

HOUSE BILL NO. HB0157

Health care professional education endowment.

Sponsored by: Representative(s) Harshman, Connolly,
MacGuire, Walters, Washut and Zwonitzer and
Senator(s) Furphy, Landen and Wasserburger

A BILL

for

1 AN ACT relating to health care education; creating an
2 inviolate health care education endowment fund; providing
3 for investment of monies in the fund; providing for
4 distribution of monies; providing for the use of earnings
5 for the support of certain health care education programs
6 at the University of Wyoming and Wyoming community colleges
7 or the western interstate commission for higher education
8 professional student exchange program; authorizing the use
9 of earnings for student support payments and administrative
10 costs; specifying goals; creating a board; requiring
11 rulemaking; generally providing for administration of the
12 act; providing a continuous appropriation; providing for
13 consideration of an additional supplemental appropriation;
14 and providing for an effective date.

15

1 *Be It Enacted by the Legislature of the State of Wyoming:*

2

3 **Section 1.** W.S. 21-16-1701 through 21-16-1706 are
4 created to read:

5

6 **21-16-1701. Short title.**

7

8 This article shall be known and may be cited as the
9 "Wyoming Front Line Health Care Education Funding Act."

10

11 **21-16-1702. Definitions.**

12

13 (a) As used in this article:

14

15 (i) "Board" means the Wyoming front line health
16 care education endowment fund board created by W.S.
17 21-16-1704;

18

19 (ii) "Cost of attendance" means as defined in
20 W.S. 21-16-1301(a)(v);

21

22 (iii) "Department" means the department of
23 education;

1

2 (iv) "Eligible institution" means the University
3 of Wyoming or a Wyoming community college or the western
4 interstate commission for higher education professional
5 student exchange program;

6

7 (v) "Endowment fund" means the Wyoming front
8 line health care education endowment fund created by W.S.
9 9-4-204(u)(ix);

10

11 (vi) "Income account" means the Wyoming front
12 line health care education endowment fund income account
13 created by W.S. 21-16-1703(b);

14

15 (vii) "Medical technician program" means a
16 program that leads to a certificate or associate degree
17 generally required to engage in health care by performing
18 tests or other support services for physicians, physician
19 assistants and nurses in a hospital or laboratory setting;

20

21 (viii) "Unmet financial need" means as defined
22 in W.S. 21-16-1301(a)(xviii).

23

1 **21-16-1703. Wyoming front line health care education**
2 **endowment fund; income account created; expenditures;**
3 **purposes.**

4
5 (a) The Wyoming front line health care education
6 endowment fund is created as provided by W.S.
7 9-4-204(u)(ix). The endowment fund shall consist of those
8 monies designated to the fund by law. Monies deposited to
9 the endowment fund are inviolate and constitute a
10 perpetual fund which shall be invested by the state
11 treasurer as authorized under W.S. 9-4-715(a), (d) and (e)
12 and in a manner to obtain the highest return possible
13 consistent with preservation of the endowment fund corpus.

14
15 (b) The state treasurer shall credit annually to a
16 Wyoming front line health care education endowment fund
17 income account the earnings from endowment fund investments
18 up to the spending policy amount established in W.S.
19 9-4-719(y). Earnings for any fiscal year in excess of the
20 spending policy amount shall be credited to a reserve
21 account as provided by W.S. 9-4-719(u).

22

1 (c) Monies in the income account are continuously
2 appropriated to the board for purposes of this article.

3

4 **21-16-1704. Wyoming front line health care education**
5 **endowment fund board established; terms; meetings; duties.**

6

7 (a) There is created Wyoming front line health care
8 education endowment fund board. The members shall be as
9 follows:

10

11 (i) One (1) member appointed by the University
12 of Wyoming board of trustees;

13

14 (ii) One (1) member appointed by vote of the
15 presidents of Wyoming community colleges;

16

17 (iii) One (1) member appointed by the community
18 college commission;

19

20 (iv) Two (2) members who are active or retired
21 health care providers appointed by the governor and
22 confirmed by the senate;

23

1 (v) Two (2) members of the public, one (1)
2 appointed by the president of the senate and one (1)
3 appointed by the speaker of the house of representatives.

