

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 2.2-4002, 23.1-614, 32.1-122.6:01, 32.1-122.6:02, 32.1-122.7, 32.1-122.7:2,*
 3 *32.1-122.20, and 54.1-3011.2 of the Code of Virginia, relating to Virginia Health Workforce Development*
 4 *Authority; administration of nursing scholarships.*

5 [H 815]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That §§ 2.2-4002, 23.1-614, 32.1-122.6:01, 32.1-122.6:02, 32.1-122.7, 32.1-122.7:2, 32.1-122.20, and**
 9 **54.1-3011.2 of the Code of Virginia are amended and reenacted as follows:**

10 **§ 2.2-4002. Exemptions from chapter generally.**

11 A. Although required to comply with § 2.2-4103 of the Virginia Register Act (§ 2.2-4100 et seq.), the
 12 following agencies shall be exempted from the provisions of this chapter, except to the extent that they are
 13 specifically made subject to §§ 2.2-4024, 2.2-4030, and 2.2-4031:

14 1. The General Assembly.

15 2. Courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted
 16 any of the powers of a court of record.

17 3. The Department of Wildlife Resources in promulgating regulations regarding the management of
 18 wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2 (§ 29.1-200 et seq.), 3
 19 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 7 (§ 29.1-700 et seq.) of Title 29.1.

20 4. The Virginia Housing Development Authority.

21 5. Municipal corporations, counties, and all local, regional, or multijurisdictional authorities created under
 22 this Code, including those with federal authorities.

23 6. Educational institutions operated by the Commonwealth, provided that, with respect to § 2.2-4031, such
 24 educational institutions shall be exempt from the publication requirements only with respect to regulations
 25 that pertain to (i) their academic affairs, (ii) the selection, tenure, promotion, and disciplining of faculty and
 26 employees, (iii) the selection of students, and (iv) rules of conduct and disciplining of students.

27 7. The Milk Commission in promulgating regulations regarding (i) producers' licenses and bases, (ii)
 28 classification and allocation of milk, computation of sales, and shrinkage, and (iii) class prices for producers'
 29 milk, time and method of payment, butterfat testing, and differential.

30 8. The Virginia Resources Authority.

31 9. Agencies expressly exempted by any other provision of this Code.

32 10. The Department of General Services in promulgating standards for the inspection of buildings for
 33 asbestos pursuant to § 2.2-1164.

34 11. The State Council of Higher Education for Virginia, in developing, issuing, and revising guidelines
 35 pursuant to § 23.1-207.

36 12. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to
 37 subsection B of § 3.2-6002 and in adopting regulations pursuant to § 3.2-6023.

38 13. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and Consumer
 39 Services in promulgating regulations pursuant to subsections B and D of § 3.2-3601, subsection B of
 40 § 3.2-3701, § 3.2-4002, subsections B and D of § 3.2-4801, §§ 3.2-5121 and 3.2-5206, and subsection A of
 41 § 3.2-5406.

42 14. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines,
 43 and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of optometrists
 44 pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.

45 15. The Commissioner of the Department of Veterans Services in adopting regulations pursuant to
 46 § 2.2-2001.3.

47 16. The State Board of Education, in developing, issuing, and revising guidelines pursuant to
 48 § 22.1-203.2.

49 17. The Virginia Racing Commission, (i) when acting by and through its duly appointed stewards or in
 50 matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse
 51 racing at race meetings licensed by the Commission.

52 18. The Virginia Small Business Financing Authority.

53 19. The Virginia Economic Development Partnership Authority.

54 20. The Board of Agriculture and Consumer Services in adopting, amending, or repealing regulations
 55 pursuant to subsection A (ii) of § 59.1-156.

56 21. The Insurance Continuing Education Board pursuant to § 38.2-1867.

57 22. The Board of Health in promulgating the list of diseases that shall be reported to the Department of
 58 Health pursuant to § 32.1-35 and in adopting, amending, or repealing regulations pursuant to subsection C of
 59 § 35.1-14 that incorporate the Food and Drug Administration's Food Code pertaining to restaurants or food
 60 service.

61 23. The Board of Pharmacy when specifying special subject requirements for continuing education for
 62 pharmacists pursuant to § 54.1-3314.1.

