. 276, Section 2, eff June 5, 2008.

**SECTION 59‑110‑40.** Faculty salary enhancements.

(A) From the Critical Needs Nursing Initiative Fund based on available funds, it is the intent of the General Assembly that faculty salary enhancements be provided for nursing faculty at accredited nursing programs at the public institutions of higher learning at the two‑year, four‑year, and graduate levels. This enhancement is intended to bring salaries for nursing faculty within the average for the geographic area in which the State of South Carolina competes for nursing faculty. Salary enhancements shall be based on a twelve‑month appointment and prorated for nine‑month appointments.

(B) In regard to these faculty salary enhancements, the Commission on Higher Education, upon consultation with members of the Advisory Committee on Academic Programs (ACAP) from institutions with accredited nursing programs and the chairperson, or designee, of the South Carolina Council of Deans and Directors in Nursing Education, shall determine and distribute funds from the Critical Needs Nursing Initiative Fund to the institutions where such faculty are employed. The governing body of the institution pursuant to its procedures shall then allocate these enhancements among its affected faculty in such amounts as it determines appropriate consistent with the guidelines of this chapter.

HISTORY: 2008 Act No. 276, Section 2, eff June 5, 2008.

**SECTION 59‑110‑50.** New nursing faculty positions.

(A) From the Critical Needs Nursing Initiative Fund, it is the intent of the General Assembly that new nursing faculty positions be added to accredited nursing programs at the public institutions of higher learning at the four‑year and graduate level based on available funds.

(B) The commission, upon consultation with members of the Advisory Committee on Academic Programs (ACAP) from institutions with accredited nursing programs and the chairperson, or designee, of the South Carolina Council of Deans and Directors in Nursing Education, shall establish guidelines and criteria for funding the new positions to the recipient institutions based on faculty need.

(C) In regard to these new faculty positions, the Commission on Higher Education shall determine and distribute funds from the Critical Needs Nursing Initiative Fund to the institutions where the new faculty positions are to be located. The governing body of the institution shall then create and fund these new positions in the manner it considers appropriate consistent with the guidelines of this chapter.

HISTORY: 2008 Act No. 276, Section 2, eff June 5, 2008.

**SECTION 59‑110‑60.** Scholarships, student loans and grants.

(A) The Critical Needs Nursing Initiative Scholarship, Loan, and Grant Program is established to provide incentives and stipends to enable candidates seeking a higher degree to become qualified to teach full‑time at an accredited nursing program at the public institutions of higher learning at the two‑year, four‑year, and graduate level in this State. Funding for this program shall be provided by the Commission on Higher Education from the Critical Needs Nursing Initiative Fund. Loans, scholarships, or grants within available funds shall be awarded to qualified in‑state resident nursing students in or entering into the teaching profession at an accredited nursing program at a public institution of higher learning in South Carolina.

(B) Funds shall be allocated to four‑year and graduate level institutions based on the institution’s share of the total resident South Carolina student nursing population in that category of student, full‑time or part‑time. Disbursements of the applicable funds shall be made by the commission to the institution, which in turn shall disburse the funds to the students.

(C) From the Critical Needs Nursing Scholarship, Loan, and Grant Program, if sufficient funds are available, the General Assembly declares and expresses its intent that the following scholarships, loans, or grants should be provided in the following recommended priority order and in the amount so specified:

(1) Funding for thirty loans not to exceed forty thousand dollars per loan for a term not to exceed twenty‑four months to be provided for full‑time students enrolled in Masters in Nursing graduate programs.

(2) Funding for thirty loans not to exceed thirty thousand dollars per loan for a term not to exceed thirty‑six months to be provided for part‑time students enrolled in Masters in Nursing graduate programs.

(3) Funding for five loans not to exceed fifty thousand dollars per loan for a term not to exceed forty‑eight months to be provided for full‑time doctoral education students enrolled in nursing or a related field that would prepare the person to teach in a nursing program.

(4) Funding for five loans not to exceed one hundred twenty‑five thousand dollars per loan for a term not to exceed sixty months to be provided for part‑time doctoral education students in nursing or a related field that would prepare the person to teach in a nursing program.

(5) Funding for ten scholarships at five thousand dollars each to be provided to increase the number and amount of awards for scholarships to students pursuing a Bachelor of Science in Nursing from an accredited nursing program, including those students who have graduated from an associate degree program.

(6) In order to better recruit and retain a diverse nursing faculty and student pool, funding for five grants of up to fifty thousand dollars each to be provided to four‑year institutions of higher learning with an accredited nursing program.

(D) For the purpose of this section, “loan” shall be defined as cost of attendance, tuition, fees, room and board, or educational materials for those who desire to become nurse faculty.

