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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001

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**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 2504**

(By Delegates Hatfield, Angotti, Doyle,  
L. Smith, Susman, Perdue and Compton)

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Passed April 14, 2001

In Effect Ninety Days from Passage

FILED

2001 MAY -1 P 2: 19

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FOR

**H. B. 2504**

(BY DELEGATES HATFIELD, ANGOTTI, DOYLE,  
L. SMITH, SUSMAN, PERDUE AND COMPTON)

[Passed April 14, 2001; in effect ninety days from passage.]

AN ACT to amend article seven, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eighteen, relating to creating a nursing shortage study commission.

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

That article seven, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eighteen, to read as follows:

**ARTICLE 7. REGISTERED PROFESSIONAL NURSES.**

**§30-7-18. Nursing shortage study commission; legislative findings; members, appointment and expenses; duties.**

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1 (a) The Legislature finds the following:

2 (1) Health care services are becoming complex and it is  
3 increasingly difficult for patients to access integrated services;

4 (2) Quality of patient care is jeopardized because of  
5 insufficient nursing staff;

6 (3) To ensure the adequate protection of patients in acute  
7 care settings, it is essential that qualified registered nurses and  
8 other licensed nurses be accessible and available to meet the  
9 needs of patients;

10 (4) In West Virginia, and across the country, concerns  
11 about an increasing nursing shortage continue to grow;

12 (5) A number of factors contribute to the growing shortages  
13 in qualified nursing personnel;

14 (6) The way care is delivered has changed dramatically  
15 over the last decade with more people being treated in outpa-  
16 tient settings, shorter and more intense lengths of stay in acute  
17 and long-term care settings, and the development of alternatives  
18 to nursing home care;

19 (7) These changes have led to a number of employment  
20 options becoming available to nurses that did not exist previ-  
21 ously, making it difficult for employers of nurses to recruit and  
22 retain qualified nursing personnel;

23 (8) Severe cutbacks in the federal Medicare program, state  
24 budgetary pressures related to the Medicaid program and  
25 continued pressure from insurers to reduce their costs and to  
26 retrospectively deny payment for services rendered, have: (A)  
27 Made it extremely difficult for many providers to keep up with  
28 other employers in salaries and benefits and to recruit and retain

29 qualified nursing personnel; and (B) increased stresses in the  
30 work environment;

31 (9) The increasing reliance on temporary employment  
32 agencies to meet nursing personnel needs further complicates  
33 the situation as continuity of care is disrupted, quality of patient  
34 care is jeopardized, and costs pressures are further increased;  
35 and

36 (10) Because of the multifaceted nature of these problems,  
37 it is critical that all of the interested and affected parties  
38 cooperate and collaborate in the development of solutions.

39 (b) A nursing shortage study commission shall be created  
40 by the West Virginia board of examiners for registered profes-  
41 sional nurses. The board shall appoint eleven members to the  
42 commission. The board shall appoint:

43 (1) Two individuals who are on the board of examiners for  
44 registered professional nurses, one of which is employed in a  
45 school of nursing;

46 (2) Two individuals that are employed as registered  
47 professional nurses in a hospital and who work primarily  
48 providing direct patient care;

49 (3) Two registered professional nurses who work as  
50 long-term care nurses, one of whom works in a nursing home  
51 and one of whom works for a home health agency, both of  
52 whom work primarily providing direct patient care;

53 (4) One administrator of a hospital in this state;

54 (5) One doctoral prepared nurse researcher;

55 (6) One nursing home administrator; and

57 (7) Two representatives of the public not currently or  
58 previously employed in hospital, nursing home or for a related  
59 entity.

60 (c) Members of the commission are not entitled to compen-  
61 sation for services performed as members, but are entitled to  
62 reimbursement for all reasonable and necessary expenses  
63 actually incurred in the performance of their duties. Six of the  
64 appointed members is a quorum for the purpose of conducting  
65 business. The board shall designate a chair, who is not a public  
66 official. The commission shall conduct all meetings in accor-  
67 dance with the open meeting law pursuant to article nine-a,  
68 chapter six of this code.

69 (d) The commission shall:

70 (1) Study the nursing shortage in West Virginia and ways  
71 to alleviate it, including, but not limited to:

72 (A) Evaluating mechanisms currently available in the state  
73 and elsewhere intended to enhance education, recruitment, and  
74 retention of nurses in the workforce and to improve quality of  
75 care;

76 (B) Assessing the impact of shortages in nursing personnel  
77 on access to, and the delivery of, quality patient care;

78 (C) Developing recommendations on strategies to reverse  
79 the growing shortage of qualified nursing personnel in the state,  
80 including:

81 (i) Determining what changes are needed to existing  
82 programs, current scholarship programs and funding mecha-  
83 nisms to better reflect and accommodate the changing health  
84 care delivery environment and to improve quality of care to  
85 meet the needs of patients;

86 (ii) Facilitating career advancement within nursing;

87 (iii) Identifying more accurately specific shortage areas in  
88 a more timely manner;

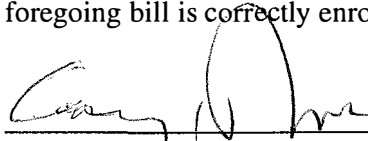
89 (iv) Attracting middle and high school students into nursing  
90 as a career; and

91 (v) Projecting a more positive and professional image of  
92 nursing.

93 (2) Report to the Legislature by the first day of February,  
94 two thousand two, its findings and recommendations on or  
95 before the first day of February each year thereafter.

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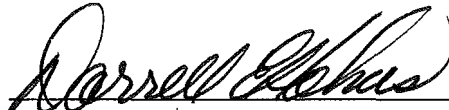
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

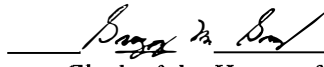
  
\_\_\_\_\_  
Chairman Senate Committee

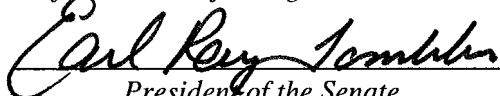
  
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Chairman House Committee

Originating in the House.

In effect ninety days from passage.

  
\_\_\_\_\_  
Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 30<sup>th</sup>  
day of April, 2001.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/22/01

Time 6:40 pm