

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

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 31, 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 FOR ELIGIBILITY; and making editorial <--
8 changes.

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

11 Section 1. The heading of Subchapter B of Chapter 32 and
12 sections 3211, 3212, 3213, 3214, 3216 and 3217 3216, 3217 AND <--
13 3223 of Title 51 of the Pennsylvania Consolidated Statutes are
14 amended to read:

SUBCHAPTER B

16 [MEDICAL OFFICER OR HEALTH CARE] SPECIALTY BRANCH <--

OFFICER INCENTIVE PROGRAM

18 § 3211. Definitions.

19 The following words and phrases when used in this subchapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

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

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

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

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

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

16 (1) A resident physician.

17 (2) A physician.

18 (3) A physician assistant.

19 (4) A behavioral health officer.

20 (5) A public health officer or environmental science
21 officer.]

22 "CHAPLAIN." AN OFFICER WHO SERVES IN THE UNITED STATES ARMY <--
23 CHAPLAIN CORPS.

24 "Health care officer." An officer who serves in one of the
25 United States Air Force's following health care professions:

26 (1) Doctor.

27 (2) Nurse.

28 (3) Dentist.

29 (4) Allied Health.

30 (5) Administration.

1 "JAG OFFICER." AN OFFICER WHO SERVES IN THE UNITED STATES <--
2 ARMY JUDGE ADVOCATE GENERAL'S CORPS.

3 "Medical officer." An officer who serves in one of the
4 United States Army Medical Department's six corps:

5 (1) Dental Corps.

6 (2) Medical Corps.

7 (3) Medical Services Corps.

8 (4) Medical Specialist Corps.

9 (5) Nurse Corps.

10 (6) Veterinary Corps.

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

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

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

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

21 "Physician assistant." An officer who:

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

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

27 "Program." The [Medical Officer or Health ~~Care~~] SPECIALTY <--
28 BRANCH Officer Incentive Program.

29 ["Public health officer" or "environmental science officer."
30 An officer who holds a minimum of a bachelor's degree from an

1 educational program accredited by an agency recognized by the
2 United States Secretary of Education in an environmental science
3 related field of study, including any of the following majors or
4 their equivalent:

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

7 (2) Occupational health.

8 (3) Industrial hygiene.

9 (4) Public health.

10 (5) Sanitary science or epidemiology.

11 (6) Biology, chemistry, toxicology, geology,
12 microbiology, biochemistry or zoology.

13 "Resident physician." An officer who:

14 (1) is assigned to a medical position in the
15 Pennsylvania National Guard;

16 (2) is a medical doctor or doctor of osteopathy
17 participating in graduate training;

18 (3) holds a license to practice medicine under the
19 Medical Practice Act of 1985; and

20 (4) meets any applicable Federal requirements for the
21 Pennsylvania National Guard.]

22 § 3212. Establishment of program.

23 The [Medical Officer or Health ~~Care~~] SPECIALTY BRANCH Officer <--
24 Incentive Program is established within the department to
25 provide educational stipends to eligible [medical officers or <--
26 health ~~care~~] SPECIALTY BRANCH officers in accordance with the <--
27 provisions of this subchapter.

28 § 3213. Program stipend.

29 (a) General rule.--

30 [(1) A resident physician, physician or physician

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

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

10 (3) A medical officer or health care officer who is
11 required to have obtained a doctoral degree for entry into
12 the officer's military specialty and who meets the
13 requirements under subsection (c) may receive a stipend of
14 \$1,000 per month for no more than 48 months of medicine
15 residency or the first 36 accession months of service to the
16 Pennsylvania National Guard.

17 (4) A medical officer or health care officer who is
18 required to have obtained a master's degree for entry into
19 the officer's military specialty who meets the requirements
20 under subsection (c) may receive a stipend of \$750 per month
21 for no more than 48 months of medicine residency or the first
22 36 accession months of service to the Pennsylvania National
23 Guard.

24 (5) A medical officer or health care officer who is
25 required to have obtained a bachelor's degree for entry into
26 the officer's military specialty who meets the requirements
27 under subsection (c) may receive a stipend of \$500 per month
28 for no more than 48 months of medicine residency or the first
29 36 accession months of service to the Pennsylvania National
30 Guard.

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1 (6) A JAG OFFICER WHO IS REQUIRED TO HAVE OBTAINED A
2 JURIS DOCTOR DEGREE AND A LICENSE TO PRACTICE LAW IN THIS
3 COMMONWEALTH FOR ENTRY INTO THE OFFICER'S MILITARY SPECIALTY
4 AND WHO MEETS THE REQUIREMENTS UNDER SUBSECTION (C) MAY
5 RECEIVE A STIPEND OF \$750 PER MONTH FOR THE FIRST 36
6 ACCESSION MONTHS OF SERVICE TO THE PENNSYLVANIA NATIONAL
7 GUARD.

8 (7) A CHAPLAIN WHO IS REQUIRED TO OBTAIN A BACHELOR'S
9 DEGREE, AN ECCLESIASTICAL ENDORSEMENT AND A SEMINARY GRADUATE
10 DEGREE AND IS ORDAINED FOR ENTRY INTO THE OFFICER'S MILITARY
11 SPECIALTY AND WHO MEETS THE REQUIREMENTS UNDER SUBSECTION (C)
12 MAY RECEIVE A STIPEND OF \$750 PER MONTH FOR THE FIRST 36
13 ACCESSION MONTHS OF SERVICE TO THE PENNSYLVANIA NATIONAL
14 GUARD.

