

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 4188**

5 (By Delegates Perdue, Fleischauer, Diserio,
6 Eldridge, Kinsey, Lawrence, Marshall,
7 Moore and Poore)

8 [Passed March 5, 2014; in effect from its passage.]

9
10 AN ACT to repeal §30-7B-8 and §30-7B-9 of the Code of West
11 Virginia, 1931, as amended; to amend said code by adding
12 thereto a new section, designated §18C-3-4; and to amend and
13 reenact §30-7B-1, §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5,
14 §30-7B-6 and §30-7B-7 of said code, all relating to
15 recruitment and retention of nurses in the state; codifying
16 Nursing Scholarship Program; modifying program administration;
17 specifying program criteria, eligibility and awards;
18 specifying recipient service or repayment requirement;
19 continuing the Center for Nursing Fund special revenue
20 account; modifying account administration, revenues and
21 expenditures; continuing the West Virginia Center for Nursing;
22 modifying center powers, duties and purpose; reorganizing the
23 center's board of directors; modifying board membership,
24 powers and duties; authorizing board member expense
25 reimbursement; requiring cooperation among Higher Education

1 Policy Commission, Center for Nursing and Board of Directors;
2 defining terms; requiring legislative rule; authorizing
3 emergency rule; requiring reports to the Legislative Oversight
4 Commission on Health and Human Resources Accountability and
5 the Legislative Oversight Commission on Education
6 Accountability; deleting obsolete provisions; and making
7 technical changes.

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

9 That §30-7B-8 and §30-7B-9 of the Code of West Virginia, 1931,
10 as amended, be repealed; that said code be amended by adding
11 thereto a new section, designated §18C-3-4; and that §30-7B-1,
12 §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6 and §30-7B-7 of
13 said code be amended and reenacted, all to read as follows:

14 **CHAPTER 18C. STUDENT LOANS; SCHOLARSHIPS AND STATE AID.**

15 **ARTICLE 3. HEALTH PROFESSIONALS STUDENT LOAN AND SCHOLARSHIP**
16 **PROGRAMS.**

17 **§18C-3-4. Nursing Scholarship Program; Center for Nursing Fund;**
18 **administration; scholarship awards; service requirements.**

19 (a) There is continued in the State Treasury a special revenue
20 account known as the "Center for Nursing Fund" to be administered
21 by the commission to implement the provisions of this section and
22 article seven-b, chapter thirty of this code. Any moneys in the
23 account on the effective date of this section are transferred to

1 the commission's administrative authority. Balances remaining in
2 the fund at the end of the fiscal year do not expire or revert to
3 the general revenue. All costs associated with the administration
4 of this section and article seven-b, chapter thirty of this code
5 shall be paid from the Center for Nursing Fund under the direction
6 of the Vice Chancellor for Administration. Administrative costs
7 are to be minimized and the maximum amount feasible is to be used
8 to fund awards for students in nursing programs.

9 (b) The account is funded from the following sources:

10 (1) A supplemental licensure fee, not to exceed \$10 per year,
11 to be paid by all nurses licensed by the Board of Examiners for
12 Registered Professional Nurses, pursuant to section eight-a,
13 article seven, chapter thirty of this code, and the Board of
14 Examiners for Licensed Practical Nurses, pursuant to section
15 seven-a, article seven-a, chapter thirty of this code;

16 (2) Repayments, including interest as set by the Vice
17 Chancellor for Administration, collected from recipients who fail
18 to practice or teach in West Virginia under the terms of the
19 scholarship agreement; and

20 (3) Any other funds from any source as may be added to the
21 account.

22 (c) In consultation with the board of directors of the West
23 Virginia Center for Nursing, established pursuant to article
24 seven-b, chapter thirty of this code, the commission shall

1 administer a scholarship, designated the "Nursing Scholarship
2 Program", designed to benefit nurses who practice in hospitals and
3 other health care institutions or teach in state nursing programs.

4 (1) Awards are available for students enrolled in accredited
5 nursing programs in West Virginia. A recipient shall execute an
6 agreement to fulfill a service requirement or repay the amount of
7 any award received.

8 (2) Awards are made as follows, subject to the rule required
9 by this section:

10 (A) An award for any student may not exceed the full cost of
11 education for program completion;

12 (B) An award of up to \$3,000 is available for a student in a
13 licensed practical nurse education program. A recipient is
14 required to practice nursing in West Virginia for one year
15 following program completion;

16 (C) An award of up to \$7,500 is available for a student who
17 has completed one-half of a registered nurse education program. A
18 recipient is required to teach or practice nursing in West Virginia
19 for two years following program completion.

20 (D) An award of up to \$15,000 is available to a student in a
21 nursing education master's degree program or a doctoral nursing
22 program. A recipient is required to teach in West Virginia for two
23 years following program completion.

24 (E) An award of up to \$1,000 per year is available for a

1 student obtaining a licensed practical nurse teaching certificate.
2 A recipient is required to teach in West Virginia for one year per
3 award received.

4 (d) An award recipient shall satisfy one of the following
5 conditions:

6 (1) Fulfill the service requirement pursuant to this section
7 and the legislative rule; or

8 (2) Repay the commission for the amount awarded, together with
9 accrued interest as stipulated in the service agreement.

