WEST VIRGINIA CODE CHAPTER 18C ARTICLE 3

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§18C-3-1. Medical Student Loan Program; establishment; administration; eligibility; loan repayment and collection; required report.

(a) Definitions. – As used in this section, unless the context in which the term used clearly requires a different meaning:

"Approved service commitment area" means a location in West Virginia that is both a federally designated geographic, population, or facility-based health professions shortage area and in a medical specialty in which there is a shortage of physicians, as determined by the state's Department of Health.

"Medical schools" means the Marshall University School of Medicine, the West Virginia University School of Medicine, and the West Virginia School of Osteopathic Medicine.

"Person" means the recipient of a medical student loan issued in accordance with the provisions of this section by a medical school as defined herein.

"West Virginia residents" means persons who are citizens or legal residents of the United States and are charged in-state tuition at the time of entry into the medical school.

(b) There are established the medical student loan program at the Marshall University School of Medicine, the West Virginia University School of Medicine, and the West Virginia School of Osteopathic Medicine.

(c) Subject to the availability of funds as established in §18C-3-1(d) of this code, the medical schools may make medical student loans in accordance with the provisions of this section to students enrolled in or admitted to their respective medical schools in a course of instruction leading to the degree of doctor of medicine or doctor of osteopathy who enter into a written medical student loan agreement with the medical school in accordance with §18C-3-1(i) of this code. The number of awards shall be determined by the availability of funds in this program at each school in any given academic year: *Provided*, That the availability of funds does not require the medical schools to issue or renew medical student loans.

(d) There are hereby continued the special revolving fund accounts at the Marshall University School of Medicine, the West Virginia University School of Medicine, and the West Virginia School of Osteopathic Medicine, which shall be used to carry out the purposes of this section.

(1) The funds shall consist of all moneys currently on deposit in such accounts or which are due or become due for deposit into such accounts as obligations made under the previous enactment of this section; those funds provided for medical education pursuant to the provisions of §18B-10-4 of this code; appropriations provided by the Legislature; repayment of any loans made under this section; amounts provided by medical associations, hospitals, or other medical provider organizations in this state, or by political subdivisions of the state, under an agreement which requires the recipient to practice his or her health profession in

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this state or in the political subdivision providing the funds for a predetermined period of time and in such capacity as set forth in the agreement; and any other amounts which may be available from external sources.

(2) All expenditures from the medical schools' medical student loan repayment funds shall be for medical student loans issued in accordance with the terms of this section and for the medical schools' expenses incurred in administering their respective medical student loan programs.

(3) These funds shall operate as special funds whereby all deposits and payments thereto do not expire to the General Revenue Fund, but shall remain in the medical schools' funds and be available for expenditure in succeeding fiscal years.

(e) In order to be eligible for a medical student loan as provided in this section, the person applying shall meet the following minimum requirements:

(1) Full-time enrollment in a medical school in a program leading to the degree of doctor of medicine or doctor of osteopathy: *Provided*, That the person has not previously obtained such a degree;

(2) Demonstrated financial need as determined by the medical schools' individual financial aid offices;

(3) Demonstrated credit-worthiness by not being in default of any previous student loan or medical student loan issued by any lender; and

(4) United States citizenship as either born or naturalized.

(f) Medical student loans shall be awarded on a priority basis first to qualified applicants who are West Virginia residents, and second to qualified applicants who are not West Virginia residents.

(g) In order to be eligible for renewal of a medical student loan as provided in this section, the person applying therefor shall meet the minimum requirements established in §18C-3-1(e) of this code, as well as maintain good academic standing and make satisfactory progress toward degree completion in accordance with the issuing medical school's policy for awarding Title IV financial aid funds.

(h) Each medical student loan issued by a medical school shall be made pursuant to the provisions of this section and shall provide to the recipient of the medical student loan a maximum amount of up to $20,000 per academic year. The medical school and the person may renew the medical student loan annually for a period not to exceed four years: *Provided*, That the person is eligible for such renewal in accordance with §18C-3-1(g) of this code.