4

5 (b) Members of the board shall serve for six (6) year
6 terms, except that the members appointed pursuant to
7 paragraphs (a)(i) through (iii) of this section shall serve
8 an initial term of three (3) years. The board shall select
9 one (1) of its members to serve as chair.

10

11 (c) The board shall meet as it determines necessary.
12 All members shall serve without compensation for board
13 service. Members who are not state employees shall be paid
14 per diem and mileage for attending board meetings in the
15 manner and amounts provided by law for state employees. The
16 department of education shall provide budget, fiscal,
17 administrative and clerical services to the board at a
18 reasonable rate established by the department and agreed to
19 by the board.

20

21 (d) The board may expend monies from the income
22 account for distribution to eligible institutions as
23 provided in W.S. 21-16-1705 and 21-16-1706 and for

1 administrative expenses incurred by the board and the
2 department for services provided to the board.

3

4 (e) The board shall adopt rules in accordance with
5 the Wyoming Administrative Procedure Act as it determines
6 necessary to carry out its duties under this article. The
7 board shall not expend any funds from the income account,
8 other than for administrative expenses of the board, until
9 rules adopted by the board have become effective. Board
10 rules shall include:

11

12 (i) Provisions for determining the allocation of
13 endowment fund earnings for establishment and support of
14 the health care education programs specified in
15 subparagraphs (ii)(A) through (C) of this subsection and
16 for payments for student enrollment in those programs as
17 provided in this article;

18

19 (ii) Work requirements and other payment and
20 repayment provisions for students receiving funds through
21 eligible institutions under this article. These provisions
22 shall be comparable to:

23

1 (A) Terms of the Wyoming investment in
2 nursing program under W.S. 9-2-123 for students in a
3 nursing program eligible for student support payments under
4 this article;

5

6 (B) Terms for physician assistants under
7 the repayment programs in W.S. 21-16-202 for students in a
8 physician assistant program eligible for student support
9 payments under this article;

10

11 (C) Terms for allied health care providers
12 under the repayment programs in W.S. 9-2-119 for students
13 in a medical technician program eligible for student
14 support payments under this article.

15

16 (iii) Criteria and procedures for board approval
17 of the form and substance of agreements between eligible
18 institutions and students for receiving funding under this
19 article, including repayment provisions;

20

21 (iv) Criteria and procedures to approve a health
22 care education program for funding under this article and
23 for the amount of funding provided;

1

2 (v) Procedures for distributing approved student
3 support payments and program support payments to eligible
4 institutions;

5

6 (vi) Provision for the allocation of total
7 earnings each fiscal year in accordance with periodic
8 analysis by the department of workforce services of the
9 data showing long-term projected needs for health care
10 providers compared to the available workforce in all health
11 care occupations in Wyoming. Prior to the first completed
12 analysis under this paragraph, allocation shall be made in
13 accordance with the following:

14

15 (A) Forty percent (40%) to fifty percent
16 (50%) shall be allocated to programs and student support
17 payments for programs described in subparagraph (h)(i)(A)
18 of this section;

19

20 (B) Twenty-five percent (25%) to thirty
21 percent (30%) shall be allocated to programs and student
22 support payments for programs described in subparagraph
23 (h)(i)(B) of this section;

1

2 (C) Twenty-five percent (25%) to thirty
3 percent (30%) shall be allocated to programs and student
4 support payments for programs described in subparagraph
5 (h)(i)(C) of this section.