63 24. The Virginia Department of Veterans Services when promulgating rules and regulations pursuant to
 64 § 58.1-3219.7 or 58.1-3219.11.

65 25. The Virginia Department of Criminal Justice Services when developing, issuing, or revising any
 66 training standards established by the Criminal Justice Services Board under § 9.1-102, provided such actions
 67 are authorized by the Governor in the interest of public safety.

68 26. *The Virginia Health Workforce Development Authority.*

69 B. Agency action relating to the following subjects shall be exempted from the provisions of this chapter:

70 1. Money or damage claims against the Commonwealth or agencies thereof.

71 2. The award or denial of state contracts, as well as decisions regarding compliance therewith.

72 3. The location, design, specifications, or construction of public buildings or other facilities.

73 4. Grants of state or federal funds or property.

74 5. The chartering of corporations.

75 6. Customary military, militia, naval, or police functions.

76 7. The selection, tenure, dismissal, direction, or control of any officer or employee of an agency of the
 77 Commonwealth.

78 8. The conduct of elections or eligibility to vote.

79 9. Inmates of prisons or other such facilities or parolees therefrom.

80 10. The custody of persons in, or sought to be placed in, mental health facilities or penal or other state
 81 institutions as well as the treatment, supervision, or discharge of such persons.

82 11. Traffic signs, markers, or control devices.

83 12. Instructions for application or renewal of a license, certificate, or registration required by law.

84 13. Content of, or rules for the conduct of, any examination required by law.

85 14. The administration of pools authorized by Chapter 47 (§ 2.2-4700 et seq.).

86 15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent with
 87 duly adopted regulations of the Virginia Lottery Board, and provided that such regulations are published and
 88 posted.

89 16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish,
 90 finfish, or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.

91 17. Any operating procedures for review of child deaths developed by the State Child Fatality Review
 92 Team pursuant to § 32.1-283.1, any operating procedures for review of adult deaths developed by the Adult
 93 Fatality Review Team pursuant to § 32.1-283.5, any operating procedures for review of adult deaths
 94 developed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and any operating procedures
 95 for review of the deaths of persons with a developmental disability developed by the Developmental
 96 Disabilities Mortality Review Committee pursuant to § 37.2-314.1.

97 18. The regulations for the implementation of the Health Practitioners' Monitoring Program and the
 98 activities of the Health Practitioners' Monitoring Program Committee pursuant to Chapter 25.1 (§ 54.1-2515
 99 et seq.) of Title 54.1.

100 19. The process of reviewing and ranking grant applications submitted to the Commonwealth
 101 Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title
 102 51.5.

103 20. Loans from the Small Business Environmental Compliance Assistance Fund pursuant to Article 4
 104 (§ 10.1-1197.1 et seq.) of Chapter 11.1 of Title 10.1.

105 21. The Virginia Breeders Fund created pursuant to § 59.1-372.

106 22. The types of pari-mutuel wagering pools available for live or simulcast horse racing.

107 23. The administration of medication or other substances foreign to the natural horse.

108 24. Any rules adopted by the Department of Agriculture and Consumer Services for the approval and
 109 conduct of game variations for the conduct of raffles, bingo, network bingo, and instant bingo games,
 110 provided that such rules are (i) consistent with Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2
 111 and (ii) published and posted.

112 C. Minor changes to regulations published in the Virginia Administrative Code under the Virginia
 113 Register Act (§ 2.2-4100 et seq.), made by the Virginia Code Commission pursuant to § 30-150, shall be
 114 exempt from the provisions of this chapter.

115 **§ 23.1-614. Nursing scholarships.**

116 A. As used in this section:

117 "Graduate nursing program" means a program at a school of nursing that leads to a master's degree or
 118 doctorate in nursing or a field relating to nursing activities.

119 "Undergraduate nursing program" means a program at a school of nursing that leads to an associate
120 degree, diploma, or baccalaureate degree in nursing.

121 B. Annual nursing scholarships are established for part-time and full-time Virginia students enrolled in
122 undergraduate and graduate nursing programs or first-year Virginia students at the beginning of their first
123 academic year who present to the advisory committee established pursuant to subsection D a notice of
124 intention to pursue an undergraduate nursing program.

