

**H. B. 2738**

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

[Introduced February 26, 2013; referred to the  
Committee on Health and Human Resources then Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5,  
§30-7B-6, §30-7B-8 and §30-7B-9 of the Code of West Virginia,  
1931, as amended, all relating to the Center for Nursing;  
adding definitions; removing outdated language; requiring the  
Center on Nursing for Nursing to use two thirds of its funds  
on loan and scholarship programs; and requiring the center to  
report to the Legislative Oversight Commission on Health and  
Human Resources Accountability instead of the Joint Committee  
on Government and Finance.

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

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

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

**§30-7B-2. Definitions.**

1 As used in this article the following words and phrases mean  
2 the following:

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

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

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

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

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

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

21 **§30-7B-3. West Virginia Center for Nursing.**

22 ~~(a) Effective July 1, 2004, the nursing shortage study~~  
23 ~~commission, established pursuant to the provisions of section~~  
24 ~~eighteen, article seven, chapter thirty of this code, is hereby~~

1 ~~terminated and the powers and duties of the commission are~~  
2 ~~transferred to the West Virginia center for nursing.~~

3 ~~(b) Effective July 1, 2004,~~ (a) The West Virginia Center for  
4 Nursing is ~~hereby created~~ continued to address the issues of  
5 recruitment and retention of nurses in West Virginia.

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

11 **§30-7B-4. Center's powers and duties.**

12 The West Virginia Center for Nursing shall have the following  
13 powers and duties:

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

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

19 (A) The Center will be responsible for collecting data from  
20 employers and nurses (LPN, RN, APN) on at least an annual basis.  
21 The Center shall collaborate with employers and other state  
22 agencies to develop the best method for data collection.

23 (B) The data shall include vacancy rates, annual turnover rate  
24 and information about hard to fill vacancies for all levels of

1 nurses.

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

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

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

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

13 ~~(D)~~ (C) Employers of nurses who are surveyed shall be required  
14 to provide data annually by the deadline established by the Center.

15 ~~(E)~~ (D) Data shall be reported by the Center in aggregate form  
16 by workforce region.

17 ~~(F)~~ (E) Data shall be used by the Center to strategically plan  
18 for recruitment and retention initiatives by region.

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

23 (3) Coordinate communication between the organizations that  
24 represent nurses, health care providers, businesses, consumers,

1 legislators and educators;

2       (4) Enhance and promote recruitment and retention of nurses by  
3 creating reward, recognition and renewal programs;

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

8       (6) Promote nursing careers through educational and  
9 scholarship programs, programs directed at nontraditional students  
10 and other workforce initiatives;

11       (7) Explore solutions to improve working environments for  
12 nurses to foster recruitment and retention;

13       (8) Explore and establish scholarship programs designed to  
14 benefit nurses who remain in West Virginia after graduation and  
15 work in hospitals and other health care institutions;

16       (9) Establish grants and other programs to provide financial  
17 incentives for employers to encourage and assist with nursing  
18 education, internships and residency programs;

19       (10) Develop incentive and training programs for long-term  
20 care facilities and other health care institutions to use  
21 self-assessment tools documented to correlate with nurse retention,  
22 such as the magnet hospital program;

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

1           (12) Establish a statewide hotline and website for information  
2 about the Center and its mission and nursing careers and  
3 educational opportunities in West Virginia;

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

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

12           (15) Seek to improve the compensation of all nurses, including  
13 nursing educators; and

14           (16) Perform such other activities as needed to alleviate the  
15 nursing shortage in West Virginia.

16 **§30-7B-5. Board of directors.**

17           (a) The West Virginia Center for Nursing shall be governed by  
18 a board of directors consisting of the following thirteen members:

19           (1) One citizen member;

20           (2) Two representatives from the West Virginia board of  
21 examiners for registered professional nurses, as follows:

22           (A) One representing a bachelor and higher degree program; and

23           (B) One representing an associate degree program;

24           (3) One representative from the West Virginia Board of

1 Examiners for Licensed Practical Nurses;

2 (4) One representative from the West Virginia Nurses  
3 Association;

4 (5) One nurse representing a rural health care facility;

5 (6) Two representatives of employers of nurses, as follows:

6 (A) One director of nursing; and

7 (B) One health care administrator;

8 (7) Two registered professional staff nurses engaged in direct  
9 patient care;

10 (8) One licensed practical nurse engaged in direct patient  
11 care; and

12 (9) Two ex officio members, as follows:

13 (A) The Secretary of the Department of Health and Human  
14 Resources or a designee; and

15 (B) A representative from the Workforce Development Office.

