

MILITARY AND VETERANS CODE (51 PA.C.S.) - RETENTION INCENTIVES
FOR MEDICAL OFFICERS OR HEALTH OFFICERS OF THE PENNSYLVANIA
NATIONAL GUARD AND CONFERRING POWERS AND DUTIES ON THE ADJUTANT
GENERAL AND DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Act of Jun. 26, 2014, P.L. 791, No. 78

Cl. 51

Session of 2014
No. 2014-78

SB 403

AN ACT

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for retention incentives for medical officers or health officers of the Pennsylvania National Guard; conferring powers and duties on the Adjutant General and Department of Military and Veterans Affairs; and making editorial changes.

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

Section 1. The heading of Chapter 32 of Title 51 of the Pennsylvania Consolidated Statutes is amended and the chapter is amended by adding a subchapter heading to read:

CHAPTER 32
[EDUCATIONAL ASSISTANCE PROGRAM]
MILITARY EDUCATIONAL PROGRAMS
SUBCHAPTER A
EDUCATIONAL ASSISTANCE PROGRAM

Section 2. The introductory paragraph and definitions of "department" and "program" in section 3201 of Title 51 are amended to read:

§ 3201. Definitions.

The following words and phrases when used in this [chapter] **subchapter** shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

["Department." The Department of Military and Veterans Affairs of the Commonwealth.]

* * *

"Program." The Educational Assistance Program established in this [chapter] **subchapter**.

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Section 3. Sections 3202(a) and (c), 3204(a), 3205(a), (b), (b.1) and (c), 3206(a)(1) and (b)(1), 3207(a) and 3209 of Title 51 are amended to read:

§ 3202. Eligibility.

(a) General rule.--A Pennsylvania National Guard member is eligible to receive a public service educational grant under this [chapter] **subchapter** if the member meets all of the following eligibility criteria:

(1) The member is a qualified resident of this Commonwealth.

(2) Except as otherwise provided in subsection (c) and section 3206(b) (relating to limitations), the member is a member in good standing and has been a satisfactory participant in Pennsylvania National Guard activities for a minimum service period established by the Adjutant General.

(3) The member has enrolled as a student in an approved program of education at an approved institution of higher learning.

* * *

(c) Discharge for disability incurred in the line of duty.--A Pennsylvania National Guard member who is discharged for medical disability after September 11, 2001, shall remain eligible to receive a public service educational grant under this [chapter] **subchapter** if the member meets all of the following eligibility criteria:

(1) The medical disability was incurred in the line of duty and was not the result of misconduct.

(2) The medical condition giving rise to the discharge did not exist prior to the member entering service in the Pennsylvania National Guard.

(3) The medical disability was incurred while performing authorized military duty other than basic training, advanced individual training or other equivalent initial training.

(4) The former member received an honorable discharge for medical reasons.

(5) The former member had accepted an obligation to serve in the Pennsylvania National Guard for a minimum period of service established by the Adjutant General and was qualified to have fulfilled such service obligation but for the medical disability that resulted in discharge.

(6) The former member commences a full-time or part-time course of study within two years of medical discharge or within two years of the effective date of this subsection, such course of study having a completion date of not more than six years following the date of medical discharge for members discharged for medical disability on or after the effective date of this subsection or of not more than six years following the effective date of this subsection for members discharged for a medical disability after September 11, 2001, and before the effective date of this subsection. The Adjutant General may for good cause extend these deadlines when the former member's disability is shown to require additional time for the former member to commence or complete a course of study.

(7) The former member meets all eligibility criteria specified in subsections (a) and (b) except membership in the Pennsylvania National Guard.

§ 3204. Grants.

(a) General rule.--From the funds appropriated [specifically] for the purposes of this [chapter] **subchapter**, grants shall be provided to eligible members for the purpose of pursuing approved programs of education.

* * *

§ 3205. Amount of grants.

(a) Full-time student assistance grants.--Grants awarded under this [chapter] **subchapter** to full-time students shall be determined by the agency without regard to financial need and shall not exceed for each academic year the lesser of:

(1) the tuition of the approved institution of higher learning for the approved program of education in which the member is enrolled; or

(2) the tuition charged to a resident of this Commonwealth at a member institution of the State System of Higher Education for the same academic year.

(b) Part-time student assistance grants.--Grants awarded under this [chapter] **subchapter** to part-time students who do not possess a baccalaureate degree shall be determined by the

agency without regard to financial need and shall not exceed for each academic year or period the lesser of:

(1) the tuition for the part-time course of study in which the member is enrolled; or

(2) two-thirds of the tuition charged to a resident of the Commonwealth at a member institution of the State System of Higher Education for the same academic year or period.

