

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 403 Session of 2013

INTRODUCED BY HUTCHINSON, ROBBINS, KASUNIC, BREWSTER, FONTANA, YUDICHAK, ERICKSON, ALLOWAY, MENSCH, BAKER, VULAKOVICH, RAFFERTY, WHITE, VOGEL, GREENLEAF, SOLOBAY, WAUGH, COSTA, BROWNE, TARTAGLIONE, SMITH AND BOSCOLA, FEBRUARY 1, 2013

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, NOVEMBER 12, 2013

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, providing for retention incentives for
3 medical resident physicians of the Pennsylvania National
4 Guard; conferring powers and duties on the Adjutant General
5 and Department of Military and Veterans Affairs; and making
6 editorial changes.

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

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

CHAPTER 32

[EDUCATIONAL ASSISTANCE PROGRAM]

MILITARY EDUCATIONAL PROGRAMS

SUBCHAPTER A

EDUCATIONAL ASSISTANCE PROGRAM

17 Section 2. The introductory paragraph and definitions of
18 "~~department,~~" "~~fund~~" "DEPARTMENT" and "program" in section 3201 <--

1 of Title 51 are amended to read:

2 § 3201. Definitions.

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

6 * * *

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

9 * * *

10 ~~["Fund." The Educational Assistance Program Fund.]~~ <--

11 ~~* * *~~

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

14 * * *

15 ~~Section 3. Title 51 is amended by adding a section to read:~~ <--

16 ~~§ 3201.1. Establishment of program.~~

17 ~~The Educational Assistance Program is established within the~~
18 ~~agency to provide public service educational grants to eligible~~
19 ~~Pennsylvania National Guard members in accordance with the~~
20 ~~provisions of this subchapter.~~

21 Section 4 3. Sections 3202(a) and (c), 3204(a), 3205(a), <--

22 (b), (b.1) and (c), 3206(a)(1) and (b)(1) and 3207(a) of Title
23 51 are amended to read:

24 § 3202. Eligibility.

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

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

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

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

9 * * *

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

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

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

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

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

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

1 (6) The former member commences a full-time or part-time
2 course of study within two years of medical discharge or
3 within two years of the effective date of this subsection,
4 such course of study having a completion date of not more
5 than six years following the date of medical discharge for
6 members discharged for medical disability on or after the
7 effective date of this subsection or of not more than six
8 years following the effective date of this subsection for
9 members discharged for a medical disability after September
10 11, 2001, and before the effective date of this subsection.
11 The Adjutant General may for good cause extend these
12 deadlines when the former member's disability is shown to
13 require additional time for the former member to commence or
14 complete a course of study.

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

18 § 3204. Grants.

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

23 * * *

24 § 3205. Amount of grants.

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

29 (1) the tuition of the approved institution of higher
30 learning for the approved program of education in which the

1 member is enrolled; or

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

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

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

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

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

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

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

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

30 * * *

1 § 3206. Limitations.

2 (a) Time.--

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

8 * * *

9 (b) Active duty.--

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

15 * * *

16 § 3207. Recoupment of grant payments.

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

27 * * *

28 ~~Section 5. Sections 3208, 3209 and 3210 of Title 51 are~~ <--
29 ~~repealed:~~

30 ~~{§ 3208. Regulations.~~

1 3215. Promissory note.

2 3216. Recoupment of incentive payments.

3 3217. Adjustment of stipend amounts.

4 § 3211. Definitions.

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

8 "Adjutant General." The Adjutant General of the
9 Commonwealth.

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

14 "Military physician." A licensed medical doctor or doctor of
15 osteopathy who is a AN OFFICER WHO IS A member in good standing <--
16 of the Pennsylvania National Guard assigned to and serving in an
17 authorized Army Medical Corps or Air Force Medical Corps
18 position.

19 "Military resident physician." An officer who is a member in
20 good standing of the Pennsylvania National Guard, is a graduate
21 of an accredited school of medicine and is a holder of a medical
22 license and enrolled in an accredited medical residency program.

23 "Program." The Military Physician Incentive Program
24 established in this subchapter.

25 § 3212. Establishment of program.

