

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 927 Session of 2021

INTRODUCED BY HUTCHINSON, KANE, MENSCH, J. WARD, PITTMAN AND MASTRIANO, OCTOBER 27, 2021

SENATOR STEFANO, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, AS AMENDED, NOVEMBER 9, 2021

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, in military educational programs,
3 further providing for medical officer or health officer
4 incentive program, for definitions, for establishment of
5 program, for program stipend, for additional incentives, for
6 recoupment of incentive payments and for adjustment of
7 stipend amounts.

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

10 Section 1. The heading of Subchapter B of Chapter 32 and
11 sections 3211, 3212, 3213, 3214, 3216 and 3217 of Title 51 of
12 the Pennsylvania Consolidated Statutes are amended to read:

13 SUBCHAPTER B

14 MEDICAL OFFICER OR HEALTH CARE

15 OFFICER INCENTIVE PROGRAM

16 § 3211. Definitions.

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

20 ["Behavioral health officer." An officer who:

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

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

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

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

13 (1) A resident physician.

14 (2) A physician.

15 (3) A physician assistant.

16 (4) A behavioral health officer.

17 (5) A public health officer or environmental science
18 officer.]

19 "Health care Officer." An officer who serves in one of the
20 Air Force's following health care professions:

21 (1) Doctor.

22 (2) Nurse.

23 (3) Dentist.

24 (4) Allied Health.

25 (5) Administration.

26 "Medical Officer." An officer who serves in one of the Army
27 Medical Department's six corps:

28 (1) Dental Corps.

29 (2) Medical Corps.

30 (3) Medical Services Corps.

1 (4) Medical Specialist Corps.

2 (5) Nurse Corps.

3 (6) Veterinary Corps.

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

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

11 (1) has completed a medicine residency program; and

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

14 "Physician assistant." An officer who:

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

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

20 "Program." The Medical Officer or Health Care Officer
21 Incentive Program.

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

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

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

30 (2) Occupational health.

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

6 "Resident physician." An officer who:

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

15 § 3212. Establishment of program.

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

20 § 3213. Program stipend.

21 (a) General rule.--

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

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

1 the Pennsylvania National Guard.]

2 (3) A medical officer or health care officer who is
3 required to have obtained a doctoral degree for entry into
4 the officer's military specialty and who meets the
5 requirements under subsection (c) may receive a stipend of
6 \$1,000 per month for no more than 48 months of medicine
7 residency or the first 36 accession months of service to the
8 Pennsylvania National Guard.

9 (4) A medical officer or health care officer who is
10 required to have obtained a master's degree for entry into
11 the officer's military specialty who meets the requirements
12 under subsection (c) may receive a stipend of \$750 per month
13 for no more than 48 months of medicine residency or the first
14 36 accession months of service to the Pennsylvania National
15 Guard.

16 (5) A medical officer or health care officer who is
17 required to have obtained a bachelor's degree for entry into
18 the officer's military specialty who meets the requirements
19 under subsection (c) may receive a stipend of \$500 per month
20 for no more than 48 months of medicine residency or the first
21 36 accession months of service to the Pennsylvania National
22 Guard.

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

29 (b.1) Eligibility.--Medical officers and health care
30 officers assigned to administrative, planning or logistical

1 concentrations shall not be eligible for the program.

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

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

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

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

15 (4) Meet Federal and State licensing requirements to
16 practice within the officer's medical specialty within the
17 Commonwealth of Pennsylvania.

18 (5) Meet any applicable Federal requirements for the
19 Pennsylvania National Guard.

20 (6) ONCE LICENSED AND ELIGIBLE TO BE GRANTED, MAINTAIN <--
21 CLINICAL PRIVILEGES AS AWARDED AT THE NATIONAL GUARD LEVEL BY
22 THE CENTRALIZED CREDENTIALS AND PRIVILEGING BOARD (C2P2).

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

30 (e) Adjustments.--If the Adjutant General determines that

1 the amount available for the program in any year will be
2 insufficient to provide stipends in the amount described under
3 subsection (a), the Adjutant General may place a cap on the
4 number of medical officers or health care officers eligible to
5 receive stipends or may adjust the amount of the annual stipend.

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

13 § 3214. Additional incentives.

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

21 § 3216. Recoupment of incentive payments.

22 (a) General rule.--A recipient of a stipend or other
23 incentive payment under this subchapter who fails to complete
24 [his] the recipient's service obligation or to meet other
25 requirements established by the Adjutant General is liable to
26 the Commonwealth for repayment of all incentive payments made.
27 The Adjutant General shall notify the department if the
28 recipient fails to complete the service obligation, and the
29 promissory note under section 3215 (relating to promissory note)
30 shall be called to secure payment in full upon demand on a

1 schedule as the department may determine.

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

15 § 3217. Adjustment of stipend amounts.

16 Beginning on January 1, [2016] 2022, and every [two] five
17 years thereafter, the Adjutant General may adjust, by notice
18 published in the Pennsylvania Bulletin, the amounts of the
19 stipends set forth in this subchapter by an amount equal to the
20 change in the applicable Consumer Price Index in the preceding
21 [two] FIVE years provided that the Adjutant General finds <--
22 sufficient funds are appropriated and available to pay for the
23 adjusted stipends.

24 Section 2. This act shall take effect in 60 days.