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SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2014

—●—  
**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 4188**

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

—●—  
Passed March 5, 2014

In effect from its passage.

HB 4188

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**E N R O L L E D**

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FOR

**H. B. 4188**

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(BY DELEGATES PERDUE, FLEISCHAUER, DISERIO,  
ELDRIDGE, KINSEY, LAWRENCE, MARSHALL,  
MOORE AND POORE)

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

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AN ACT 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 recruitment and retention of nurses in the state; codifying Nursing Scholarship Program; modifying program administration; specifying program criteria, eligibility and awards; specifying recipient service or repayment requirement; continuing the Center for Nursing Fund special revenue account; modifying account administration, revenues and expenditures; continuing the West Virginia Center for Nursing; modifying center powers, duties and purpose; reorganizing the center's board of directors; modifying board membership, powers

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and duties; authorizing board member expense reimbursement; requiring cooperation among Higher Education Policy Commission, Center for Nursing and Board of Directors; defining terms; requiring legislative rule; authorizing emergency rule; requiring reports to the Legislative Oversight Commission on Health and Human Resources Accountability and the Legislative Oversight Commission on Education Accountability; deleting obsolete provisions; and making technical changes.

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

That §30-7B-8 and §30-7B-9 of the Code of West Virginia, 1931, as amended, be repealed; that said code be amended by adding thereto a new section, designated §18C-3-4; and that §30-7B-1, §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6 and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

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

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

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

1 (a) There is continued in the State Treasury a special revenue  
2 account known as the "Center for Nursing Fund" to be adminis-  
3 tered by the commission to implement the provisions of this  
4 section and article seven-b, chapter thirty of this code. Any  
5 moneys in the account on the effective date of this section are  
6 transferred to the commission's administrative authority.  
7 Balances remaining in the fund at the end of the fiscal year do  
8 not expire or revert to the general revenue. All costs associated  
9 with the administration of this section and article seven-b,  
10 chapter thirty of this code shall be paid from the Center for  
11 Nursing Fund under the direction of the Vice Chancellor for

12 Administration. Administrative costs are to be minimized and  
13 the maximum amount feasible is to be used to fund awards for  
14 students in nursing programs.

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

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

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

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

28 (c) In consultation with the board of directors of the West  
29 Virginia Center for Nursing, established pursuant to article  
30 seven-b, chapter thirty of this code, the commission shall  
31 administer a scholarship, designated the "Nursing Scholarship  
32 Program", designed to benefit nurses who practice in hospitals  
33 and other health care institutions or teach in state nursing  
34 programs.

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

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

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

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

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

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

55 (E) An award of up to \$1,000 per year is available for a  
56 student obtaining a licensed practical nurse teaching certificate.  
57 A recipient is required to teach in West Virginia for one year per  
58 award received.

59 (d) An award recipient shall satisfy one of the following  
60 conditions:

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

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

65 (e) The commission shall promulgate a rule for legislative  
66 approval pursuant to article three-a, chapter twenty-nine-a of this  
67 code to implement and administer this section. The Legislature  
68 finds that an emergency exists, and, therefore, the commission  
69 shall propose an emergency rule pursuant to article three-a,  
70 chapter twenty-nine-a of this code by August 1, 2014. The rules  
71 shall provide for the following:

72 (1) Eligibility and selection criteria for program participa-  
73 tion;



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

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

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

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

81 (6) Additional provisions as necessary to implement this  
82 section.

83 (f) The commission shall report by December 1, 2014, and  
84 annually thereafter, to the Legislative Oversight Commission on  
85 Health and Human Resources Accountability and the Legislative  
86 Oversight Commission on Education Accountability on the  
87 number of award recipients and all other matters relevant to the  
88 provisions of this section.

## CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

### ARTICLE 7B. CENTER FOR NURSING.

#### §30-7B-1. Definitions.

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

3 (a) "Board" means the Board of Directors for the West  
4 Virginia Center for Nursing;

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

6 (c) "Commission" means the West Virginia Higher Educa-  
7 tion Policy Commission; and

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

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

1 (a) The West Virginia Center for Nursing is continued for  
2 the purpose of addressing the issues of recruitment and retention  
3 of 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  
12 perform its duties required by this article.

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

1 The center shall satisfy the following requirements:

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

4 (b) Collect, evaluate and disseminate data regarding nurse  
5 availability and shortage areas;

6 (c) Establish and maintain a website to disseminate informa-  
7 tion about the center and its mission, and educational opportuni-  
8 ties and financial aid available in West Virginia;

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

12 (e) Consult with and advise the commission regarding the  
13 commission's administration of the nursing scholarship program  
14 designed to benefit nurses who practice in hospitals and other  
15 health care institutions or teach in state nursing programs as  
16 provided in section four, article three, chapter eighteen-c of this  
17 code; and

18 (f) Perform other activities necessary or expedient to  
19 accomplish the purposes and implement the provisions of this  
20 article.

**§30-7B-4. Board of directors.**

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

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

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

7 (B) One representing an associate degree program;

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

10 (3) One representative from the West Virginia Nurses  
11 Association;

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

13 (5) One director of nursing;

14 (6) One health care administrator;

15 (7) One registered professional staff nurse engaged in direct  
16 patient care;



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

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

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

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

24 (B) A representative from WorkForce West Virginia.

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

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

31 (d) The Governor shall fill any vacancy within thirty days of  
32 occurrence.

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

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

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

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

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

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

**§30-7B-6. Expense reimbursement.**

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

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

**§30-7B-7. Reports.**

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

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

*Danny Wells*  
Chairman, House Committee

*Robert F. Wilson*  
Chairman, Senate Committee

Originating in the House.

In effect from its passage.

*Suzanne M. Spof*  
Clerk of the House of Delegates

*Joseph M. Minard*  
Clerk of the Senate

*Timothy W. Murray*  
Speaker of the House of Delegates

*Jeffrey M. Perdue*  
President of the Senate

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The within *is approved* this the *20<sup>th</sup>*  
day of *March*, 2014.

*Earl Ray Tomblin*  
Governor

**PRESENTED TO THE GOVERNOR**

MAR 17 2014

Time 3:25 pm