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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4143

(By Delegates Hatfield, Brown, Foster and Perdue)



Passed March 11, 2004

In Effect from Passage

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FOR

H. B. 4143

(BY DELEGATES HATFIELD, BROWN, FOSTER AND PERDUE)

[Passed March 11, 2004; in effect from passage.]

AN ACT to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-7-8a; to amend said code by adding thereto a new section, designated §30-7A-7a; and to amend said code by adding thereto a new article, designated §30-7B-1, §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6, §30-7B-7, §30-7B-8, §30-7B-9 and §30-7B-10, all relating to creating the West Virginia center for nursing; legislative findings; center assuming the duties of the nursing shortage study commission; authorizing supplemental nursing licensure fees; emergency rules; establishing a board of directors for the center; setting forth powers and duties; permitting expense reimbursement; establishing special revenue account; reporting requirement; and continuation.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 7. REGISTERED PROFESSIONAL NURSES.

§30-7-8a. Supplemental fees to fund center for nursing; emergency rules.

1 (a) The board is authorized to assess a supplemental
2 licensure fee not to exceed ten dollars per license per year. The
3 supplemental licensure fee is to be used to fund the center for
4 nursing and to carry out its purposes as set forth in article
5 seven-b of this chapter.

6 (b) The board shall propose rules for legislative approval in
7 accordance with the provisions of article three, chapter twenty-
8 nine-a of this code to establish the supplemental licensure fee.

9 (c) The board may promulgate emergency rules pursuant to
10 the provisions of section fifteen, article three, chapter twenty-
11 nine-a of this code for the initial fee assessment.

ARTICLE 7A. PRACTICAL NURSES.

§30-7A-7a. Supplemental fees to fund center for nursing; emergency rules.

1 (a) The board is authorized to assess a supplemental
2 licensure fee not to exceed ten dollars per license per year. The
3 supplemental licensure fee is to be used to fund the center for
4 nursing and to carry out its purposes as set forth in article
5 seven-b of this chapter:

6 (b) The board shall propose rules for legislative approval in
7 accordance with the provisions of article three, chapter twenty-
8 nine-a of this code to establish the supplemental licensure fee.

9 (c) The board may promulgate emergency rules pursuant to
10 the provisions of section fifteen, article three, chapter twenty-
11 nine-a of this code for the initial fee assessment.

ARTICLE 7B. CENTER FOR NURSING.

§30-7B-1. Legislative findings.

1 The Legislature finds that through the study of the nursing
2 shortage study commission, it is essential that there be qualified
3 registered professional nurses and other licensed nurses to meet
4 the needs of patients. Without qualified nurses, quality patient
5 care is jeopardized. The nursing population is aging and fewer
6 students are entering nursing programs.

7 Therefore, the Legislature declares to ensure quality health
8 care, recruitment and retention of nurses is important and a
9 center is needed to address the nursing shortage crisis in West
10 Virginia.

§30-7B-2. Definitions.

1 (a) "Board" means the board of directors for the West
2 Virginia center for nursing.

3 (b) "Center" means the West Virginia center for nursing.

4 (c) "Direct patient care", as used in this article, means
5 health care that provides for the physical, emotional, diagnostic
6 or rehabilitative needs of a patient, or health care that involves
7 examination, treatment or preparation for diagnostic tests or
8 procedures.

§30-7B-3. West Virginia center for nursing.

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

7 (b) Effective the first day of July, two thousand four, the
8 West Virginia center for nursing is hereby created to address
9 the issues of recruitment and retention of nurses in West
10 Virginia.

11 (c) The higher education policy commission shall provide
12 suitable office space for the center. The commission shall share
13 statistics and other pertinent information with the center and
14 shall work cooperatively to assist the center to achieve its
15 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
4 nursing shortage in West Virginia;

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

8 (3) Coordinate communication between the organizations
9 that represent nurses, health care providers, businesses, con-
10 sumers, legislators and educators;

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

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

17 (6) Promote nursing careers through educational and
18 scholarship programs, programs directed at nontraditional
19 students and other workforce initiatives;

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

22 (8) Explore and establish loan repayment and scholarship
23 programs designed to benefit nurses who remain in West
24 Virginia after graduation and work in hospitals and other health
25 care institutions;

26 (9) Establish grants and other programs to provide financial
27 incentives for employers to encourage and assist with nursing
28 education, internships and residency programs;

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

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

35 (12) Establish a statewide hotline and website for informa-
36 tion about the center and its mission and nursing careers and
37 educational opportunities in West Virginia;

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

41 (14) Oversee development and implementation of education
42 and matriculation programs for health care providers covering
43 certified nursing assistants, licensed practical nurses, registered
44 professional nurses, advanced nurse practitioners and other
45 advanced degrees;

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

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

§30-7B-5. Board of directors.

1 (a) The West Virginia center for nursing shall be governed
2 by a board of directors consisting of the following thirteen
3 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 pro-
8 gram; and

9 (B) One representing an associate degree program;

10 (3) One representative from the West Virginia board of
11 examiners for licensed practical nurses;

12 (4) One representative from the West Virginia nurses
13 association;

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

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

16 (A) One director of nursing; and

17 (B) One health care administrator;

18 (7) Two registered professional staff nurses engaged in
19 direct patient care;

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

22 (9) Two ex officio 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 the first day of July, two thousand four, the
28 governor, by and with the consent of the Senate, shall appoint
29 the eleven citizen members 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
39 direct 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
49 direct patient care; and

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

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

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

§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;

5 (2) Determine operational policy;

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

7 (4) Expend money from the center for nursing fund to carry
8 out the purposes of this article;

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

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

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

§30-7B-7. Reimbursement for expenses.

1 The board members shall serve without compensation, but
2 may be reimbursed for actual and necessary expenses incurred
3 for each day or portion thereof engaged in the discharge of
4 official duties in a manner consistent with guidelines of the
5 travel management office of the department of administration.

§30-7B-8. Special revenue account.

1 (a) A special revenue account known as the “center for
2 nursing fund” is hereby established in the state treasury to be
3 administered by the board to carry out the purposes of this
4 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 ten dollars per year; and

12 (2) Other public and private funds.

13 (c) Beginning the first day of January, two thousand six,
14 and continuing at least two years, a minimum of an equivalent
15 of one third of the funding from the annual supplemental
16 licensure fees shall be 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 on its progress in developing a
3 statewide strategic plan to address the nursing shortage in West
4 Virginia, along with drafts of proposed legislation needed to
5 implement the center's plan.

§30-7B-10. Continuation.

1 The West Virginia center for nursing shall continue to exist
2 until the first day of July, two thousand eight, unless sooner
3 terminated, continued or reestablished pursuant to the provi-
4 sions of article ten, chapter four of this code.

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

Larry Myers
Chairman Senate Committee

Sharon Spencer
Chairman House Committee

Originating in the House.

In effect from passage.

Dennis E. Healy
Clerk of the Senate

Gregory M. Sawyer
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

Robert Stivers
Speaker of the House of Delegates

The within is approved this the 25th
day of March, 2004.

Bob Wise
Governor

PRESENTED TO THE

GOVERNOR

DATE

3/19/04

TIME

2:30p