6

7 (f) The board may:

8

9 (i) Vary the governing terms of agreements
10 between students and eligible institutions as the board
11 determines best meets the goals specified in this article.
12 In making these determinations the board shall consider,
13 among other things, other state and federal programs
14 providing payments for students enrolled in health care
15 education programs and loan repayment programs for the
16 same;

17

18 (ii) Consult with other governmental agencies
19 and persons, as necessary;

20

21 (iii) Accept or decline federal grants and other
22 contributions, grants, gifts, transfers, bequests and
23 donations of any money or property from any source. Funds

1 received by the board shall be deposited with the state
2 treasurer, to be credited either to the endowment fund or
3 the income account, consistent with the conditions attached
4 to their receipt;

5

6 (iv) Recommend to the legislature changes to
7 funding or other provisions of this article.

8

9 (g) The board shall annually report to the governor
10 and the legislature no later than September 1 of each year
11 commencing in 2022 with respect to all federal grants,
12 state appropriations and other contributions, grants,
13 gifts, bequests and donations received and credited to the
14 endowment fund and income account during the preceding
15 fiscal year. The report shall include all allocations of
16 funds by the board to each eligible institution of higher
17 education under this article, including the allocation of
18 funds for program implementation and support and for
19 student support payments under this article. The report
20 shall include progress made to fulfill the goals stated in
21 this article.

22

1 (h) In adopting rules and allocating funds pursuant
2 to this article prior to the analysis by the department of
3 workforce services in paragraph (e)(vi) of this section the
4 board shall be guided by the following goals:

5

6 (i) To provide payments in each year of
7 expenditure to support not fewer than:

8

9 (A) Twenty (20) students enrolled in a
10 program leading to degree supporting licensure as a
11 physician assistant;

12

13 (B) Twelve (12) students enrolled in a
14 baccalaureate degree program supporting licensure as a
15 nurse;

16

17 (C) Twenty (20) students enrolled in an
18 associate degree or certificate program supporting
19 licensure as a medical technician.

20

21 (ii) To provide to students enrolled in a
22 program specified in subparagraphs (i)(A) through (C) of
23 this subsection all or a portion of the student's unmet

1 need for cost of attendance incurred for enrollment in the
2 program in accordance with agreements between the
3 institutions and students;

4

5 (iii) To establish or support geographically
6 dispersed health care education programs specified in this
7 article among eligible institutions. In achieving this
8 goal the board shall recognize economic efficiencies but
9 shall not allow those efficiencies to be the sole basis not
10 to support geographic dispersal of programs;

11

12 (iv) To provide underserved communities with the
13 health care providers identified in this subsection. In
14 carrying out this article the board shall rely on
15 assessments of the state's health care needs by geographic
16 areas and by particular health care services as conducted
17 by the office of rural health care and shall prioritize
18 agreements under this article accordingly.

19

20 **21-16-1705. Student support; agreements; payments.**

21

22 (a) Before expending any funds provided under this
23 article on behalf of a student enrolled in a health care

1 provider program the eligible institution shall obtain an
2 agreement whereby the student agrees to apply for federal
3 financial assistance and any employer based financial
4 assistance for which the applicant may be eligible and:

5

6 (i) Actively engage in professional health care
7 practice in Wyoming for the period required by board rules
8 for the program in which the student is enrolled; or

9

10 (ii) Repay all amounts expended by the state
11 under this article on the student's education, together
12 with interest, upon terms specified by board rule for the
13 program in which the student was enrolled.

14

15 (b) The board shall provide approved student support
16 payments to the eligible institution at which the student
17 is enrolled. In consultation with eligible institutions the
18 board shall establish procedures for transferring students
19 and for reporting requirements on the expenditure of
20 transferred student support payments.

21

22 (c) Cash repayment of student support payments and
23 interest thereon shall be made to the appropriate eligible

1 institution, forwarded to the board and credited to the
2 income account.