(i) Each medical student loan issued by a medical school shall be memorialized in a written medical student loan agreement, which shall require, at a minimum, that the person

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receiving the loan:

(1) Complete the required course of instruction and receive the degree of doctor or medicine (M.D.) or doctor of osteopathy (D.O.);

(2) Apply for and obtain a license to practice medicine in West Virginia;

(3) Engage in the full-time practice of medicine for a period of 12 months within an approved service commitment area;

(4) Commence the full-time practice of medicine within nine months after completion of an approved post-graduate residency training program and licensure in an approved service commitment area and continue full-time practice in the approved service commitment area for a consecutive period of years equal to the total number of years for which the medical student loan was provided;

(5) Agree that the service commitment for each agreement entered into under the provisions of this section is in addition to any other service commitment contained in any other agreement the person has entered or may enter into for the purpose of obtaining any other financial aid;

(6) Maintain records and make reports to the issuing medical school and the Commission to document the person's satisfaction of the obligations under the agreement to engage in the full-time practice of medicine in an approved service commitment area and to continue the full-time practice of medicine in the approved service commitment area for a consecutive period of years equal to the total number of years the student received the medical student loan. Persons practicing in a federally designated population-based health professions shortage area shall provide documentation that more than 50 percent of their service is provided to the designated population; and

(7) Upon failure to satisfy the requirements of the agreement that the person engage in the full-time practice of medicine within an approved service commitment area for the required period of time under the medical student loan agreement, the person receiving a medical student loan pursuant to the provisions of this section shall repay amounts to his or her issuing medical school in accordance with the provisions of §18C-3-1(k) of this code.

(j) Upon the selection of an approved service commitment area for the purpose of satisfying a service obligation under a medical student loan agreement entered into pursuant to the provisions of this section, the person so selecting shall inform the issuing medical school and the Commission of the service area selected. Such person may serve all or part of the commitment in the approved service commitment area initially selected or in a different approved service commitment area: *Provided*, That the person notifies his or her issuing medical school and the Commission of his or her change of approved service commitment areas. Service in any such service commitment area shall be deemed to be continuous for the purpose of satisfying the medical student loan agreement.

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(k) Upon the person's presentation of the report required by subdivision (i)(6) of this section to the issuing medical school evidencing his or her satisfaction of the terms of the medical student loan agreement provided for herein, the issuing medical school shall cancel one year of award for every twelve full consecutive months of service as required in the agreement.

(l) Upon the failure of any person to satisfy the obligation to engage in the full-time practice of medicine within an approved service commitment area of this state for the required period of time under any medical student loan agreement, such person shall repay to his or her issuing medical school an amount equal to the total of the amount of money received by the person pursuant to the medical student loan agreement plus annual interest at a rate as determined by the Vice Chancellor of Administration from the date the person begins repayment or fails to work full-time in an approved service commitment area. For any such repayment, the following provisions shall apply:

(1) The person shall repay an amount totaling the entire amount to be repaid under all medical student loan agreements for which such obligations are not satisfied, including all amounts of interest at the rate prescribed. The repayment period shall not exceed ten years.

(2) All installment payments shall commence six months after the date of the action or circumstance that causes the person's failure to satisfy the obligations of the medical student loan agreement, as determined by the issuing medical school based upon the circumstances of each individual case. In all cases, if an installment payment becomes 91 days overdue, the entire amount outstanding shall become immediately due and payable, including all amounts of interest at the rate prescribed.

(3) If a person becomes in default of his or her medical student loan repayment obligations, the medical school shall make all reasonable efforts to collect the debt, in accordance with the provisions of §14-1-1 *et seq*. of this code.

(m) If, during the time a person is satisfying the service requirement of a medical student loan agreement, such person desires to engage in less than the full-time practice of medicine within an approved service commitment area and remain in satisfaction of the service requirement, such person may apply to the medical school that issued the medical student loan for permission to engage in less than the full-time practice of medicine. Upon a finding of exceptional circumstances made by the medical school that issued the medical student loan, the medical school may authorize the person to engage in less than the full-time practice of medicine within an approved service commitment area for the remaining required period of time under the medical student loan agreement and for an additional period of time that shall be equal to the length of time originally required multiplied by two: *Provided*, That in no event shall such person be allowed to practice medicine less than half-time.

(n) By July 31 each year, each medical school shall prepare and submit a report on the operations of their respective medical student loan programs to the commission for inclusion in the commission's data publication and reporting required by §18C-1-1(f) of this code. At a

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minimum, this report shall include the following information:

(1) The number of medical student loans awarded during the preceding academic year;

(2) The total amount of medical student loans awarded;

(3) The total amount of any unexpended moneys remaining in their medical student loan funds at the end of the fiscal year;

(4) The rate of default on the repayment of previously awarded loans during the previous fiscal year;

(5) The number of doctors practicing medicine in the state in accordance with their service obligations; and

(6) The total amount of medical student loans cancelled in accordance with subsection (k) of this section.