10 (e) The commission shall promulgate a rule for legislative
11 approval pursuant to article three-a, chapter twenty-nine-a of this
12 code to implement and administer this section. The Legislature
13 finds that an emergency exists, and, therefore, the commission
14 shall propose an emergency rule pursuant to article three-a,
15 chapter twenty-nine-a of this code by August 1, 2014. The rules
16 shall provide for the following:

17 (1) Eligibility and selection criteria for program
18 participation;

19 (2) Terms of a service agreement which a recipient shall
20 execute as a condition of receiving an award;

21 (3) Repayment provisions for a recipient who fails to fulfill
22 the service requirement;

23 (4) Forgiveness options for death or disability of a
24 recipient;

1 (5) An appeal process for students denied participation or
2 ordered to repay awards; and

3 (6) Additional provisions as necessary to implement this
4 section.

5 (f) The commission shall report by December 1, 2014, and
6 annually thereafter, to the Legislative Oversight Commission on
7 Health and Human Resources Accountability and the Legislative
8 Oversight Commission on Education Accountability on the number of
9 award recipients and all other matters relevant to the provisions
10 of this section.

11 **CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**

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

13 **§30-7B-1. Definitions.**

14 As used in this article, the following words and phrases have
15 the meanings ascribed to them:

16 (a) "Board" means the Board of Directors for the West Virginia
17 Center for Nursing;

18 (b) "Center" means the West Virginia Center for Nursing;

19 (c) "Commission" means the West Virginia Higher Education
20 Policy Commission; and

21 (d) "Center for Nursing Fund" means the special revenue
22 account established in section four, article three, chapter
23 eighteen-c of this code.

24 **§30-7B-2. West Virginia Center for Nursing.**

1 (a) The West Virginia Center for Nursing is continued for the
2 purpose of addressing the issues of recruitment and retention of
3 nurses in West Virginia.

4 (b) The commission shall satisfy the following requirements:

5 (1) Provide suitable office space for the center;

6 (2) Provide staff support for the center as necessary;

7 (3) Share statistics and other pertinent information with the
8 center;

9 (4) Work cooperatively with the center to assist it in
10 achieving its objectives; and

11 (5) Utilize moneys from the Center for Nursing Fund to perform
12 its duties required by this article.

13 **§30-7B-3. Center's powers and duties.**

14 The center shall satisfy the following requirements:

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

17 (b) Collect, evaluate and disseminate data regarding nurse
18 availability and shortage areas;

19 (c) Establish and maintain a website to disseminate
20 information about the center and its mission, and educational
21 opportunities and financial aid available in West Virginia;

22 (d) Evaluate capacity for expansion of nursing programs,
23 including the availability of faculty, clinical laboratories,
24 computers and software, library holdings and supplies;

1 (e) Consult with and advise the commission regarding the
2 commission's administration of the nursing scholarship program
3 designed to benefit nurses who practice in hospitals and other
4 health care institutions or teach in state nursing programs as
5 provided in section four, article three, chapter eighteen-c of this
6 code; and

7 (f) Perform other activities necessary or expedient to
8 accomplish the purposes and implement the provisions of this
9 article.

10 **§30-7B-4. Board of directors.**

11 (a) The center is governed by a board of directors consisting
12 of the following members appointed by the Governor:

13 (1) Two representatives from the West Virginia Board of
14 Examiners for Registered Professional Nurses, as follows:

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

16 (B) One representing an associate degree program;

17 (2) One representative from the West Virginia Board of
18 Examiners for Licensed Practical Nurses;

19 (3) One representative from the West Virginia Nurses
20 Association;

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

22 (5) One director of nursing;

23 (6) One health care administrator;

24 (7) One registered professional staff nurse engaged in direct

1 patient care;

2 (8) One licensed practical nurse engaged in direct patient
3 care;

4 (9) Two citizen members as required by section four-a, article
5 one, chapter thirty of this code;

6 (10) Two ex officio, nonvoting members, as follows:

7 (A) The Secretary of the Department of Health and Human
8 Resources or his or her designee; and

9 (B) A representative from WorkForce West Virginia.

10 (b) Members are appointed for four-year terms. A member may
11 not serve more than two consecutive terms.

12 (c) The board shall elect annually from its voting members a
13 president and a secretary as required by section three, article
14 one, chapter thirty of this code. A majority of the appointed
15 members constitutes a quorum.

16 (d) The Governor shall fill any vacancy within thirty days of
17 occurrence.

18 (e) The members of the board who are in office on the
19 effective date of this section, unless sooner removed, shall
20 continue to serve until their successors have been appointed and
21 qualified.

22 **§30-7B-5. Powers and duties of the board of directors.**

23 (a) The board has the following powers and duties:

24 (1) Determine policy for the operation of the center to

1 accomplish the purposes of this article; and

2 (2) Advise the commission on matters pertaining to the
3 administration of the Nursing Scholarship Program pursuant to
4 section four, article three, chapter eighteen-c of this code.

5 (b) The commission shall provide to the board administrative
6 and professional staff support as needed from the Center for
7 Nursing Fund.

8 **§30-7B-6. Expense reimbursement.**

9 (a) Members of the board serve without compensation, but may
10 be reimbursed for actual and necessary expenses incurred for each
11 day, or portion thereof, in which they are engaged in the discharge
12 of official duties. Reimbursements are made in a manner consistent
13 with guidelines of the travel management office of the commission.

14 (b) The commission shall provide reimbursement for members'
15 expenses from the Center for Nursing Fund.

16 **§30-7B-7. Reports.**

17 The center shall report by December 1, 2014, and biennially
18 thereafter, to the Legislative Oversight Commission on Health and
19 Human Resources Accountability and the Legislative Oversight
20 Commission on Education Accountability on its progress in
21 developing a statewide strategic plan to address the nursing
22 shortage in West Virginia and on any other issues the board
23 considers relevant to the practice of nursing in this state.
24 Additionally, the board shall provide drafts of any legislation

1 needed to implement recommendations of the center's strategic plan.