3

4 (d) Student support payments under this article which
5 pay for tuition and fees shall be separately accounted for
6 by the eligible institution. These funds shall be used by
7 the institution solely for the support of education and
8 training in the program in which the student is enrolled.
9 The receipt and expenditure of these funds shall be
10 identified in the university's biennial budget request and
11 separately for each college in the biennial budget request
12 of the community college commission.

13

14 **21-16-1706. Establishment and support of health care**
15 **education programs.**

16

17 (a) The board may expend from the income account
18 monies to eligible institutions for instructor positions
19 and to acquire instructional and resource materials and
20 classroom equipment necessary to establish or support a
21 health care education program specified in W.S.
22 21-16-1704(h). Eligible institutions may collaborate on the
23 use of funds received under this article, including

1 entering into consortium agreements for the operation of a
2 program.

3

4 (b) Funds distributed under this section shall be
5 subject to the following:

6

7 (i) Eligible institutions shall apply to the
8 board for funding of health care education programs at
9 times determined by board rule;

10

11 (ii) The funds shall be designated as Wyoming
12 front line health care education endowment monies,
13 accounted for separately from funding provided under the
14 allocation model under W.S. 21-18-205(c) and special
15 purpose funding under W.S. 21-18-205(e) and shall not be
16 transferred to or expended for any other purpose;

17

18 (iii) The funds shall be expended only for
19 programs determined by the board to be eligible for funding
20 under this article.

21

22 (c) The community college commission shall cooperate
23 with the board, the department of health, community

1 colleges and the University of Wyoming to establish
2 programs of training and education for the professional
3 health care services specified in W.S. 21-16-1704(h). The
4 programs may be offered at the University of Wyoming or one
5 (1) or more community colleges, or both, in collaboration.

6

7 **Section 2.** W.S. 9-4-204(u) by creating a new
8 paragraph (ix), 9-4-714(a)(v), 9-4-719 by creating new
9 subsections (t) through (y) and 21-18-202(b)(v) and (d)(i)
10 are amended to read:

11

12 **9-4-204. Funds established; use thereof.**

13

14 (u) Other funds defined as follows shall be
15 classified by the state auditor pursuant to subsections (s)
16 and (t) of this section:

17

18 (ix) Wyoming front line health care education
19 endowment fund - to consist of funds appropriated or
20 designated by law, or by gift from whatever source. In
21 accordance with Wyoming Constitution Article 15, Section
22 20, monies within the fund shall not be expended and may be
23 invested in the same manner as other permanent funds of the

1 state. Earnings from investment of monies within the fund
2 shall be distributed and expended as provided by law.

3

4 **9-4-714. Definitions.**

5

6 (a) As used in this act:

7

8 (v) "Permanent funds" means the permanent
9 Wyoming mineral trust fund under W.S. 9-4-204(u)(iii), the
10 Wyoming permanent land fund under W.S. 9-4-204(u)(iv), the
11 excellence in higher education endowment fund under W.S.
12 9-4-204(u)(vi), the Hathaway student scholarship endowment
13 fund under W.S. 9-4-204(u)(vii), ~~and~~ the Hathaway expand
14 Wyoming scholarship endowment fund under W.S.
15 9-4-204(u)(viii) and the Wyoming front line health care
16 education endowment fund under W.S. 9-4-204(u)(ix);

17

18 **9-4-719. Investment earnings spending policy**
19 **permanent funds.**

20

21 (t) There is created the Wyoming front line health
22 care education endowment reserve account. Interest and
23 other earnings on funds within the account shall be

1 credited to the account. As soon as possible after the end
2 of each of the fiscal years beginning on and after July 1,
3 2022, revenues in this account in excess of two hundred
4 percent (200%) of the spending policy amount in subsection
5 (y) of this section shall be credited to the Wyoming front
6 line health care education endowment fund created by W.S.
7 9-4-204(u)(ix).