125 C. Undergraduate nursing scholarships shall not exceed \$2,000 annually. Graduate nursing scholarships
126 shall not exceed \$4,000 annually. No scholarship shall be less than \$150 annually. Scholarship funds shall be
127 paid directly to the recipient.

128 D. ~~Each nursing~~ *Nursing scholarship awards shall be made by an in accordance with established program*
129 *criteria. The advisory committee board appointed by the State Board of Health that consists of eight*
130 *members, four of whom shall be deans or directors of schools of nursing or their designees, two of whom*
131 *shall be past recipients of nursing scholarships awarded pursuant to this section, two of whom shall have*
132 *experience in the administration of student financial aid programs, and at least two of whom shall not have*
133 *served as members of the advisory committee during the previous two years. Appointments shall be for two-*
134 *year terms. No member of the advisory committee is eligible to serve more than two consecutive two-year*
135 *terms immediately succeeding any unexpired term for which such member was appointed Virginia Nursing*
136 *Workforce Center pursuant to subsection C of § 32.1-122.7:2 shall review the list of scholarship awards*
137 *made.*

138 E. Awards shall be made upon such basis, competitive or otherwise, as determined by the advisory
139 committee, with due regard for scholastic attainments, character, need, and adaptability of the applicant for
140 the service contemplated in such award. No award shall be made if the applicant fails to possess the requisite
141 qualifications. With due consideration of the number of applications and the qualifications of all such
142 applicants, the advisory committee shall, to the extent that it is practicable, award an equal number of
143 scholarships among the various congressional districts within the Commonwealth.

144 F. Before any such scholarship is awarded, the applicant shall agree in a signed written contract to
145 complete a nursing program and, upon completion, to promptly begin and continuously engage in nursing
146 work in the Commonwealth in a region with a critical shortage of nurses for one month for each \$100 of
147 scholarship awarded. The requirement for continuous engagement in nursing work may be waived by the
148 advisory committee if the scholarship recipient requests leave to pursue an undergraduate or graduate degree
149 in nursing or relating to nursing activities. The contract shall contain such other provisions as the ~~State Board~~
150 ~~of Health~~ *Virginia Health Workforce Development Authority* determines to be necessary to accomplish the
151 purposes of the scholarship.

152 G. Each scholarship shall be awarded for a single award year and may be renewed annually for up to four
153 additional award years upon a showing of satisfactory progress toward completion of the relevant nursing
154 program.

155 **§ 32.1-122.6:01. Virginia Health Workforce Development Authority to award certain scholarships**
156 **and loan repayment funds.**

157 A. ~~The Board of Health~~ *Virginia Health Workforce Development Authority (the Authority)* shall award to
158 eligible part-time and full-time students the nursing scholarships available from the Nursing Scholarship and
159 Loan Repayment Fund established in § 54.1-3011.2 pursuant to the procedures for the administration of the
160 scholarships awarded through § 23.1-614.

161 Eligible part-time and full-time students shall be bona fide residents of Virginia as determined by
162 § 23.1-502, shall be enrolled in or accepted for enrollment in nursing education programs preparing them for
163 examination for licensure as practical nurses or registered nurses, and shall also meet such other criteria as
164 may be established by the ~~Board of Health~~ *Authority*. Prior to awarding any scholarship, the ~~Board of Health~~
165 *Authority* shall require the recipient to agree to perform a period of nursing service in ~~this~~ *the* Commonwealth
166 for each scholarship. The ~~Board~~ *Authority* may establish variable periods of service as conditions for receipt
167 of scholarships according to the amounts of the awards. In the event that fees are collected pursuant to
168 § 54.1-3011.1, the ~~Board~~ *Authority* shall award the scholarships funded through such fees to practical nurses
169 and registered nurses in proportion to the funds generated by the fees for licensure from such nurses.

170 Eligibility for these scholarships shall be limited to a total of four academic years. The scholarships shall
171 be awarded on a competitive basis, considering the financial needs of the applicant, and all such funds shall
172 be used only for payment of charges for tuition, fees, room, board, or other educational expenses as
173 prescribed by the ~~Board of Health~~ *Authority*.

174 The ~~Board of Health~~ *Authority* shall submit the names of the scholarship recipients to the Board of
175 Nursing, which shall be responsible for transmission of the funds to the appropriate institution to be credited
176 to the account of the recipient.

