

1 **COMMITTEE SUBSTITUTE**

2 **FOR**

3 **H. B. 2738**

4 (By Delegates Perdue, Perry, Fleischauer,
5 Lawrence, Marshall and Moore)
6

7 (Originating in the Committee on Finance)

8 (March 29, 2013)

9
10 A BILL to amend and reenact §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5,
11 §30-7B-6, §30-7B-8 and §30-7B-9 of the Code of West Virginia,
12 1931, as amended, all relating to the Center for Nursing;
13 adding definitions; removing outdated language; updating
14 powers reorganizing the board; establishing minimum
15 scholarship requirements; and requiring the center to report
16 to the Legislative Oversight Commission on Health and Human
17 Resources Accountability instead of the Joint Committee on
18 Government and Finance.

19 *Be it enacted by the Legislature of West Virginia:*

20 That §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6,
21 §30-7B-8 and §30-7B-9 of the Code of West Virginia, 1931, as
22 amended, be amended and reenacted, all to read as follows:

23 **ARTICLE 7B. CENTER FOR NURSING.**

24 **§30-7B-2. Definitions.**

25 As used in this article the following words and phrases mean
26 the following:

1 (1) "Annual turnover rate" means the number of nurses who
2 leave an organization in a year divided by the average number of
3 nurses employed in that year;

4 ~~(a)~~ (2) "Board" means the Board of Directors for the West
5 Virginia Center for Nursing.

6 ~~(b)~~ (3) "Center" means the West Virginia Center for Nursing.

7 ~~(c)~~ (4) "Direct patient care" ~~as used in this article,~~ means
8 health care that provides for the physical, emotional, diagnostic
9 or rehabilitative needs of a patient, or health care that involves
10 examination, treatment or preparation for diagnostic tests or
11 procedures.

12 (5) "Hard to fill vacancy" means recruitment difficulties
13 experienced due to a number of reasons including, but not limited
14 to, lack of applicants, applicants that lack the proper
15 qualifications, competition and undesirable hours.

16 (6) "Vacancy rate" means the number of vacant budgeted nursing
17 positions divided by the total number of budgeted nursing positions
18 at a point in time.

19 **§30-7B-3. West Virginia Center for Nursing.**

20 ~~(a) Effective July 1, 2004, the nursing shortage study~~
21 ~~commission, established pursuant to the provisions of section~~
22 ~~eighteen, article seven, chapter thirty of this code, is hereby~~
23 ~~terminated and the powers and duties of the commission are~~
24 ~~transferred to the West Virginia center for nursing.~~

25 ~~(b) Effective July 1, 2004,~~ (a) The West Virginia Center for
26 Nursing is ~~hereby created~~ continued to address the issues of

1 recruitment and retention of nurses in West Virginia.

2 ~~(c)~~(b) The Higher Education Policy Commission shall provide
3 suitable office space for the center. The commission shall share
4 statistics and other pertinent information with the center and
5 shall work cooperatively to assist the center to achieve its
6 objectives.

7 **§30-7B-4. Center's powers and duties.**

8 The ~~West Virginia center for Nursing shall: have the following~~
9 ~~powers and duties:~~

10 (1) Establish a statewide strategic plan to address the
11 nursing shortage in West Virginia;

12 (2) Establish and maintain a database of statistical
13 information regarding nursing supply, demand and turnover rates in
14 West Virginia and future projections.

15 (A) The center ~~will be responsible for collecting~~ shall
16 collect data from employers ~~and nurses (LPN, RN, APN)~~ on at least
17 a ~~annual~~ bi-annual basis. The center shall collaborate with
18 employers and other state agencies to develop the best method for
19 data collection.

20 (B) The data shall include vacancy rates, annual turnover rate
21 and information about hard to fill vacancies for all levels of
22 nurses.

23 ~~(C) As used in this article the term:~~

24 ~~(I) "Vacancy rate" shall mean the number of vacant budgeted~~
25 ~~nursing positions divided by the total number of budgeted nursing~~
26 ~~positions at a point in time;~~

1 ~~(ii) "Annual turnover rate" shall mean the number of nurses~~
2 ~~who leave an organization in a year divided by the average number~~
3 ~~of nurses employed in that year;~~

4 ~~(iii) "Hard to fill vacancy" shall mean recruitment~~
5 ~~difficulties experienced, due to a number of reasons including, but~~
6 ~~not limited to, lack of applicants, applicants that lack the proper~~
7 ~~qualifications, competition, and undesirable hours.~~

8 ~~(D) (C)~~ Employers of nurses who are surveyed shall ~~be required~~
9 ~~to~~ provide data ~~annually~~ by the deadline established by the center.