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§18C-3-2. State aid for students of optometry.

The board of trustees is hereby authorized to enter into a contract with an educational institution or institutions outside the state that offer training in optometry, by the terms of which the board of trustees may obligate itself to pay the institution, within the limits of any appropriation made for the purpose, a stated amount per year for each West Virginia student the institution will agree to accept for training in optometry.

The board of trustees shall each year send to any such institution a certified list of all persons applying to the trustees for training in optometry who are bona fide citizens and residents of this state prior to the filing of their applications, and who have completed either within or without the state the course of study required by the institution as a prerequisite to the study of optometry.

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§18C-3-3. Health Sciences Loan Repayment Program; Mental Health Provider Loan Repayment Program; establishment; administration; eligibility.

(a) There is continued a special revolving fund account under the Higher Education Policy Commission in the State Treasury known as the Health Sciences Loan Repayment Fund. The fund shall be used to accomplish the purposes of this section. The fund consists of any of the following:

(1) All unexpended health sciences loan repayment program funds on deposit in the State Treasury on the effective date of reenactment of this section;

(2) Appropriations as may be provided by the Legislature;

(3) Repayments, including interest as set by the vice chancellor for administration, collected from program award recipients who fail to practice or teach in West Virginia under the terms of an award agreement or the former health sciences scholarship program previously established by this section; and

(4) Amounts that may become available from other sources.

(b) Balances remaining in the fund at the end of the fiscal year do not expire or revert to the general revenue. All costs associated with the administration of this section shall be paid from the health sciences loan repayment fund under the direction of the Vice Chancellor for Administration.

(c) Award preference is given to West Virginia residents. An individual is eligible for consideration for a health sciences loan repayment award if the individual:

(1) Either:

(A) Is a medical student at the Marshall University School of Medicine, the West Virginia School of Osteopathic Medicine, or the West Virginia University School of Medicine who has participated in the match process and has been offered an internship or residency in a primary care or emergency medicine program in West Virginia; or

(B) Is enrolled in the last year of an approved education program at a public or private, non-profit West Virginia institution of higher education leading to a degree or certification in the field of nurse practitioner, nurse educator, nurse midwife, physician assistant, dentist, pharmacist, physical therapist, doctoral clinical psychologist, licensed independent clinical social worker, or other disciplines identified as shortage fields by the Vice Chancellor for Administration; and

(2) Signs an agreement to practice for at least two years in an underserved area of West Virginia or, if pursuing a master's degree in nursing, signs an agreement to teach at least two years for a school of nursing located in West Virginia after receiving the master's degree.

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(d) Program awards shall be in an amount set by the Higher Education Policy Commission of at least $20,000 for medical and dental students and at least $10,000 for all others and shall be awarded by the Vice Chancellor for Administration, who may seek the advice of an advisory panel, from the pool of all applicants with a commitment to practice in an underserved area of West Virginia. This subsection does not grant or guarantee any applicant any right to a program award. Upon completion of the requirements stated in the service agreement, the Higher Education Policy Commission shall pay the award directly to the participant's federal student loan servicer.

(e) If a program award recipient fails to practice in an underserved area of West Virginia within six months of the completion of his or her training, or if a program award recipient fails to complete his or her training or required teaching, the Vice Chancellor for Administration shall cancel the program award.

(f) (1) There is created a mental health provider student loan repayment program to be administered by the Higher Education Policy Commission. The loan repayment program shall help repay the federal student loans for mental health providers who provide therapy and counseling services and who reside in West Virginia and work in an underserved area of West Virginia for up to three years beginning January 1, 2020. Individuals participating in the loan repayment program may be eligible to receive up to $30,000 to be dispersed as follows:

(A) A participant may receive a loan repayment program award of up to $10,000 each year in exchange for the participant completing one year of practice in an underserved area.

(B) A participant may not receive a program award for more than three years of practice.

(C) Upon completion of the requirements stated in the service agreement, the Higher Education Policy Commission will pay the award directly to the participant's federal student loan servicer.

(2) There is created a special revenue fund account under the Higher Education Policy Commission in the State Treasury known as the Mental Health Provider Student Loan Repayment Fund. The fund shall be used to accomplish the purposes of this subsection. The fund shall consist of any of the following:

(A) All unexpended funds in the Mental Health Provider Student Loan Repayment fund on deposit in the State Treasury on the effective date of the reenactment of this section;

(B) Appropriations as may be provided by the Legislature;

(C) Repayments, including interest as set by the Vice Chancellor for Administration, collected from program award recipients who fail to practice in West Virginia under the terms of the practice agreement or the mental health provider loan repayment program previously established by this section; and

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(D) Amounts that may become available from other sources.