177 B. The ~~Board~~ *Authority* shall ~~establish~~ *administer* a nursing scholarship and loan repayment program for
178 registered nurses, licensed practical nurses, and certified nurse aides who agree to perform a period of service
179 in a Commonwealth long-term care facility pursuant to regulations promulgated by the ~~Board~~ *Authority* in
180 cooperation with the Board of Nursing. The ~~Board~~ *Authority* shall submit the names of the scholarship and

181 loan repayment recipients to the Board of Nursing, which shall be responsible for transmission of the funds to
 182 the appropriate educational or financial institution to be credited to the account of the recipient.

183 1. The nursing scholarships authorized by this subsection shall be awarded to eligible part-time and
 184 full-time students who are bona fide residents of Virginia as determined by § 23.1-502 and who are ~~(a)~~ (i)
 185 accepted for enrollment or are enrolled in approved nursing education programs preparing them for
 186 examination for licensure as practical nurses or registered nurses or ~~(b)~~ (ii) accepted for enrollment or
 187 enrolled in approved nurse aide education programs preparing them for certification as authorized in Chapter
 188 30 (§ 54.1-3000 et seq.) of Title 54.1. Prior to awarding any scholarship, the ~~Board~~ Authority shall require the
 189 recipient to agree to perform a period of nursing service in a long-term care facility in the Commonwealth for
 190 each scholarship. The ~~Board~~ Authority may establish variable periods of service according to the amount of
 191 the award in a long-term care facility as a condition for receipt of a scholarship.

192 Eligibility for these scholarships shall be limited to a total of four academic years. The scholarships shall
 193 be awarded on a competitive basis, considering the financial needs of the applicant, and all such funds shall
 194 be used only for payment of charges for tuition, fees, room, board, or other educational expenses as
 195 prescribed by the ~~Board~~ Authority.

196 2. The nursing loan repayment program authorized by this subsection shall be established for registered
 197 nurses, licensed practical nurses, and certified nurse aides who: ~~(a)~~ (i) are bona fide residents of Virginia as
 198 determined by § 23.1-502, ~~(b)~~ (ii) have graduated from an approved educational program pursuant to Chapter
 199 30 (§ 54.1-3000 et seq.) of Title 54.1, and ~~(c)~~ (iii) meet such other criteria as determined by the ~~Board~~
 200 Authority. Prior to awarding any funds, the ~~Board~~ Authority shall require the recipient to agree to perform a
 201 period of nursing service in a long-term care facility in the Commonwealth as a condition for loan repayment
 202 according to the amount of the award.

203 **§ 32.1-122.6:02. Conditional grants for certain advanced practice registered nursing students.**

204 A. The ~~Board of Health~~ Virginia Health Workforce Development Authority (the Authority) shall ~~establish~~
 205 administer annual nursing scholarships for students who intend to enter an accredited advanced practice
 206 registered nurse program in designated schools. The amounts and numbers of such scholarships shall be
 207 determined annually as provided in the appropriation act. ~~The Commissioner shall act as fiscal agent for the~~
 208 ~~Board in administration of the scholarship program through a nursing scholarship committee.~~

209 B. To administer the scholarship program, the ~~Board~~ Authority shall promulgate regulations ~~which shall~~
 210 ~~include, but are not limited to that include:~~

211 1. Qualifications of applicants;

212 2. Criteria for award of the scholarship to assure that a recipient will fulfill the practice obligations
 213 established in this section;

214 3. Standards to assure that these scholarships increase access to primary health care for individuals who
 215 are indigent or who are recipients of public assistance;

216 4. Assurances that residents of Virginia, as determined by § 23.1-502, minority students and residents of
 217 medically underserved areas are given preference in determining scholarship eligibility and awards;

218 5. Assurances that a scholarship recipient will practice as an advanced practice registered nurse in an
 219 underserved area of the Commonwealth within two years following completion of training;

220 6. Designations that students in advanced practice registered nurse specialties, including nurse midwife,
 221 receive priority scholarships;

222 7. Methods for reimbursement to the Commonwealth by a recipient who fails to complete the educational
 223 program or who fails to honor the obligation to engage in practice as an advanced practice registered nurse
 224 for a period of years equal to the number of annual scholarships received;

225 8. Procedures for reimbursing any recipient who has repaid the Commonwealth for part or all of any
 226 scholarship and who later fulfills the terms of his contract; and

227 9. Methods for reporting data related to the recipients of the scholarships.

