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SENATE BILL NO. 731

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 4, 2010)

(Patron Prior to Substitute—Senator Reynolds)

A *BILL to amend and reenact §§ 32.1-122.7 and 32.1-122.21 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 32.1-122.7:1 and 32.1-122.7:2, and to repeal § 32.1-122.21 of the Code of Virginia, relating to the Virginia Health Workforce Development Authority.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-122.7 and 32.1-122.21 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 32.1-122.7:1 and 32.1-122.7:2 as follows:

§ 32.1-122.7. Virginia Health Workforce Development Authority; purpose.

A. The Virginia Statewide Area Health Education Centers Program (AHEC) is a collaborative partnership conducted under the auspices of the Virginia Statewide AHEC Board of Directors. Generally, AHECs are nonprofit organizations with a governing or advisory board of individuals representing the services area. There is hereby created as a public body corporate and as a political subdivision of the Commonwealth the Virginia Health Workforce Development Authority (Authority), with such public and corporate powers as are set forth in § 32.1-122.7:1. The Authority is hereby constituted a public instrumentality, exercising public and essential governmental functions with the power and purpose to provide for the health, welfare, convenience, knowledge, benefit, and prosperity of the residents of the Commonwealth and such other persons who might be served by the Authority. The Authority is being established to move the Commonwealth forward in achieving its vision of ensuring a quality health workforce for all Virginians.

B. The mission of the Area Health Education Centers Program Authority is to promote health careers and access to primary care for medically underserved populations through community-academic partnerships facilitate the development of a statewide health professions pipeline that identifies, educates, recruits, and retains a diverse, appropriately geographically distributed and culturally competent quality workforce. The mission of the Virginia Statewide AHEC Program Authority is accomplished through the following four major areas of program activity by: (i) developing health careers recruitment programs for Virginia's students, especially underrepresented and disadvantaged students; (ii) supporting the community-based training of primary care health professions students, residents, and other health professions students in Virginia's underserved communities; (iii) providing educational and practice support systems for the Commonwealth's primary care providers; and (iv) collaborating with health, education, and human services organizations to facilitate and promote improved health education and disease prevention among the citizens of the Commonwealth providing the statewide infrastructure required for health workforce needs assessment and planning that maintains engagement by health professions training programs in decision-making and program implementation; (ii) serving as the advisory board and setting priorities for the Virginia Area Health Education Centers Program; (iii) coordinating with and serving as a resource to relevant state, regional, and local entities including the Department of Health Professions Workforce Data Center, the Joint Legislative Audit and Review Commission, the Joint Commission on Health Care, the Southwest Virginia Health Authority, or any similar regional health authority that may be developed; (iv) informing state and local policy development as it pertains to health care delivery, training, and education; (v) identifying and promoting evidence-based strategies for health workforce pipeline development and interdisciplinary health care service models, particularly those affecting rural and other underserved areas; (vi) supporting communities in their health workforce recruitment and retention efforts and developing partnerships and promoting models of participatory engagement with business and community-based and social organizations to foster integration of health care training and education; (vii) advocating for programs that will result in reducing the debt load of newly trained health professionals; (viii) identifying high priority target areas within each region of the Commonwealth and working toward health workforce development initiatives that improve health measurably in those areas; and (ix) fostering or creating innovative health workforce development models that provide both health and economic benefits to the regions they serve.

B. The Board of Directors shall report annually the status and progress of the implementation of the Program's goals and objectives to the Secretary of Health and Human Resources, the State Board of Health, and the Governor and the General Assembly. The annual report shall also include a detailed summary of how state general funds appropriated to the Virginia Statewide AHEC Program and the

60 local AHECs were expended during the most recently completed fiscal year.

61 32.1-122.7:1. Board of Directors of the Virginia Health Workforce Development Authority.

62 The Virginia Health Workforce Development Authority shall be governed by a Board of Directors.
63 The Board shall consist of 13 members to be appointed as follows: two members of the House of
64 Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles
65 of proportional representation contained in the Rules of the House of Delegates; one member of the
66 Senate, to be appointed by the Senate Committee on Rules; seven nonlegislative citizen members, three
67 of whom shall be representatives of health professional educational or training programs, three of whom
68 shall be health professionals or employers or representatives of health professionals, and one of whom
69 shall to be a representative of community health, to be appointed by the Governor; and the
70 Commissioner of Health, or his designee, the Chancellor of the Virginia Community College System or
71 his designee, and the Director of the Department of Health Professions or his designee, shall serve as
72 ex officio members with voting privileges. Members appointed by the Governor shall be citizens of the
73 Commonwealth.