10 ~~(E) (D)~~ Data shall be reported by the center in aggregate form
11 by workforce region.

12 ~~(F) (E)~~ Data shall be used by the center to strategically plan
13 for recruitment and retention initiatives by region.

14 ~~(G) (F)~~ Data received under this section that contains
15 information identifying specific patients or health care facilities
16 is confidential, is not subject to disclosure and may not be
17 released unless all identifying information is removed.

18 ~~(3) Coordinate communication between the organizations that~~
19 ~~represent nurses, health care providers, businesses, consumers,~~
20 ~~legislators and educators;~~

21 ~~(4) Enhance and promote recruitment and retention of nurses by~~
22 ~~creating reward, recognition and renewal programs;~~

23 ~~(5) Promote media and positive image building efforts for~~
24 ~~nursing, including establishing a statewide media campaign to~~
25 ~~recruit students of all ages and backgrounds to the various nursing~~
26 ~~programs throughout West Virginia;~~

1 ~~(6) Promote nursing careers through educational and~~
2 ~~scholarship programs, programs directed at nontraditional students~~
3 ~~and other workforce initiatives;~~

4 ~~(7) Explore solutions to improve working environments for~~
5 ~~nurses to foster recruitment and retention;~~

6 ~~(8) Explore and~~ (3) Establish scholarship programs designed to
7 benefit nurses who ~~remain in West Virginia after graduation and~~
8 work in hospitals and other health care institutions. The
9 scholarships shall include:

10 (A) A scholarship of at least \$2,500 to a student who has
11 completed half of a nursing program; who shall be required to work
12 in West Virginia for at least one year;

13 (B) A scholarship of at least \$8,000 not to exceed 2,500 per
14 year, for an LPN or RN nursing program located in West Virginia. A
15 recipient shall be required to teach in West Virginia for at least
16 two years.

17 (C) A scholarship of at least \$10,000 to a doctorate student
18 who shall be required to teach in West Virginia for at least two
19 years.

20 ~~(9) Establish grants and other programs to provide financial~~
21 ~~incentives for employers to encourage and assist with nursing~~
22 ~~education, internships and residency programs;~~

23 ~~(10) Develop incentive and training programs for long term~~
24 ~~care facilities and other health care institutions to use~~
25 ~~self-assessment tools documented to correlate with nurse retention,~~
26 ~~such as the magnet hospital program;~~

1 ~~(11) Explore and evaluate the use of year-round day, evening~~
2 ~~and weekend nursing training and education programs;~~

3 ~~(12)~~ (4) Establish a ~~statewide hotline~~ and website for
4 information about the center, ~~and its mission and nursing careers~~
5 ~~and educational opportunities~~ and scholarships in West Virginia;
6 and

7 ~~(13)~~ (5) Evaluate capacity for expansion of nursing programs,
8 including the availability of faculty, clinical laboratories,
9 computers and software, library holdings and supplies;

10 ~~(14) Oversee development and implementation of education and~~
11 ~~matriculation programs for health care providers covering certified~~
12 ~~nursing assistants, licensed practical nurses, registered~~
13 ~~professional nurses, advanced nurse practitioners and other~~
14 ~~advanced degrees;~~

15 ~~(15) Seek to improve the compensation of all nurses, including~~
16 ~~nursing educators, and~~

17 ~~(16)~~ (6) Perform such other activities as needed ~~to alleviate~~
18 ~~the nursing shortage in West Virginia.~~ to implement the provisions
19 of this article.

20 **§30-7B-5. Board of directors.**

21 (a) The ~~West Virginia Center for Nursing~~ center shall be
22 governed by a board ~~of directors~~ consisting of the following
23 ~~thirteen~~ members:

24 (1) ~~One citizen member;~~

25 ~~(2)~~ Two representatives from the West Virginia Board of
26 Examiners for Registered Professional Nurses, as follows:

1 (A) One representing a bachelor and higher degree program; and
2 (B) One representing an associate degree program;
3 ~~(3)~~ (2) One representative from the West Virginia Board of
4 Examiners for Licensed Practical Nurses;
5 ~~(4)~~ (3) One representative from the West Virginia Nurses
6 Association;
7 ~~(5)~~ (4) One nurse representing a rural health care facility;
8 ~~(6)~~ ~~Two representatives of employers of nurses, as follows:~~
9 ~~(A)~~ (5) One director of nursing; ~~and~~
10 (B) (6) One health care administrator;
11 ~~(7)~~ ~~Two~~ (7) One registered professional staff nurse engaged in
12 direct patient care;
13 ~~(8)~~ (8) One licensed practical nurse engaged in direct patient
14 care; and
15 ~~(9)~~ (9) Two ex officio, non-voting members, as follows:
16 (A) The Secretary of the Department of Health and Human
17 Resources or a designee; and
18 (B) A representative from the Workforce Development Office.
19 ~~(b) Before July 1, 2004, the Governor, by and with the consent~~
20 ~~of the Senate, shall appoint the eleven citizen members as follows:~~
21 ~~(1) The following members for an initial term of two years:~~
22 ~~(A) One representative from the West Virginia board of~~
23 ~~examiners for registered professional nurses representing an~~
24 ~~associate degree program;~~
25 ~~(B) One representative from the West Virginia board of~~
26 ~~examiners for licensed practical nurses;~~