228 C. Until such time as a fully accredited nurse midwife education program is established at any health
 229 science center in the Commonwealth, the ~~Board~~ Authority may designate that attendance at an accredited
 230 program in a nearby state is acceptable for scholarship eligibility.

231 D. For purposes of this section, the term "underserved area" ~~shall include~~ includes those medically
 232 underserved areas designated by the ~~Board~~ Authority pursuant to § 32.1-122.5 and health professional
 233 shortage areas designated in accordance with the criteria established in 42 C.F.R. Part 5.

234 E. Any scholarship amounts repaid by recipients pursuant to subdivision B 7, and any interest thereon,
 235 shall be used only for the purposes of this section and shall not revert to the general fund.

236 F. As used in this section, "Authority" means the Virginia Health Workforce Development Authority.

237 **§ 32.1-122.7. Virginia Health Workforce Development Authority; purpose.**

238 A. There is hereby created as a public body corporate and as a political subdivision of the Commonwealth
 239 the Virginia Health Workforce Development Authority (the Authority), with such public and corporate
 240 powers as are set forth in § 32.1-122.7:2. The Authority is hereby constituted as a public instrumentality,
 241 exercising public and essential governmental functions with the power and purpose to provide for the health,
 242 welfare, convenience, knowledge, benefit, and prosperity of the residents of the Commonwealth and such

243 other persons who might be served by the Authority. The Authority is established to move the
244 Commonwealth forward in achieving its vision of ensuring a quality health workforce for all Virginians.

245 B. The mission of the Authority is to facilitate the development of a statewide health professions pipeline
246 that identifies, educates, recruits, and retains a diverse, appropriately geographically distributed, and
247 culturally competent quality workforce. The mission of the Authority is accomplished by (i) providing the
248 statewide infrastructure required for health workforce needs assessment and planning that maintains
249 engagement by health professions training programs in decision making and program implementation; (ii)
250 serving as the advisory board and setting priorities for the Virginia Area Health Education Centers Program;
251 (iii) coordinating with and serving as a resource to relevant state, regional, and local entities, including the
252 Department of Health Professions Workforce Data Center, the Joint Legislative Audit and Review
253 Commission, the Joint Commission on Health Care, the Behavioral Health Commission, the Southwest
254 Virginia Health Authority, or any similar regional health authority that may be developed; (iv) informing
255 state and local policy development as it pertains to health care delivery, training, and education; (v)
256 identifying and promoting evidence-based strategies for health workforce pipeline development and
257 interdisciplinary health care service models, particularly those affecting rural and other underserved areas;
258 (vi) supporting communities in their health workforce recruitment and retention efforts and developing
259 partnerships and promoting models of participatory engagement with business and community-based and
260 social organizations to foster integration of health care training and education; (vii) setting priorities for and
261 evaluating graduate medical education programs overseen by the Commonwealth; (viii) advocating for
262 programs that will result in reducing the debt load of newly trained health professionals; (ix) setting priorities
263 for and managing the Virginia Health Care Career and Technical Training and Education Fund; (x)
264 identifying high priority target areas within each region of the Commonwealth and working toward health
265 workforce development initiatives that improve health measurably in those areas; (xi) fostering or creating
266 innovative health workforce development models that provide both health and economic benefits to the
267 regions they serve; (xii) developing strategies to increase diversity in the health workforce by examining
268 demographic data on race and ethnicity in training programs and health professional licensure; (xiii)
269 identifying ways to leverage technology to increase access to health workforce training and health care
270 delivery; ~~and~~ (xiv) developing a centralized health care careers roadmap in partnership with the Department
271 of Health Professions that includes information on both licensed and unlicensed professions and that is
272 disseminated to the Commonwealth's health care workforce stakeholders to raise awareness about available
273 career pathways; *and (xv) setting priorities for managing the Virginia Nursing Workforce Center established*
274 *pursuant to subsection C of § 32.1-122.7:2.*

275 **§ 32.1-122.7:2. Powers and duties of the Virginia Health Workforce Development Authority;**
276 **exemptions.**

277 A. The Virginia Health Workforce Development Authority (the Authority) is authorized to serve as the
278 incorporated consortium of allopathic and osteopathic medical schools in Virginia as required by federal
279 statute to qualify for the receipt of Area Health Education Centers programs, legislatively mandated under the
280 Public Health Service Act as amended, Title VII, § 751, and 42 U.S.C. § 294a, and to administer federal,
281 state, and local programs as needed to carry out its public purpose and objectives. The Authority is further
282 authorized to exercise independently the powers conferred by this section in furtherance of its corporate and
283 public purposes to benefit citizens and such other persons who might be served by the Authority.

