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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2091 Session of  
2021

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INTRODUCED BY HOWARD, HILL-EVANS, HOHENSTEIN, D. WILLIAMS,  
KINSEY, SCHLOSSBERG, SAPPEY, SANCHEZ, BROOKS, GUENST,  
NEILSON, INNAMORATO AND MADDEN, NOVEMBER 17, 2021

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REFERRED TO COMMITTEE ON EDUCATION, NOVEMBER 17, 2021

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AN ACT

1 Establishing the Behavioral Welfare Educational Loan Lenience  
2 Program and imposing duties on the Pennsylvania Higher  
3 Education Assistance Agency.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Behavioral  
8 Welfare Educational Loan Lenience Program (BWELL) Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Agency." The Pennsylvania Higher Education Assistance  
14 Agency.

15 "Human services field." A field of study at an accredited  
16 college or university that, once completed, allows an individual  
17 to be hired in any of the professions enumerated under section  
18 3(b) (5).

1 "Program." The Behavioral Welfare Educational Loan Lenience  
2 Program established under section 3.

3 "Qualified applicant." An individual who meets all of the  
4 criteria under section 3(b).

5 "Recipient." A qualified applicant who is selected by the  
6 agency for participation in the program.

7 "Residential treatment facility." An inpatient health care  
8 facility located in this Commonwealth that provides therapy and  
9 treatment for emotional disorders, mental illnesses or other  
10 behavioral problems.

11 Section 3. Behavioral Welfare Educational Loan Lenience  
12 Program.

13 (a) Establishment.--The Behavioral Welfare Educational Loan  
14 Lenience Program is established within the agency.

15 (b) Qualifications.--To qualify for the program, an  
16 applicant must make an application to the agency and must meet  
17 all of the following criteria:

18 (1) Be a resident of this Commonwealth.

19 (2) Have completed at least half the credit hours needed  
20 to earn an undergraduate academic degree or diploma in social  
21 work, sociology, counseling, psychology, nursing or any other  
22 degree in the human services field.

23 (3) Have been hired as an employee of a residential  
24 treatment facility in this Commonwealth and work a minimum of  
25 20 hours per week.

26 (4) Have a recommendation from the faculty of the  
27 residential treatment facility in which the applicant is  
28 employed or from a professor under whom the applicant has  
29 taken coursework from among the degrees listed in paragraph  
30 (2), if currently studying.

1 (5) Be employed by, or have been hired by, a residential  
2 treatment facility as any of the following:

3 (i) A caseworker.

4 (ii) A dietitian or nutritionist.

5 (iii) A psychiatric aide.

6 (iv) A health information manager.

7 (v) A licensed social worker.

8 (vi) A licensed clinical social worker.

9 (vii) A licensed counselor, psychologist or  
10 therapist.

11 (viii) A direct care staffer.

12 (ix) A residential treatment facility administrator.

13 (x) A registered nurse.

14 (xi) A registered nurse practitioner.

15 (xii) A clinical nurse specialist.

16 (xiii) A psychiatric mental health advance practice  
17 registered nurse with a clinical nurse specialist  
18 certification.

19 (c) Program components.--

20 (1) An application must be made to the agency on or  
21 before the deadline for submittal of the application as  
22 established by the agency for participation in the program.

23 The following apply:

24 (i) The application shall contain all of the  
25 information required under subsection (b) and shall  
26 demonstrate that the applicant satisfies the required  
27 criteria.

28 (ii) A qualified applicant may not submit another  
29 application after satisfactorily completing the program,  
30 withdrawing from the program or failing to satisfactorily

1           comply with the program requirements as determined by the  
2           agency.

3           (2) A recipient shall be eligible for a financial award  
4           payment by the agency of a portion of the debt incurred by  
5           the recipient through the agency-administered guaranteed  
6           Stafford or consolidated loan programs if the recipient  
7           enters into a contract with the agency that requires the  
8           recipient to remain employed at a residential treatment  
9           facility for a period of up to four years.

10          (3) The agency may grant an award to be applied directly  
11          by the agency to the recipient's agency-administered  
12          guaranteed Stafford or consolidated loan debt balance, or for  
13          those recipients still enrolled in school, the award may be  
14          direct cash assistance, to be awarded as follows:

15                 (i) Not more than \$5,000 shall be awarded in the  
16                 first full calendar year beginning after the recipient is  
17                 selected by the agency for participation in the program.

18                 (ii) Not more than \$10,000 shall be awarded in the  
19                 second full calendar year beginning after the recipient  
20                 is selected by the agency for participation in the  
21                 program.

22                 (iii) Not more than \$15,000 shall be awarded in the  
23                 third full calendar year beginning after the recipient is  
24                 selected by the agency for participation in the program.

25                 (iv) Not more than \$20,000 shall be awarded in the  
26                 fourth full calendar year beginning after the recipient  
27                 is selected by the agency for participation in the  
28                 program.