(3) Balances remaining in the fund at the end of the fiscal year do not expire or revert to the general revenue.

(g) Rule. — The Higher Education Policy Commission shall promulgate a rule pursuant to §29A-3A-1 *et seq*. of this code to implement and administer this section.

(h) As used in this section:

(1) "Training" means:

(A) The entire degree program or certification program for nurse midwives, nurse practitioners, nurse educators, physician assistants, dentists, pharmacists, physical therapists, doctoral clinical psychologists, licensed independent clinical social workers, and other disciplines identified as shortage fields by the Vice Chancellor for Administration; or

(B) Completion of a degree program and an approved residency/internship program for students pursuing a degree in medicine or osteopathy, or as otherwise may be designated for such students in the rule required by this section.

(2) "Underserved area" means any primary care health professional shortage area located in the state as determined by the Bureau for Public Health or any additional health professional shortage area, including an emergency medicine professional, determined by the Vice Chancellor for Administration.

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§18C-3-4. Nursing Scholarship Program; Nursing Scholarship and Workforce Fund; administration, scholarship awards; service requirements.

(a) There is continued in the State Treasury a special revolving fund account known as the "Nursing Scholarship and Workforce Fund" to be administered by the commission to implement the provisions of this section and §18B-16-6 of this code. Any moneys in the account on the effective date of this section are continued under the commission's administrative authority. Balances remaining in the fund at the end of the fiscal year do not expire or revert to the general revenue. All costs associated with the administration of this section and §18B-16-6 of this code shall be paid from the Nursing Scholarship and Workforce Fund under the direction of the chancellor or his or her designee. Administrative costs are to be minimized and the maximum amount feasible is to be used to fund awards for students in nursing programs.

(b) The account is funded from the following sources:

(1) All moneys currently on deposit in the account or which are due or become due for deposit into the account as obligations made under the previous enactment of this section;

(2) Repayments, including interest as set by the chancellor or his or her designee, collected from recipients who fail to practice or teach in West Virginia under the terms of the scholarship agreement;

(3) Appropriation provided by the Legislature;

(4) Amounts provided by nursing or medical associations, hospitals, or other nursing or medical provider organizations in this state, or by a political subdivision of the state under an agreement that requires the recipient to practice nursing in this state or in the political subdivision providing the funds for a predetermined period of time and in such capacity as set forth in the agreement; and

(5) Any other funds from any source as may be added to the account.

(c) The commission shall administer a scholarship, designated the Nursing Scholarship Program, designed to benefit nurses who practice in hospitals and other health care institutions in West Virginia or teach in state nursing programs.

(1) Awards are available for students enrolled in accredited nursing programs in West Virginia. A recipient shall execute an agreement to fulfill a service requirement or repay the amount of any award received.

(2) Awards are made as follows, subject to the rule required by this section:

(A) An award for any student may not exceed the full cost of education for program completion.

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(B) An award of up to $3,000 is available for a student in a licensed practical nurse education program. A recipient is required to practice nursing in West Virginia for one year following program completion.

(C) An award of up to $7,500 is available for a student in a registered nurse education program: *Provided*, That students enrolled in pre-licensure programs must have completed half of the required nursing credits for that program to be eligible for an award. A recipient is required to teach or practice nursing in West Virginia for two years following program completion.

(D) An award of up to $15,000 is available to a student in a nursing master's degree program or a doctoral nursing or education program. A recipient is required to teach in West Virginia for two years following program completion.

(E) An award of up to $1,000 per year is available for a student obtaining a licensed practical nurse teaching certificate. A recipient is required to teach in West Virginia for one year per award received.

(d) An award recipient shall satisfy one of the following conditions:

(1) Fulfill the service requirement pursuant to this section and the legislative rule authorized in subsection (e) below; or

(2) Repay the commission for the amount awarded, together with accrued interest as stipulated in the service agreement.

(e) The commission shall promulgate a rule for legislative approval pursuant to §29A-3A-1 *et seq*. of this code to implement and administer this section. The rule shall provide for the following:

(1) Eligibility and selection criteria for program participation;

(2) Terms of a service agreement which a recipient shall execute as a condition of receiving an award;

(3) Repayment provisions for a recipient who fails to fulfill the service requirement;

(4) Forgiveness options for death or disability of a recipient;

(5) An appeal process for students denied participation or ordered to repay awards; and

(6) Additional provisions as necessary to implement this section.