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

21 (b.1) Eligibility.--Medical officers and health care
22 officers assigned to administrative, planning or logistical
23 concentrations shall not be eligible for the program.

24 (c) Requirements.--In order to qualify for a stipend under
25 subsection (a), a **[medical officer or health care]** SPECIALTY
26 BRANCH officer shall meet all of the following:

<--

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

29 (2) Be assigned to an appropriate medical **[or]**, health,
30 LEGAL OR RELIGIOUS position in the Pennsylvania National

<--

1 Guard.

2 (3) Agree to serve as a [medical officer or health care] <--
3 SPECIALTY BRANCH officer in the Pennsylvania National Guard
4 [after completion of residency or initial service obligation]
5 for a period of one month for each monthly stipend received.
6 This service obligation shall be concurrent with any other
7 military service obligation of the officer.

8 (4) Meet Federal and State licensing requirements to
9 practice within the officer's medical specialty within the
10 Commonwealth of Pennsylvania.

11 (5) Meet any applicable Federal requirements for the
12 Pennsylvania National Guard.

13 (6) Once licensed and eligible to be granted, maintain
14 clinical privileges as awarded at the national guard level by
15 the Centralized Credentials and Privileging Preparation Board
16 (C2P2).

17 (d) Receipt of stipend.--A stipend under subsection (a)
18 shall be paid to an eligible [medical officer or health care] <--
19 SPECIALTY BRANCH officer whose application for the stipend is
20 approved at the completion of each month of residency or
21 service. A [medical officer or health care] SPECIALTY BRANCH <--
22 officer may not receive a stipend under subsection (a) for more
23 than 48 months during the period of service in the Pennsylvania
24 National Guard.

25 (e) Adjustments.--If the Adjutant General determines that
26 the amount available for the program in any year will be
27 insufficient to provide stipends in the amount described under
28 subsection (a), the Adjutant General may place a cap on the
29 number of [medical officers or health care] SPECIALTY BRANCH <--
30 officers eligible to receive stipends or may adjust the amount

1 of the annual stipend.

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

9 § 3214. Additional incentives.

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

18 § 3216. Recoupment of incentive payments.

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

29 (b) Forgiveness of recoupment.--The Adjutant General may
30 forgive recoupment of all or part of a recipient's stipend or

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

12 § 3217. Adjustment of stipend amounts.

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

21 § 3223. ELIGIBILITY. <--

22 AN ELIGIBLE MEMBER MAY [APPLY FOR PARTICIPATION] PARTICIPATE
23 IN THE PROGRAM IF THE ELIGIBLE MEMBER DOES OR MEETS ALL OF THE
24 FOLLOWING:

25 [(1) HAS BEEN A SATISFACTORY PARTICIPANT IN PENNSYLVANIA
26 NATIONAL GUARD ACTIVITIES FOR A MINIMUM SERVICE PERIOD
27 ESTABLISHED BY THE ADJUTANT GENERAL OR IS A FORMER ELIGIBLE
28 MEMBER AND HAS RECEIVED A DISCHARGE OTHER THAN A DISHONORABLE
29 DISCHARGE.]

30 (2) [HAS ACCEPTED] ACCEPTS AN OBLIGATION TO SERVE IN THE

1 PENNSYLVANIA NATIONAL GUARD FOR A PERIOD OF AT LEAST EIGHT
2 YEARS AND HAS NOT ACCEPTED AN OBLIGATION UNDER SUBCHAPTER A
3 (RELATING TO EDUCATIONAL ASSISTANCE PROGRAM) OR A.1 (RELATING
4 TO MILITARY FAMILY EDUCATION PROGRAM) FOR THE SAME SERVICE
5 PERIOD. THE SERVICE OBLIGATION TO THE PENNSYLVANIA NATIONAL
6 GUARD SHALL BE TWO YEARS AS A CADET IN THE MILITARY COLLEGE
7 AND EIGHT YEARS AS A COMMISSIONED OFFICER.

8 (3) SERVES AS A SIMULTANEOUS MEMBERSHIP PROGRAM CADET IN
9 THE PENNSYLVANIA NATIONAL GUARD AND ACCEPTS A PENNSYLVANIA
10 NATIONAL GUARD COMMISSION UPON GRADUATION FROM THE MILITARY
11 COLLEGE.

12 (4) PROVIDES PROOF OF UNITED STATES CITIZENSHIP.

13 (5) PROVIDES PROOF OF MEETING PHYSICAL STANDARDS, IN
14 EFFECT ON THE EFFECTIVE DATE OF THIS SECTION, REQUIRED TO BE
15 CONSIDERED TO SERVE IN THE UNITED STATES ARMY.

16 (6) PROVIDES PROOF OF MEETING ACADEMIC STANDARDS, IN
17 EFFECT ON THE EFFECTIVE DATE OF THIS SECTION, REQUIRED TO BE
18 CONSIDERED TO SERVE IN THE UNITED STATES ARMY AS A
19 COMMISSIONED OFFICER.

20 (7) PROVIDES A LETTER OF INTENT.

21 (8) PROVIDES A LETTER OF ACCEPTANCE INTO THE EARLY
22 COMMISSIONING PROGRAM.

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