29                 (v) Each amount under this paragraph shall be  
30                 adjusted annually for inflation in accordance with the

1 Consumer Price Index for All Urban Consumers (CPI-U) for  
2 the United States for all items as published by the  
3 United States Department of Labor, Bureau of Labor  
4 Statistics, for the previous 12-month period.

5 (4) Payments shall be made in accordance with the  
6 procedures established by the agency.

7 (5) No financial award payment shall be made by the  
8 agency and no applicant shall be considered a qualified  
9 applicant or participate in the program unless the applicant  
10 contracts for the following terms with the Commonwealth  
11 through the agency:

12 (i) The applicant shall agree to be employed at a  
13 qualified residential treatment facility for a period of  
14 no less than one year.

15 (ii) The applicant shall permit the agency to  
16 determine compliance with the work requirement and all  
17 other terms or requirements deemed necessary by the  
18 agency to perform its obligations under this act.

19 (iii) Upon the applicant's death or total and  
20 permanent disability, the agency shall nullify the  
21 service obligation of the applicant.

22 (iv) If the applicant is convicted of or pleads  
23 guilty or no contest to a felony, the agency shall have  
24 the authority to terminate the applicant's service in the  
25 program and demand repayment of the amount of the  
26 financial award as of the date of the conviction.

27 (v) An applicant who fails to begin or complete the  
28 obligations contracted for shall pay to the agency the  
29 amount of the financial award received under the terms of  
30 the contract. The following apply:

1 (A) Providing false information or  
2 misrepresentation on an application or verification  
3 of service shall be deemed a default.

4 (B) Determination as to the time of the default  
5 shall be made by the agency.

6 (6) Every recipient shall certify annually to the agency  
7 that the recipient continues to meet the qualifications for  
8 participation in the program for each year that the recipient  
9 continues to participate in the program.

10 (d) Limitation.--A financial award under this act shall not  
11 be made for a tuition loan that is in default at the time of  
12 application.

13 Section 4. Tuition payment awards.

14 (a) Employment.--Tuition payment awards under this act shall  
15 be awarded to recipients who:

16 (1) are working in and have received a satisfactory  
17 rating from a qualified residential treatment facility; or

18 (2) have been hired by a qualified residential treatment  
19 facility.

20 (b) Documentation.--Recipients shall submit documentation of  
21 eligibility as the agency may require, including documentation  
22 to indicate employment. The documentation shall be presented to  
23 the agency in the form of a letter from the recipient's employer  
24 stating that the recipient is employed by a qualified  
25 residential treatment facility and that the recipient performs  
26 duties in a satisfactory manner.

27 Section 5. Tax applicability.

28 A financial award payment under the program shall not be  
29 considered taxable income for the purposes of Article II of the  
30 act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code

1 of 1971.

2 Section 6. Student financial aid.

3 The provisions of this act shall be subject to 22 Pa. Code  
4 Ch. 121 (relating to student financial aid).

5 Section 7. Annual report.

6 (a) Requirements.--No later than October 1, 2022, and each  
7 October 1 thereafter, the agency shall publish a report  
8 regarding the operation of the program for the immediately  
9 preceding fiscal year.

10 (b) Contents.--A report under this section shall include the  
11 following information:

12 (1) The number and dollar amount of contracts executed  
13 and renewed for qualified applicants.

14 (2) The number of defaulted contracts, reported by  
15 cause.

16 (3) The number of employed staff participating in the  
17 program, reported by position title, level of education and  
18 type of residential treatment facility in which the recipient  
19 is employed.

20 (4) The number and type of enforcement actions taken by  
21 the agency.

22 (c) Submittal.--A report under this section shall be  
23 submitted to the following:

24 (1) The Governor.

25 (2) The chairperson and minority chairperson of the  
26 Appropriations Committee of the Senate.

27 (3) The chairperson and minority chairperson of the  
28 Appropriations Committee of the House of Representatives.

29 (4) The chairperson and minority chairperson of the  
30 Education Committee of the Senate.

1           (5) The chairperson and minority chairperson of the  
2 Education Committee of the House of Representatives.

3           (6) The chairperson and minority chairperson of the  
4 Health and Human Services Committee of the Senate.

5           (7) The chairperson and minority chairperson of the  
6 Health Committee of the House of Representatives.

7           (8) The chairperson and minority chairperson of the  
8 Human Services Committee of the House of Representatives.

9 Section 8. Funding.

10 Tuition payment awards under this act shall be made to the  
11 extent that money is appropriated by the General Assembly and is  
12 sufficient to cover the administration of the program. If  
13 funding is insufficient to fully fund the administration and all  
14 qualified applicants, the agency shall utilize a random lottery  
15 system for determining which qualified applicants receive  
16 tuition reimbursement awards.

17 Section 9. Responsibility of agency.

18 The agency shall administer the program and shall adopt  
19 regulations, policies, procedures and forms as are necessary to  
20 implement the program, which are not inconsistent with the  
21 provisions of this act.

22 Section 10. Effective date.

23 This act shall take effect in 60 days.