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HOUSE BILL NO. 1304

Offered January 21, 2010

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 Workforce Development Authority.*

Patrons—Nutter, Crockett-Stark and Hope

Referred to Committee on Health, Welfare and Institutions

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 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 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 Workforce Development Authority; (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

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59 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 Workforce Development Authority.

62 The Virginia Workforce Development Authority shall be governed by a Board of Directors. The
63 Board shall consist of 13 members to be appointed as follows: two members of the House of Delegates,
64 to be appointed by the Speaker of the House of Delegates in accordance with the principles of
65 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 Legislative members and state government officials shall serve terms coincident with their terms of
75 office. All appointments of nonlegislative citizen members shall be for two-year terms following the
76 initial staggering of terms. Appointments to fill vacancies, other than by expiration of a term, shall be
77 for the unexpired terms. Legislative and citizen members may be reappointed; however, no citizen
78 member shall serve more than two consecutive two-year terms. The remainder of any term to which a
79 member is appointed to fill a vacancy shall not constitute a term in determining the member's term
80 limit. Vacancies shall be filled in the same manner as the original appointments.

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

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

89 The accounts and records of the Authority showing the receipt and disbursement of funds from
90 whatever source derived shall be in a form prescribed by the Auditor of Public Accounts. The Auditor of
91 Public Accounts, or his legally authorized representative, shall annually examine the accounts of the
92 Authority.

93 § 32.1-122.7:2. Powers and duties of the Virginia Workforce Development Authority; exemptions.

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

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

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

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

112 E. The Authority shall be exempt from the provisions of Chapter 29 (§ 2.2-2900 et seq.) and Chapter
113 43 (§ 2.2-4300 et seq.) of Title 2.2.

114 F. The exercise of powers granted by this article and the undertaking of activities in the furtherance
115 of the purpose of the Authority constitute the performance of essential governmental functions.
116 Therefore, the Authority shall be exempt from any tax or assessment upon any project or property
117 acquired or used by the Authority under the provisions of this article or upon the income therefrom,
118 including sales and use taxes on tangible personal property used in the operation of the Authority. This
119 exemption shall not extend to persons conducting business for which local or state taxes would
120 otherwise be required.

§ 32.1-122.21. Health Workforce Advisory Committee.

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

2. That the initial terms of the nonlegislative citizen members of the Board of Directors for the Virginia Workforce Development Authority shall be staggered as follows: four members shall be appointed for terms of two years and three members shall be appointed for terms of one year.

3. That upon the initial appointment of the Board of Directors for the Virginia Workforce Development Authority, § 32.1-122.21 of the Code of Virginia is repealed.