

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 162 Session of 2023

INTRODUCED BY HUTCHINSON, KANE, MASTRIANO, PENNYCUICK,  
BARTOLOTTA, STEFANO AND J. WARD, JANUARY 17, 2023

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
JANUARY 17, 2023

AN ACT

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

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 United States 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  
27 United States Army 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 Preparation Board  
23 (C2P2).

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

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

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

14 § 3214. Additional incentives.

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

22 § 3216. Recoupment of incentive payments.

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

1 shall be called to secure payment in full upon demand on a  
2 schedule as the department may determine.

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

16 § 3217. Adjustment of stipend amounts.

17 Beginning on January 1, [2016] 2024, and every [two] five  
18 years thereafter, the Adjutant General may adjust, by notice  
19 published in the Pennsylvania Bulletin, the amounts of the  
20 stipends set forth in this subchapter by an amount equal to the  
21 change in the applicable Consumer Price Index in the preceding  
22 [two] five years provided that the Adjutant General finds  
23 sufficient funds are appropriated and available to pay for the  
24 adjusted stipends.

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