

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

H. B. 4188

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

[Introduced January 15, 2014; referred to the
Committee on Health and Human Resources then Education.]

A Bill to repeal §30-7B-8 and §30-7B-9 of the Code of West
Virginia, 1931, as amended; to amend said code by adding
thereto a new section, designated §18C-3-4; and to amend and
reenact §30-7B-1, §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5,
§30-7B-6 and §30-7B-7 of said code, all relating to the center
for nursing; permitting the administration of financial aid
and higher education scholarship programs by the Higher
Education Policy Commission; continuing the Center for Nursing
and placing it under supervision of the Higher Education
Policy Commission; moving the Center for Nursing special
revenue account to the Higher Education Policy Commission;
updating provisions regarding funding of the special revenue
account; updating the powers and duties of the Center for
Nursing; reorganizing the center's board of directors,
updating membership and powers and duties of the board;
authorizing reimbursement for board members' actual and

1 necessary expenses; requiring annual reports to the
 2 Legislative Oversight Commission on Health and Human Resources
 3 Accountability and the Legislative Oversight Commission on
 4 Education Accountability; providing for financial aid programs
 5 to benefit nurses who teach or practice in West Virginia;
 6 setting out minimum financial aid amounts for nurses;
 7 establishing conditions for receipt of financial aid for
 8 nursing students; providing for reimbursement by nursing
 9 students who fail to meet service requirements for receipt of
 10 financial aid; defining terms; deleting obsolete language and
 11 making technical changes.

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

13 That §30-7B-8 and §30-7B-9 of the Code of West Virginia, 1931,
 14 as amended, be repealed; that said code be amended by adding
 15 thereto a new section, designated §18C-3-4; and that §30-7B-1,
 16 §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6 and §30-7B-7 of
 17 said code be amended and reenacted, all to read as follows:

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

19 **ARTICLE 3. HEALTH PROFESSIONALS STUDENT LOAN AND SCHOLARSHIP**
 20 **PROGRAMS.**

21 **§18C-3-4. Nursing financial aid program; funding; administration;**
 22 **student awards; service requirements.**

23 (a) There is continued in the State Treasury a special revenue

1 account known as the "Center for Nursing Fund" to be administered
2 by the commission for the purposes of this section. Balances
3 remaining in the fund at the end of the fiscal year do not expire
4 or revert to the general revenue. All costs associated with the
5 administration of this section shall be paid from the Center for
6 Nursing Fund under the direction of the Vice Chancellor for
7 Administration. Administrative costs are to be minimized and the
8 maximum amount feasible is to be used to fund awards for students
9 in nursing programs.

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

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

17 (2) Repayments, including interest as set by the vice
18 chancellor for administration, collected from program award
19 recipients who fail to practice or teach in West Virginia under the
20 terms of the program award agreement as set forth under this
21 section; and

22 (3) Other public and private funds.

23 (c) In consultation with the board of directors of the West
24 Virginia Center for Nursing, established pursuant to article

1 seven-b, chapter thirty of this code, the commission shall
2 administer a financial aid program designed to benefit nurses who
3 practice in hospitals and other health care institutions or teach
4 in state nursing programs. Awards shall be made as follows, subject
5 to the terms of the rule provided in this section:

6 (A) An award of at least \$3,000 for a student in an approved
7 LPN nursing program located in the state. The student shall be
8 required to practice in West Virginia for at least one year;

9 (B) An award of at least \$7,500 for a student who has
10 completed half of an approved RN nursing program located in West
11 Virginia. A recipient shall be required to teach or practice in
12 West Virginia for at least two years.

13 (C) An award of at least \$15,000 to a student in a nursing
14 education master's degree program or doctoral student in an
15 approved nursing program located in West Virginia who shall be
16 required to teach in the state for at least two years.

17 (D) An award of at least \$1,000 per year for a student
18 obtaining a licensed practical nurse teaching certificate who shall
19 be required to teach in the state for at least one year per amount
20 awarded.

21 (d) A student who has received financial aid under the
22 provisions of this section shall meet one of the following
23 conditions:

24 (1) Fulfill the service requirements provided in this section

1 and in any rules pertaining to this program which are duly
2 promulgated by the commission; or

3 (2) Reimburse the commission for the amount received under
4 this section together with accrued interest as provided by the
5 student agreement.