(b.1) Part-time student assistance grants for students possessing baccalaureate degrees.--Grants awarded under this [chapter] **subchapter** to part-time students who possess a baccalaureate degree shall be determined by the agency without regard to financial need and shall not exceed for each academic year or period the lesser of:

(1) one-half of the tuition for the part-time course of study in which the member is enrolled; or

(2) one-third of the tuition charged to a resident of this Commonwealth at a member institution of the State System of Higher Education for the same academic year or period.

(c) Other grants.--The agency shall not reduce the amount of other agency grants or aid for which the eligible member qualifies on account of the member's eligibility for or receipt of grants under this [chapter] **subchapter**.

* * *

§ 3206. Limitations.

(a) Time.--

(1) Except as otherwise provided in paragraph (2), no member shall be eligible for full-time or part-time student assistance grants or a combination thereof under this [chapter] **subchapter** for a total of more than five academic years or their equivalent as determined by the agency.

* * *

(b) Active duty.--

(1) Except as otherwise provided in paragraph (2) or (3), no grant payments shall be made under this [chapter] **subchapter** except during the eligible member's term of service as a member in good standing of the Pennsylvania National Guard.

* * *

§ 3207. Recoupment of grant payments.

(a) General rule.--An eligible member who fails to meet the requirements of this [chapter] **subchapter** as a result of participation in this program or to meet other requirements established by the Adjutant General or the agency is liable to the Commonwealth for repayment of all grant payments made. The Adjutant General shall notify the agency if an eligible member fails to complete the service obligation, and the promissory note under section 3204(b) (relating to grants) shall be payment in full upon demand by the agency on a schedule as the agency may determine.

* * *

§ 3209. Administration.

The General Assembly shall appropriate funds to pay full-time and part-time student assistance grants under this chapter. A portion of the funds appropriated may be used to pay the costs of the administration of this chapter. Administrative costs for the [1996-1997] fiscal year **beginning July 1, 2014, and each fiscal year thereafter**, shall not exceed [5%] **3.5%** of the total amount of funds appropriated. [Administrative costs in subsequent years shall not exceed 4% of the total amount of funds appropriated and shall be based on the processing fee for the total number of applications.]

Section 4. Chapter 32 of Title 51 is amended by adding subchapters to read:

SUBCHAPTER B
MEDICAL OFFICER OR HEALTH OFFICER INCENTIVE PROGRAM

Sec.

- 3211. Definitions.
- 3212. Establishment of program.
- 3213. Program stipend.
- 3214. Additional incentives.
- 3215. Promissory note.
- 3216. Recoupment of incentive payments.
- 3217. Adjustment of stipend amounts.
- § 3211. Definitions.

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

"Behavioral health officer." An officer who:

(1) holds a license to practice psychology under the act of March 23, 1972 (P.L.136, No.52), known as the Professional Psychologists Practice Act, or is a licensed clinical social worker as defined in section 3 of the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act ;

(2) has malpractice insurance, is self-insured or maintains insurance through a private employer; and

(3) meets any applicable Federal requirements for the Pennsylvania National Guard.

"Medical officer or health officer." An officer who is any of the following:

(1) A resident physician.

(2) A physician.

(3) A physician assistant.

(4) A behavioral health officer.

(5) A public health officer or environmental science officer.

"Member in good standing." A member of the Pennsylvania National Guard who meets all medical, training, physical and educational requirements for service and who is a satisfactory participant in all scheduled duties and training periods.

"Physician." An officer assigned to and serving in an authorized Army Medical Corps or Air Force Medical Corps position who:

(1) has completed a medicine residency program; and

(2) is currently practicing medicine in the United States or its territories.

"Physician assistant." An officer who:

(1) is licensed as a physician assistant under the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985; and

(2) meets any applicable Federal requirements for the Pennsylvania National Guard.

"Program." The Medical Officer or Health Officer Incentive Program.

"Public health officer" or "environmental science officer."

An officer who holds a minimum of a bachelor's degree from an educational program accredited by an agency recognized by the United States Secretary of Education in an environmental science related field of study, including any of the following majors or their equivalent:

(1) Environmental science, environmental health or environmental management.

- (2) Occupational health.
- (3) Industrial hygiene.
- (4) Public health.
- (5) Sanitary science or epidemiology.
- (6) Biology, chemistry, toxicology, geology, microbiology, biochemistry or zoology.

"Resident physician." An officer who:

- (1) is assigned to a medical position in the Pennsylvania National Guard;
- (2) is a medical doctor or doctor of osteopathy participating in graduate training;
- (3) holds a license to practice medicine under the Medical Practice Act of 1985; and
- (4) meets any applicable Federal requirements for the Pennsylvania National Guard.

§ 3212. Establishment of program.

