

COMMITTEE SUBSTITUTE

FOR

H. B. 2738

(BY DELEGATES PERDUE, PERRY, FLEISCHAUER,
LAWRENCE, MARSHALL AND MOORE)

(Originating in the Committee on Finance)
(March 29, 2013)

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of the Code of West Virginia, 1931, as amended, all relating to the Center for Nursing; adding definitions; removing outdated language; updating powers reorganizing the board; establishing minimum scholarship requirements; and requiring the center to report to the Legislative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
9 Nursing.

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

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

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

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

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

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

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

§30-7B-4. Center's powers and duties.

1 The ~~West Virginia center for Nursing~~ shall: ~~have the~~
2 ~~following powers and duties:~~

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

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

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

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

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

17 ~~(1) "Vacancy rate" shall mean the number of vacant~~
18 ~~budgeted nursing positions divided by the total number of~~
19 ~~budgeted nursing positions at a point in time;~~

20 ~~(ii) “Annual turnover rate” shall mean the number of nurses~~
21 ~~who leave an organization in a year divided by the average~~
22 ~~number of nurses employed in that year;~~

23 ~~(iii) “Hard to fill vacancy” shall mean recruitment~~
24 ~~difficulties experienced, due to a number of reasons including,~~
25 ~~but not limited to, lack of applicants, applicants that lack the~~
26 ~~proper qualifications, competition, and undesirable hours.~~

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

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

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

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

38 ~~(3) Coordinate communication between the organizations~~
39 ~~that represent nurses, health care providers, businesses,~~
40 ~~consumers, legislators and educators;~~

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

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

47 ~~(6) Promote nursing careers through educational and~~
48 ~~scholarship programs, programs directed at nontraditional~~
49 ~~students and other workforce initiatives;~~

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

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

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

59 (B) A scholarship of at least \$8,000 not to exceed 2,500 per
60 year, for an LPN or RN nursing program located in West

61 Virginia. A recipient shall be required to teach in West Virginia
62 for at least two years.

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

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

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

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

75 ~~(12) (4) Establish a statewide hotline and website for~~
76 ~~information about the center, and its mission and nursing careers~~
77 ~~and educational opportunities and scholarships in West Virginia;~~
78 and

79 ~~(13) (5) Evaluate capacity for expansion of nursing~~
80 ~~programs, including the availability of faculty, clinical~~

81 laboratories, computers and software, library holdings and
82 supplies;

83 ~~(14) Oversee development and implementation of education~~
84 ~~and matriculation programs for health care providers covering~~
85 ~~certified nursing assistants, licensed practical nurses, registered~~
86 ~~professional nurses, advanced nurse practitioners and other~~
87 ~~advanced degrees;~~

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

90 ~~(16) (6) Perform such other activities as needed to alleviate~~
91 ~~the nursing shortage in West Virginia. to implement the~~
92 ~~provisions of this article.~~

§30-7B-5. Board of directors.

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

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

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

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

8 and

9 (B) One representing an associate degree program;

10 ~~(3)~~ (2) One representative from the West Virginia Board of
11 Examiners for Licensed Practical Nurses;

12 ~~(4)~~ (3) One representative from the West Virginia Nurses
13 Association;

14 ~~(5)~~ (4) One nurse representing a rural health care facility;

15 ~~(6)~~ Two representatives of employers of nurses, as follows: (A)

16 (5) One director of nursing; and

17 (B) (6) One health care administrator;

18 ~~(7)~~ (7) One registered professional staff nurse engaged
19 in direct patient care;

20 ~~(8)~~ (8) One licensed practical nurse engaged in direct patient
21 care; and

22 ~~(9)~~ (9) Two ex officio, non-voting members, as follows:

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

25 (B) A representative from the Workforce Development
26 Office.

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

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

31 ~~(A) One representative from the West Virginia board of~~
32 ~~examiners for registered professional nurses representing an~~
33 ~~associate degree program;~~

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

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

37 ~~(D) One director of nursing; and~~

38 ~~(E) One registered professional staff nurse engaged in direct~~
39 ~~patient care;~~

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

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

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

45 ~~(C) One representative from the West Virginia nurses~~
46 ~~association;~~

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

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

50 ~~(F) One licensed practical nurse engaged in direct patient~~
51 ~~care.~~

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

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

57 (d) In the case of a vacancy, the Governor has thirty days to
58 appoint a new member to the board or the Board of Examiners
59 for Registered Professional Nurses shall appoint a member to
60 serve on the board.

61 (e) The members of the board in office shall, unless sooner
62 removed, continue to serve until their respective terms expire
63 and until their successors have been appointed and qualified.

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

§30-7B-6. Board's powers and duties.

1 The board of directors shall have the following powers and
2 duties:

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

7 ~~(2)~~ (1) Determine operational policy;

8 ~~(3)~~ (2) Seek and accept public and private funding;

9 ~~(4)~~ (3) Establish a scholarship program; and

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

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

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

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

§30-7B-8. Special revenue account.

1 (a) A special revenue account known as the “Center for
2 Nursing Fund” is ~~hereby established~~ continued in the State
3 Treasury to be administered by the board to carry out the
4 purposes of this article.

5 (b) The account shall be funded by:

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

12 (2) Other public and private funds.

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

§30-7B-9. Reports.

1 The center shall report annually to the ~~Joint Committee on~~
2 ~~Government and Finance~~ Legislative Oversight Commission on
3 Health and Human Resources Accountability on its progress in
4 developing a statewide strategic plan to address the nursing
5 shortage in West Virginia, along with drafts of proposed
6 legislation needed to implement the center's plan.