6 (e) The commission shall propose legislative rules in
7 accordance with the provisions of article three-a, chapter
8 twenty-nine-a of this code to implement the provisions of this
9 section. The rules shall address at least the following issues:

10 (1) Eligibility and selection criteria for participation in
11 the financial aid program;

12 (2) Terms of a student agreement which the student must
13 execute as a condition of receiving financial aid;

14 (3) Reimbursement and repayment by students who receive
15 financial aid but fail to fulfill the post-graduation practice
16 requirements;

17 (4) Forgiveness options for death or disability of a student
18 who received financial aid under this section; and

19 (5) An appeal process for students who were denied
20 participation or who have been ordered to pay reimbursement and
21 interest for failure to meet the conditions of receiving financial
22 aid.

23 (f) The commission shall report by December 1, annually to
24 the Legislative Oversight Commission on Health and Human Resources

1 Accountability and the Legislative Oversight Commission on
2 Education Accountability on the number of students who have
3 received awards and on all other matters relevant to the provisions
4 of this section.

5 **CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**

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

7 **§30-7B-1. Definitions.**

8 As used in this article, the words mean the following:

9 (b) "Board" means the Board of Directors for the West Virginia
10 Center for Nursing.

11 (c) "Center" means the West Virginia Center for Nursing.

12 **§30-7B-2. West Virginia Center for Nursing.**

13 (a) The West Virginia Center for Nursing is continued to
14 address the issues of recruitment and retention of nurses in West
15 Virginia.

16 (b) The Higher Education Policy Commission shall provide
17 suitable office space for the center and shall provide staff
18 support as necessary. The commission also shall share statistics
19 and other pertinent information with the center and shall work
20 cooperatively to assist it to achieve its objectives.

21 **§30-7B-3. Center's powers and duties.**

22 The center shall:

23 (a) Establish a statewide strategic plan to address the

1 nursing shortage in West Virginia;

2 (b) Establish and maintain a website to disseminate
3 information about the center, its mission, educational
4 opportunities and financial aid available in West Virginia;

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

8 (d) Administer a financial aid program designed to benefit
9 nurses who practice in hospitals and other health care institutions
10 or teach in state nursing programs as provided in section four,
11 article three, chapter eighteen-c; and

12 (e) Perform other activities necessary or expedient to
13 accomplish the purposes and implement the provisions of this
14 article.

15 **§30-7B-4. Board of directors.**

16 (a) The center is governed by a board consisting of the
17 following members:

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

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

21 (B) One representing an associate degree program;

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

24 (3) One representative from the West Virginia Nurses

1 Association;

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

3 (5) One director of nursing;

4 (6) One health care administrator;

5 (7) One registered professional staff nurse engaged in direct
6 patient care;

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

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

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

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

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

15 (b) After the initial terms expire, terms are four years and
16 no member may serve more than two consecutive terms.

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

21 (d) In the case of a vacancy, the Governor has thirty days to
22 fill the vacancy.

23 (e) The members of the board who are in office on the
24 effective date of this section, unless sooner removed, shall

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

3 (f) Each member of the board is entitled to receive
4 reimbursement for expenses in accordance with article one, chapter
5 thirty of this code and section six of this article.

6 **§30-7B-5. Powers and duties of the board of directors.**

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

8 (1) Determine policy for the operation of the center to
9 accomplish the purposes of this article; and

10 (2) Advise the Higher Education Policy Commission on matters
11 pertaining to the administration of the nursing financial aid
12 program established pursuant to section four, article three,
13 chapter eighteen-c of this code.

14 (b) The board shall rely upon the staff of the Higher
15 Education Policy Commission to provide administrative and
16 professional support as needed.

17 **§30-7B-6. Reimbursement for expenses.**

18 (a) Members of the board shall serve without compensation, but
19 may be reimbursed for actual and necessary expenses incurred for
20 each day or portion thereof in which they are engaged in the
21 discharge of official duties. Reimbursements are made in a manner
22 consistent with guidelines of the travel management office of the
23 Department of Administration.

24 (b) The Higher Education Policy Commission shall provide for

1 members' reimbursement from the funds accrued in the Center for
2 Nursing Fund revenue account.

3 **§30-7B-7. Reports.**

4 The center shall report by December 1, 2014 and every other
5 year to the Legislative Oversight Commission on Health and Human
6 Resources Accountability and the Legislative Oversight Commission
7 on Education Accountability on its progress in developing a
8 statewide strategic plan to address the nursing shortage in West
9 Virginia and on any other issues the board considers relevant to
10 the practice of nursing in this state. Additionally, the board
11 shall provide drafts of legislation needed to implement
12 recommendations of the center's strategic plan.

NOTE: The purpose of this bill is to update the authority and responsibility of the Center on Nursing.

§18C-3-4 is new; therefore, it has been completely underscored.

Article 7B, Chapter 30 has been completely rewritten; therefore, it has been completely underscored.