The Medical Officer or Health Officer Incentive Program is established within the department to provide educational stipends to eligible medical officers or health officers in accordance with the provisions of this subchapter.

§ 3213. Program stipend.

(a) General rule.--

(1) A resident physician, physician or physician assistant who meets the requirements under subsection (c) may receive a stipend of \$1,000 per month for no more than 48 months of medicine residency or the first 36 accession months of service to the Pennsylvania National Guard.

(2) A behavioral health officer, public health officer or environmental science officer who meets the requirements under subsection (c) may receive a stipend of \$500 per month for no more than the first 36 accession months of service to the Pennsylvania National Guard.

(b) Areas of concentration.--An area of concentration qualification for a medical or health officer must be approved by the National Guard Bureau through a predetermination request completed by the Pennsylvania Army National Guard Army Medical Department Officer Strength Manager.

(c) Requirements.--In order to qualify for a stipend under subsection (a), a medical officer or health officer shall meet all of the following:

(1) Be a member in good standing with the Pennsylvania National Guard.

(2) Be assigned to an appropriate medical or health position in the Pennsylvania National Guard.

(3) Agree to serve as a medical officer or health officer in the Pennsylvania National Guard after completion of residency or initial service obligation for a period of one month for each monthly stipend received. This service obligation shall be concurrent with any other military service obligation of the officer.

(d) Receipt of stipend.--A stipend under subsection (a) shall be paid to an eligible medical officer or health officer whose application for the stipend is approved at the completion of each month of residency or service. A medical officer or health officer may not receive a stipend under subsection (a) for more than 48 months during the period of service in the Pennsylvania National Guard.

(e) Adjustments.--If the Adjutant General determines that the amount available for the program in any year will be insufficient to provide stipends in the amount described under subsection (a), the Adjutant General may place a cap on the

number of medical officers or health officers eligible to receive stipends or may adjust the amount of the annual stipend.

(f) Construction.--Nothing in this section shall be construed to prohibit a medical officer or health officer who is serving in the Pennsylvania National Guard before the effective date of this section and who meets the requirements under subsection (c) from receiving a stipend under subsection (a) during the period of medicine residency or service.

§ 3214. Additional incentives.

To the extent that funds are available, the Adjutant General may, by regulation, establish additional incentives to aid in the recruitment and retention of medical officers or health officers in the Pennsylvania National Guard, provided that payment of such additional incentives shall not result in a cap on participation or reduction in the amount of stipends paid under section 3213 (relating to program stipend).

§ 3215. Promissory note.

Any recipient of a stipend or other incentive payment under this subchapter shall sign, as part of the application for the incentive payment, a promissory note in a form prescribed by the Adjutant General by which the recipient promises to repay all amounts received if the recipient fails to complete the service obligation required by this subchapter or to meet other requirements established by the Adjutant General.

§ 3216. Recoupment of incentive payments.

(a) General rule.--A recipient of a stipend or other incentive payment under this subchapter who fails to complete his service obligation or to meet other requirements established by the Adjutant General is liable to the Commonwealth for repayment of all incentive payments made. The Adjutant General shall notify the department if the recipient fails to complete the service obligation, and the promissory note under section 3215 (relating to promissory note) shall be called to secure payment in full upon demand on a schedule as the department may determine.

(b) Forgiveness of recoupment.--The Adjutant General may forgive recoupment of all or part of a recipient's stipend or other incentive payment if the Adjutant General determines that his failure to fulfill the service obligation was the result of his death, discharge because of disability incurred in line of duty, discharge because of a medical determination that he is medically unfit for duty when the medical condition is outside his control and is not due to his misconduct, mandatory discharge, release or retirement for age or years of service or discharge, release, transfer or retirement because of other compelling circumstances outside his control.

§ 3217. Adjustment of stipend amounts.

Beginning on January 1, 2016, and every two years thereafter, the Adjutant General may adjust, by notice published in the Pennsylvania Bulletin, the amounts of the stipends set forth in this subchapter by an amount equal to the change in the applicable Consumer Price Index in the preceding two years provided that the Adjutant General finds sufficient funds are appropriated and available to pay for the adjusted stipends.

SUBCHAPTER C

MISCELLANEOUS PROVISIONS

Sec.

3221. Regulations.

3222. Administration.

§ 3221. Regulations.

The Adjutant General shall promulgate regulations to carry out the provisions of this chapter.

§ 3222. Administration.

The General Assembly may appropriate funds to pay for grants under Subchapter B (relating to Medical Officer or Health Officer Incentive Program).

Section 5. This act shall take effect July 1, 2014, or immediately, whichever is later.

APPROVED--The 26th day of June, A.D. 2014.

TOM CORBETT