8
9 (u) The earnings from the Wyoming front line health
10 care education endowment fund during each fiscal year
11 beginning July 1, 2022, in excess of the spending policy
12 amount established in subsection (y) of this section shall
13 be deposited by the state treasurer to the Wyoming front
14 line health care education endowment reserve account. The
15 excess earnings shall be credited to the reserve account as
16 soon as practicable after the end of the fiscal year but no
17 later than ninety (90) days after the end of the fiscal
18 year.

19
20 (w) To the extent the spending policy amount
21 established in subsection (y) of this section exceeds
22 earnings from the Wyoming front line health care education
23 endowment fund for the prior fiscal year, the state

1 treasurer shall distribute from the Wyoming front line
2 health care education endowment reserve account an amount
3 equal to the difference, and such amounts are continuously
4 appropriated from the reserve account for that purpose.
5 Any funds distributed pursuant to this subsection shall be
6 distributed no later than ninety (90) days after the end of
7 the fiscal year and shall be distributed and expended as
8 provided in the Wyoming Front Line Health Care Education
9 Funding Act for earnings from the Wyoming front line health
10 care education endowment fund. The state treasurer in
11 consultation with the Wyoming front line health care
12 education endowment fund board, shall report to the
13 governor, joint appropriations committee, joint education
14 interim committee and select committee on capital financing
15 and investments no later than November 1 of any year in
16 which funds have been or are anticipated to be distributed
17 from the reserve account under this subsection.

18
19 (y) The annual spending policy amount for the Wyoming
20 front line health care education endowment fund is an
21 amount equal to five percent (5%) of the previous five (5)
22 year average market value of the fund, as calculated from
23 the first day of the fiscal year.

1

2 **21-18-202. Powers and duties of the commission.**

3

4 (b) The commission shall perform the following
5 coordination functions. In performing these coordination
6 functions all affected colleges and the commission shall be
7 involved:

8

9 (v) Coordinate the provision by means of
10 electronic internet or similar proprietary or common
11 carrier electronic system technology, by a community
12 college or several community colleges, the general
13 education courses necessary for completion of an
14 educational program in the field of nursing at a community
15 college, ~~or~~ a baccalaureate degree program in nursing at
16 the University of Wyoming, and certificates or degrees for
17 health care education programs provided pursuant to W.S.
18 21-16-1706;

19

20 (d) The commission shall perform the following
21 approval functions:

22

1 (i) Approve all new academic programs,
2 including:

3
4 (A) Applied baccalaureate degree programs,
5 qualifying for state funding pursuant to the statewide
6 community college strategic plan developed under subsection
7 (h) of this section;

8
9 (B) Health care education programs
10 established pursuant to W.S. 21-16-1706.

11

12 **Section 3.** The state treasurer and state auditor may
13 use interfund loans as authorized by W.S. 9-1-417 to fund
14 the administrative expenses of the board until sufficient
15 earnings from investment of monies in the Wyoming front
16 line health care education endowment fund have been
17 deposited to the income account created in section 1 of
18 this act to pay administrative expenses of the board,
19 including repayment of any loans made under this section.

20

21 **Section 4.** Members of the Wyoming front line health
22 care education endowment fund board created by section 1 of

1 this act shall be appointed within thirty (30) days of the
2 effective date of this act.

3

4 **Section 5.** The joint appropriations committee or any
5 other committee tasked with developing legislation to
6 appropriate unexpended, unobligated funds appropriated in
7 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b),
8 or any additional COVID-19 relief or other federal funds
9 made available for appropriation by the state in the 2021
10 or 2022 fiscal years, shall consider funding the endowment
11 fund and the reserve account created in sections 1 and 2 of
12 this act in legislation sponsored by the committee in any
13 special session or the 2022 budget session. The total
14 proposed appropriation for the fund and account shall only
15 be supplemental to any other appropriation made to the fund
16 and account and shall be limited so that the total of all
17 appropriations to the fund and account do not exceed sixty
18 million dollars (\$60,000,000.00).

19

1 **Section 6.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)