284 B. The Authority is authorized to monitor, collect, and track data pertaining to health care delivery,
285 training, and education from Virginia educational institutions and other entities as needed to carry out its
286 public purpose and objectives in areas where such data efforts do not already exist. The Authority is further
287 authorized to request and seek data for program evaluation purposes and may partner with other agencies and
288 institutions to help manage and analyze health workforce data. The Authority shall ~~assist in the coordination~~
289 ~~of data from various sources, including the Department of Education,~~ *establish and maintain an annual*
290 *reporting schedule requiring submission of a usable electronic data file in a standard format, which shall be*
291 *either (i) a comma-separated values file or (ii) an Excel spreadsheet, containing record-level, deidentified*
292 *health workforce data necessary for program evaluation and workforce forecasting. Such data shall include*
293 *academic enrollment and graduation information, health professional licensure and renewal data, residency*
294 *and fellowship program data, and health workforce incentive program data. The State Council of Higher*
295 *Education for Virginia, the Department of Health Professions, the Department of Health, the Virginia Office*
296 *of Education Economics, the Workforce Data Trust, and the George Mason University Center for Health*
297 *Workforce the Virginia Community College System, and any other state agencies or institutions that maintain*
298 *data relevant to the health workforce shall be required to submit such information to the Authority on an*
299 *annual basis. The Authority shall analyze and publish this data to inform statewide health workforce*
300 *planning, policy development, and program evaluation.*

301 C. The Authority shall establish the Virginia Nursing Workforce Center (the Center) to ensure an
302 adequate, qualified nursing workforce in the Commonwealth. The Authority shall provide oversight of and
303 strategic guidance to the Center to ensure coordination of statewide data collection, planning, program
304 implementation, and policy development in alignment with the Center's mission to increase the supply of

305 nurses, resolve critical shortages, address educational capacity and workforce needs, and be the primary
 306 representative in all state nursing workforce matters at the national level. The Center shall establish an
 307 advisory board to provide strategic oversight and guidance to the Center to support the Center's mission,
 308 priorities, and operational integrity. Membership of such advisory board shall include representation from (i)
 309 the Department, (ii) the Board of Nursing, (iii) nursing academia, and (iv) practicing nurses.

310 D. The Authority shall have the authority to evaluate the design, implementation, outcomes, and
 311 effectiveness of all health workforce incentive programs, rural placement initiatives, and state-sponsored
 312 health workforce programs administered or supported by the Commonwealth, including scholarships, loan
 313 repayment programs, relocation incentives, rural practice bonuses, and other workforce support programs.
 314 The Authority may assess program performance through evidence-based metrics, identify strengths and
 315 opportunities for improvement, and issue evaluative reports with findings, comparative analyses, and policy
 316 recommendations to inform future program enhancement and strategic decision making.

317 E. The Authority shall have the authority to assess policies, engage in policy development, and make
 318 policy recommendations.

319 ~~D.~~ F. The Authority shall have the authority to make, adopt, promulgate, and enforce such regulations
 320 and provide for reasonable variances and exemptions therefrom as may be necessary to carry out the
 321 administration of scholarship and loan repayment programs pursuant to this article.

322 G. The Authority shall have the authority to apply for and accept federal, state, and local public and
 323 private grants, loans, appropriations, and donations; hire and compensate staff, including an executive
 324 director; rent, lease, buy, own, acquire, and dispose of property, real or personal; participate in joint ventures,
 325 including to make contracts and other agreements with public and private entities in order to carry out its
 326 public purpose and objectives; and make bylaws for the management and regulation of its affairs.