16 ~~(b) Before July 1, 2004, the Governor, by and with the consent~~  
17 ~~of the Senate, shall appoint the eleven citizen members as follows:~~

18 ~~(1) The following members for an initial term of two years:~~

19 ~~(A) One representative from the West Virginia board of~~  
20 ~~examiners for registered professional nurses representing an~~  
21 ~~associate degree program;~~

22 ~~(B) One representative from the West Virginia board of~~  
23 ~~examiners for licensed practical nurses;~~

24 ~~(C) One nurse representing a rural health care facility;~~

1 ~~(D) One director of nursing, and~~

2 ~~(E) One registered professional staff nurse engaged in direct~~  
3 ~~patient care;~~

4 ~~(2) The following members for an initial term of four years:~~

5 ~~(A) One citizen member;~~

6 ~~(B) One representative from the West Virginia board of~~  
7 ~~examiners for registered professional nurses representing a~~  
8 ~~bachelor and higher degree program;~~

9 ~~(C) One representative from the West Virginia nurses~~  
10 ~~association;~~

11 ~~(D) One health care administrator;~~

12 ~~(E) One registered professional staff nurse engaged in direct~~  
13 ~~patient care; and~~

14 ~~(F) One licensed practical nurse engaged in direct patient~~  
15 ~~care.~~

16 ~~(d)~~ (b) After the initial terms expire, the terms of all the  
17 members shall be four years, with no member serving more than two  
18 consecutive terms.

19 ~~(e)~~ (c) The board shall designate a chairperson. Six members  
20 shall constitute a quorum.

21 **§30-7B-6. Board's powers and duties.**

22 The board of directors shall ~~have the following powers and~~  
23 ~~duties:~~

24 (1) Employ an executive director and other personnel necessary



1 to carry out the provisions of this article;

2 (2) Determine operational policy;

3 (3) Seek and accept public and private funding;

4 (4) Expend money from the Center for Nursing Fund to carry out  
5 the purposes of this article;

6 (5) Propose rules for legislative approval in accordance with  
7 the provisions of article three, chapter twenty-nine of this code  
8 to implement the provisions of this article;

9 (6) Impanel an advisory committee of stakeholders to provide  
10 consultation to the board; and

11 (7) Do such other acts as necessary to alleviate the nursing  
12 shortage in West Virginia.

13 **§30-7B-8. Special revenue account.**

14 (a) A special revenue account known as the "Center for Nursing  
15 Fund" is ~~hereby established~~ continued in the State Treasury to be  
16 administered by the board to carry out the purposes of this  
17 article.

18 (b) The account shall be funded by:

19 (1) Assessing all nurses licensed by the Board of Examiners  
20 for Registered Professional Nurses, pursuant to section eight-a,  
21 article seven of this chapter, and the Board of Examiners for  
22 Licensed Practical Nurses, pursuant to section seven-a, article  
23 seven-a of this chapter, a supplemental licensure fee not to exceed  
24 \$10 per year; and

1 (2) Other public and private funds.

2 (c) ~~Beginning January 1, 2006, and continuing at least two~~  
3 ~~years,~~ A minimum of an equivalent of ~~one third~~ two thirds of the  
4 funding from the annual supplemental licensure fees shall be used  
5 for loan and scholarship programs.

6 **§30-7B-9. Reports.**

7 The center shall report annually to the ~~Joint Committee on~~  
8 ~~Government and Finance~~ Legislative Oversight Commission on Health  
9 and Human Resources Accountability on its progress in developing a  
10 statewide strategic plan to address the nursing shortage in West  
11 Virginia, along with drafts of proposed legislation needed to  
12 implement the center's plan.

NOTE: The purpose of this bill is to require the Center on Nursing for Nursing to use two thirds of its funds on loan and scholarship programs and requires the center to report to the LOCHHRA instead of the Joint Committee on Government and Finance.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.