74 The initial terms of the nonlegislative citizen members of the Board of Directors for the Virginia
75 Health Workforce Development Authority shall be staggered as follows: four members shall be
76 appointed for terms of two years and three members shall be appointed for terms of one year.
77 Legislative members and state government officials shall serve terms coincident with their terms of
78 office. All appointments of nonlegislative citizen members shall be for two-year terms following the
79 initial staggering of terms. Appointments to fill vacancies, other than by expiration of a term, shall be
80 for the unexpired terms. Legislative and citizen members may be reappointed; however, no citizen
81 member shall serve more than two consecutive two-year terms. The remainder of any term to which a
82 member is appointed to fill a vacancy shall not constitute a term in determining the member's term
83 limit. Vacancies shall be filled in the same manner as the original appointments.

84 The Board shall elect a chairman and vice-chairman annually from among its legislative members. A
85 majority of the members of the Board shall constitute a quorum.

86 The Board of Directors shall report biennially on the activities and recommendations of the
87 Authority to the Secretary of Health and Human Resources, the Secretary of Education, the Secretary of
88 Commerce and Trade, the State Board of Health, the State Council of Higher Education for Virginia,
89 the Joint Commission on Health Care, the Governor and the General Assembly. In any reporting period
90 where state general funds are appropriated to the Authority, the report shall include a detailed summary
91 of how state general funds were expended.

92 The accounts and records of the Authority showing the receipt and disbursement of funds from
93 whatever source derived shall be in a form prescribed by the Auditor of Public Accounts. The Auditor of
94 Public Accounts, or his legally authorized representative, shall annually examine the accounts of the
95 Authority, and the cost of such audit shall be borne by the Authority.

96 § 32.1-122.7:2. Powers and duties of the Virginia Health Workforce Development Authority;
97 exemptions.

98 A. The Authority is authorized to serve as the incorporated consortium of allopathic and osteopathic
99 medical schools in Virginia as required by federal statute to qualify for the receipt of Area Health
100 Education Centers programs, legislatively mandated under the Public Health Service Act as amended,
101 Title VII, Section 751, and 42 U.S.C. 294a; and to administer federal, state, and local programs as
102 needed to carry out its public purpose and objectives. The Authority is further authorized to exercise
103 independently the powers conferred by this section in furtherance of its corporate and public purposes,
104 to benefit citizens and such other persons who might be served by the Authority.

105 B. The Authority is authorized to monitor, collect, and track data pertaining to health care delivery,
106 training, and education from Virginia education institutions and other entities as needed to carry out its
107 public purpose and objectives in areas where such data efforts do not already exist.

108 C. The Authority shall have the authority to assess policies, engage in policy development, and make
109 policy recommendations.

110 D. The Authority shall have the authority to apply for and accept federal, state and local public and
111 private grants, loans, appropriations, and donations; hire and compensate staff, including an Executive
112 Director; rent, lease, buy, own, acquire, and dispose of property, real or personal; participate in joint
113 ventures, including to make contracts and other agreements with public and private entities in order to
114 carry out its public purpose and objectives; and make bylaws for the management and regulation of its
115 affairs.

116 E. The Authority shall be exempt from the provisions of Chapter 29 (§ 2.2-2900 et seq.) and Chapter
117 43 (§ 2.2-4300 et seq.) of Title 2.2.

118 F. The exercise of powers granted by this article and the undertaking of activities in the furtherance
119 of the purpose of the Authority constitute the performance of essential governmental functions.
120 Therefore, the Authority shall be exempt from any tax or assessment upon any project or property
121 acquired or used by the Authority under the provisions of this article or upon the income therefrom,

122 *including sales and use taxes on tangible personal property used in the operation of the Authority. This*
123 *exemption shall not extend to persons conducting business for which local or state taxes would*
124 *otherwise be required.*

125 § 32.1-122.21. Health Workforce Advisory Committee.

126 The Commissioner shall establish a Health Workforce Advisory Committee to advise him on all
127 aspects of the Department's health workforce duties and responsibilities identified in this article. The
128 Health Workforce Advisory Committee shall include representatives of (i) each of the Commonwealth's
129 academic health centers; (ii) the Statewide Area Health Education Center (AHEC) Program; (iii) the
130 Virginia Primary Care Association; (iv) the Virginia Health Care Foundation; (v) the Virginia
131 Association of Free Clinics; (vi) the Virginia Association of Nurse Executives; (vii) health care
132 providers; (viii) health professions residents and students; and (ix) other organizations as deemed
133 appropriate by the Commissioner.

134 **2. That upon the initial appointment of the Board of Directors for the Virginia Health Workforce**
135 **Development Authority, § 32.1-122.21 of the Code of Virginia is repealed.**