(E) For the purpose of this section, the commission shall promulgate regulations relating to distribution and allocation of funding for the initiative. The regulations shall also provide a mechanism to recoup loans from those students who, once graduated from an accredited nursing program, do not become employed as a full‑time faculty member in one of the qualifying institutions for a minimum of three years. Funds generated from any such repayments must be retained in a separate account and utilized for the purpose that the funds were originally appropriated.

(F) In regard to student loans, grants, and scholarship programs, the Commission on Higher Education may determine and distribute funds from the Critical Needs Nursing Initiative Fund to the institution for allocation to eligible students consistent with the guidelines of this chapter.

HISTORY: 2008 Act No. 276, Section 2, eff June 5, 2008.

**SECTION 59‑110‑70.** Office of Health Care Workforce research; purpose; duties and functions; funding.

(A) The Office for Health Care Workforce Research is hereby created within the South Carolina Area Health Education Consortium (SCAHEC). The purpose of the Office for Health Care Workforce Research is to analyze workforce supply and demand data and predict the need for registered nurses and must be located within the South Carolina Center for Nursing Leadership.

(B) The Office for Health Care Workforce Research shall collaborate with the Office of Research and Statistics of the Revenue and Fiscal Affairs Office, the South Carolina Center for Nursing Leadership, health professional education programs, professional associations representing the various health profession disciplines, and the health care delivery system to monitor the need for and educational capacity for nurses in South Carolina.

(C) The duties and functions of the office include, but are not limited to:

(1) collaborating with other appropriate entities to expand nursing workforce data collection and analysis;

(2) conducting an annual nursing workforce needs survey, using a manpower prediction model for staffing, to create a statewide database of nursing supply and demand statistics for health care employers in this State;

(3) studying and monitoring trends in the recruitment, retention, and education of associate, baccalaureate, masters, and doctorate‑prepared nurses;

(4) soliciting information regarding current budgeted nursing positions, vacancies, projected staffing requirements, and turnover data; and

(5) providing workforce data and analysis to assist in development of nursing workforce policy.

(D) In regard to funding for the Office for Health Care Workforce Research, the commission upon consultation with members of the Advisory Committee on Academic Programs (ACAP) from institutions with accredited nursing programs and the chairperson, or designee, of the South Carolina Council of Deans and Directors in Nursing Education, shall determine and distribute funds from the Critical Needs Nursing Initiative Fund directly to the Office for Health Care Workforce Research for its uses and purposes consistent with the guidelines of this chapter.

HISTORY: 2008 Act No. 276, Section 2, eff June 5, 2008.

Code Commissioner’s Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1).

**SECTION 59‑110‑80.** Use of simulation technology to educate nurses.

(A) It is the intent of this section to encourage the utilization of technology for new education models at all public institutions of higher learning in this State as defined in Section 59‑103‑5 with an accredited nursing program leading to an Associate Degree in Nursing, a Bachelor of Science in Nursing, or a Masters in Nursing degree. These new models shall utilize simulation technology and equipment to educate nurses from funds provided by the General Assembly in the Critical Needs Nursing Initiative Fund and allocated by the Commission on Higher Education for this purpose. These funds must be allocated to the institutions with an accredited nursing program by the Commission on Higher Education. The commission upon consultation with members of the Advisory Committee on Academic Programs (ACAP) from institutions with accredited nursing programs and the chairperson, or designee, of the South Carolina Council of Deans and Directors in Nursing Education shall develop guidelines as to how these funds must be allocated.

(B) In regard to the use of simulation technology and equipment in nursing education, the Commission on Higher Education shall determine and distribute funds from the Critical Needs Nursing Initiative Fund to the institutions where such funds will be used and the governing body of the institution shall determine how these funds shall be used consistent with the guidelines of this chapter.

(C) Funding for the use of simulation technology and equipment in nursing education shall be provided by the Commission on Higher Education from the Critical Needs Nursing Initiative Fund based on available funds.

HISTORY: 2008 Act No. 276, Section 2, eff June 5, 2008.

**SECTION 59‑110‑90.** Funds from private and federal sources.

To meet the nursing initiatives provided by this chapter, the Commission on Higher Education and public institutions of higher learning providing nursing education also may use funds provided for use in these areas that are derived from private or federal government sources.

HISTORY: 2008 Act No. 276, Section 2, eff June 5, 2008.

**SECTION 59‑110‑100.** Appropriations.

The provisions contained in this chapter are subject to appropriation by the General Assembly.

HISTORY: 2008 Act No. 276, Section 2, eff June 5, 2008.