327 ~~E.~~ H. The Authority shall be exempt from the provisions of the Virginia Personnel Act (§ 2.2-2900 et
 328 seq.) and the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

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

335 **§ 32.1-122.20. Recruitment and retention of health care providers.**

336 The Commissioner shall direct the Commonwealth's activities and programs for recruiting and retaining
 337 health care providers for underserved populations, underserved areas, and health professional shortage areas
 338 (HPSAs) designated throughout the Commonwealth. The duties and responsibilities of the Commissioner
 339 shall include, ~~but not be limited to:~~

340 1. Designating and updating as necessary the designation of underserved areas that meet the criteria
 341 established by the Board pursuant to § 32.1-122.5;

342 2. Designating and updating as necessary those areas of the state which meet the criteria of dental,
 343 primary care, and mental health professional shortage areas as provided in 42 C.F.R. Part 5;

344 3. Administering ~~the~~ any scholarship and loan repayment programs pursuant to Article 6 (§ 32.1-122.5 et
 345 seq.) of this chapter *that are not administered by the Virginia Health Workforce Development Authority* as
 346 well as any other programs or activities authorized in the appropriation act for recruiting and retaining
 347 providers for the Commonwealth's underserved populations, underserved areas, and HPSAs *that are not*
 348 *administered by the Virginia Health Workforce Development Authority;*

349 4. Recruiting health care providers, residents, and students in Virginia and other states to care for
 350 Virginia's underserved populations and practice in underserved areas and HPSAs throughout the
 351 Commonwealth;

352 5. Publicizing the functions, programs, and activities of the Department available to assist providers in
 353 establishing a practice in underserved areas and HPSAs throughout the Commonwealth;

354 6. Coordinating the Department's health workforce activities with other state agencies as well as public
 355 and private entities in Virginia involved in health workforce training, recruitment, and retention; and

356 7. Identifying and recommending to the Governor and the General Assembly new programs, activities,
 357 and strategies for increasing the number of providers practicing in Virginia's underserved areas and HPSAs
 358 and serving Virginia's underserved populations.

359 **§ 54.1-3011.2. Nursing Scholarship and Loan Repayment Fund.**

360 A. There is hereby established the Nursing Scholarship and Loan Repayment Fund for the purpose of
 361 financing scholarships for (i) part-time and full-time students enrolled in or accepted for enrollment by
 362 nursing programs which will prepare such students, upon completion, for examination to be licensed by the
 363 Board as practical nurses or registered nurses and (ii) those registered nurses, licensed practical nurses, and
 364 certified nurse aides who agree to perform a period of nursing service in a Commonwealth long-term care
 365 facility pursuant to regulations promulgated by the ~~Board of Health~~ Virginia Health Workforce Development
 366 Authority (the Authority) in cooperation with the Board.

367 B. The Fund shall be administered by the Board, in cooperation with the Director of the Department, and
 368 the scholarships shall be administered and awarded by the ~~Board of Health~~ *Health Authority* pursuant to
 369 § 32.1-122.6:01. The Fund shall be maintained and administered separately from any other program or funds
 370 of the Board and the Department of Health Professions. No portion of the Fund shall be used for a purpose
 371 other than that described in this section and § 32.1-122.6:01. Any money remaining in the Fund at the end of
 372 a biennium, including amounts repaid by award recipients, and any interest thereon, shall not revert to the
 373 general fund or the funds of the Department of Health Professions, but shall remain in the Fund to be used
 374 only for the purposes of this section. In addition to any licensure fees that may be collected pursuant to
 375 § 54.1-3011.1, the Fund shall also include:

- 376 1. Any funds appropriated by the General Assembly for the purposes of the Fund; and
- 377 2. Any gifts, grants, or bequests received from any private person or organization.

378 Upon receiving the names of the scholarship and loan repayment program recipients from the ~~Board of~~
 379 ~~Health Authority~~, the Board of Nursing shall be responsible for transmitting the funds to the appropriate
 380 institution to be credited to the account of the recipient.

381 **2. That the regulations of the Board of Health promulgated pursuant to §§ 32.1-122.6:01, 32.1-122.6:02,**
 382 **and 54.1-3011.2 of the Code of Virginia, as amended by this act, shall be administered by the Virginia**
 383 **Health Workforce Development Authority and shall remain in full force and effect until the Virginia**
 384 **Health Workforce Development Authority promulgates regulations pursuant to this act.**

ENROLLED

HB815ER