26 The Military Physician Incentive Program is established
27 within the department to provide educational stipends to
28 eligible Pennsylvania National Guard members MILITARY RESIDENT <--
29 PHYSICIANS in accordance with the provisions of this subchapter.

30 § 3213. Military resident physician stipend.

1 (a) General rule.--A military resident physician is eligible
2 to receive a stipend of \$15,000 per year for up to four years of
3 medical residency if the member meets all of the eligibility
4 requirements under subsection (b).

5 (b) Requirements.--In order to qualify for the military
6 resident physician stipend, a military resident physician must
7 meet all of the following:

8 (1) Be assigned to an appropriate medical position in
9 the Pennsylvania National Guard.

10 (2) Agree to serve as a military physician in the
11 Pennsylvania National Guard after completion of residency for
12 one year for each annual stipend received. This service
13 obligation shall be concurrent with any other military
14 service obligation of the applicant.

15 (c) Receipt of stipend.--Stipends will be paid to an
16 eligible military resident physician whose application for the
17 stipend is approved at the completion of each year of residency.

18 (d) Adjustments.--If the Adjutant General determines that
19 the amount available for the program in any year will be
20 insufficient to provide stipends in the amount described in this
21 section to all applicants, he may place a cap on the number of
22 military resident physicians eligible to receive stipends or may
23 adjust the amount of the annual stipend.

24 § 3214. Additional military physician incentives.

25 To the extent that funds are appropriated and available, the
26 Adjutant General may, by military regulation, establish
27 additional incentives to aid in the recruitment and retention of
28 military physicians in the Pennsylvania National Guard, provided
29 that payment of such additional incentives shall not result in a
30 cap on participation or reduction in the amount of stipends paid

1 under section 3213 (relating to military resident physician
2 stipend).

3 § 3215. Promissory note.

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

11 § 3216. Recoupment of incentive payments.

12 (a) General rule.--A recipient of a stipend or other
13 incentive payment under this subchapter who fails to complete
14 his service obligation or to meet other requirements established
15 by the Adjutant General is liable to the Commonwealth for
16 repayment of all incentive payments made. The Adjutant General
17 shall notify the department if the recipient fails to complete
18 the service obligation, and the promissory note under section
19 3215 (relating to promissory note) shall be called to secure
20 payment in full upon demand on a schedule as the department may
21 determine.

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

1 discharge, release, transfer or retirement because of other
2 compelling circumstances outside his control.

3 § 3217. Adjustment of stipend amounts.

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

11 SUBCHAPTER C

12 MISCELLANEOUS PROVISIONS

13 Sec.

14 3221. Regulations.

15 3222. Administration.

16 3223. Military Educational Programs Fund.

<--

17 § 3221. Regulations.

18 The Adjutant General ~~may~~ SHALL promulgate regulations to
19 carry out the provisions of this chapter.

<--

20 § 3222. Administration.

21 The General Assembly ~~shall~~ MAY appropriate funds to pay for

<--

22 grants under Subchapters A (relating to Educational Assistance

<--

23 Program) and SUBCHAPTER B (relating to Military Physician

<--

24 Incentive Program). A portion of the funds appropriated may be

<--

25 used to pay the costs of the administration of this chapter.

26 Administrative costs in a fiscal year shall not exceed 4% of the

27 total amount of funds appropriated and shall be based on the

28 processing fee for the total number of applications.

29 § 3223. Military Educational Programs Fund.

30 All moneys appropriated for the purposes of Subchapters A

1 ~~(relating to Educational Assistance Program) and B (relating to~~
2 ~~Military Physician Incentive Program) and all investment income~~
3 ~~earned on those moneys shall be deposited in the Military~~
4 ~~Educational Programs Fund, which is established as a special~~
5 ~~nonlapsing fund in the State Treasury. All moneys placed in the~~
6 ~~fund and the investment income it accrues are appropriated on a~~
7 ~~continuing basis to the department and shall be used solely for~~
8 ~~the purposes of the programs.~~

9 Section 7 5. This act shall take effect July 1, 2013 2014, <--
10 or immediately, whichever is later.