1 ~~(C) One nurse representing a rural health care facility;~~
2 ~~(D) One director of nursing; and~~
3 ~~(E) One registered professional staff nurse engaged in direct~~
4 ~~patient care;~~
5 ~~(2) The following members for an initial term of four years:~~
6 ~~(A) One citizen member;~~
7 ~~(B) One representative from the West Virginia board of~~
8 ~~examiners for registered professional nurses representing a~~
9 ~~bachelor and higher degree program;~~
10 ~~(C) One representative from the West Virginia nurses~~
11 ~~association;~~
12 ~~(D) One health care administrator;~~
13 ~~(E) One registered professional staff nurse engaged in direct~~
14 ~~patient care; and~~
15 ~~(F) One licensed practical nurse engaged in direct patient~~
16 ~~care.~~
17 ~~(d)~~ (b) After the initial terms expire, the terms of all the
18 members shall be four years, with no member serving more than two
19 consecutive terms.
20 ~~(e)~~ (c) The board shall designate a chairperson. Six members
21 shall constitute a quorum.
22 (d) In the case of a vacancy, the Governor has thirty days to
23 appoint a new member to the board or the Board of Examiners for
24 Registered Professional Nurses shall appoint a member to serve on
25 the board.
26 (e) The members of the board in office shall, unless sooner

1 removed, continue to serve until their respective terms expire and
2 until their successors have been appointed and qualified.

3 (f) Each member of the board is entitled to receive
4 compensation and expense reimbursement in accordance with article
5 one of chapter thirty of this code.

6 **§30-7B-6. Board's powers and duties.**

7 The board ~~of directors~~ shall ~~have the following powers~~
8 ~~and duties:~~

9 (1) Employ ~~an executive director and other~~ personnel necessary
10 to carry out the provisions of this article: Provided, That
11 personnel may not exceed twenty-five percent of the center's
12 budget;

13 ~~(2)~~ (1) Determine operational policy;

14 ~~(3)~~ (2) Seek and accept public and private funding;

15 ~~(4)~~ (3) Establish a scholarship program; and

16 (4) Expend money from the ~~Center for Nursing~~ fund to carry out
17 the purposes of this article.

18 ~~(5) Propose rules for legislative approval in accordance with~~
19 ~~the provisions of article three, chapter twenty-nine of this code~~
20 ~~to implement the provisions of this article;~~

21 ~~(6) Impanel an advisory committee of stakeholders to provide~~
22 ~~consultation to the board; and~~

23 ~~(7) Do such other acts as necessary to alleviate the nursing~~
24 ~~shortage in West Virginia.~~

25 **§30-7B-8. Special revenue account.**

26 (a) A special revenue account known as the "Center for Nursing

1 Fund" is ~~hereby established~~ continued in the State Treasury to be
2 administered by the board to carry out the purposes of this
3 article.

4 (b) The account shall be funded by:

5 (1) Assessing all nurses licensed by the Board of Examiners
6 for Registered Professional Nurses, pursuant to section eight-a,
7 article seven of this chapter, and the Board of Examiners for
8 Licensed Practical Nurses, pursuant to section seven-a, article
9 seven-a of this chapter, a supplemental licensure fee not to exceed
10 \$10 per year; and

11 (2) Other public and private funds.

12 (c) ~~Beginning January 1, 2006, and continuing at least two~~
13 ~~years,~~ A minimum of an equivalent of ~~one-third~~ fifty percent of the
14 funding from the annual supplemental licensure fees shall be used
15 for ~~loan and~~ scholarship programs.

16 **§30-7B-9. Reports.**

17 The center shall report annually to the ~~Joint Committee on~~
18 ~~Government and Finance~~ Legislative Oversight Commission on Health
19 and Human Resources Accountability on its progress in developing a
20 statewide strategic plan to address the nursing shortage in West
21 Virginia, along with drafts of proposed legislation needed to
22 implement the center's plan.