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§18C-3-5. Nonresident Medical Student Tuition Regularization Program.

(a) The Legislature finds as follows:

(1) There is a critical need for additional primary care physicians practicing in West Virginia;

(2) West Virginia has an aging population and an increasing need for recruiting primary care physicians, and placing primary care physicians in rural areas of the state;

(3) West Virginia has a historically low retention rate of state resident medical students following graduation;

(4) Efforts by the medical schools in West Virginia to increase class sizes as a means of increasing the number of physicians practicing in the state have been largely ineffective;

(5) The primary care field of practice yields a lower wage than other medical specialties and maintains an extreme shortage of practicing physicians, particularly in rural areas of the state;

(6) The high cost of nonresident medical education tuition, and resulting high level of debt incurred by students, often prohibit nonresident graduates who remain in the state from entering a primary care practice;

(7) Many nonresident medical students in West Virginia have indicated that they would be willing to remain in the state as a practicing physician if it was affordable;

(8) A waiver of the state resident to nonresident tuition rate differential would offset the significant student debt load incurred by nonresident medical school graduates;

(9) Beginning a medical practice with up to four years committed to practicing medicine in a specific area has a strong likelihood of influencing a nonresident medical school graduate to remain in that area following the service commitment;

(10) Investing resources, developing professional networks, and creating community ties all serve to create permanent connections to an area for an individual who is not originally from that area; and

(11) Attracting practicing physicians to rural and medically underserved areas of the state will further attract related health care professionals that support a medical practice or facility and will expand the economic and job-growth potential of such areas.

(b) It is the purpose of this section to offer nonresident medical students a partial tuition waiver as a means of recruiting practicing physicians to underserved areas, and to primary care and practitioner shortage fields in West Virginia.

(c) There is created the Nonresident Medical Student Tuition Regularization Program to be

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administered by the Vice Chancellor for Health Sciences in cooperation with the deans of the three medical schools in the state.

(1) Four nonresident medical students from each medical school in the state are selected annually to participate in the program subject to the exception provided in subsection (f) of this section.

(2) Each student selected is charged the state resident tuition rate for each academic year he or she is enrolled in the program and has the cost differential between the resident and nonresident rates waived by the institution at which he or she is enrolled.

(3) For each academic year that a medical student participates in the program, he or she shall commit to render services for one calendar year as a medical doctor or a doctor of osteopathy in this state in a medically underserved area and in a primary care or specialty practice or field in which there is a shortage of physicians, as determined by the Division of Health at the time the application for the program is submitted. The service commitment begins within six months after graduation from an accredited residency program.

(4) Once selected to participate in the program, a student may continue in the program for as long as he or she continues to meet the eligibility criteria in subsection (d) of this section, for a maximum of four academic years.

(d) An individual is eligible for enrollment or continuation in the program if he or she meets the following criteria:

(1) Is enrolled or accepted for enrollment at the West Virginia University School of Medicine, the Marshall University School of Medicine, or the West Virginia School of Osteopathic Medicine in a program leading to the degree of Medical Doctor (M.D.) or Doctor of Osteopathy (D.O.);

(2) Has not yet received one of the degrees provided in subdivision (1) of this subsection;

(3) Satisfies the academic standards established by the program rule;

(4) Is not in default of any previous student loan;

(5) Is a nonresident student who is charged nonresident tuition rates;

(6) Commits to render services for one calendar year as a Medical Doctor or a Doctor of Osteopathy in this state in a medically underserved area and in a primary care or specialty practice or field in which there is a shortage of physicians for each academic year for which he or she participates in the program;

(7) Submits to the commission:

(A) An application for enrollment in the program as provided by the commission; and

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(B) A sworn statement of commitment to service on a form provided by the commission for that purpose; and

(8) Other criteria as established by the program rule.

(e) (1) A program participant violates the service commitment if he or she:

(A) Fails to render services as a Medical Doctor or Doctor of Osteopathy in accordance with the sworn statement he or she submitted to the commission. This includes failure to begin serving within six months of completing an accredited residency program, or failure to complete each one-year term to which he or she committed to serve; or

(B) Fails to complete or remain enrolled in the medical education program for which he or she obtained the tuition waiver.

(2) A program participant who violates the service commitment is subject to the following:

(A) He or she shall repay the amount of nonresident tuition charges waived plus interest at a rate of five percent per annum;

(B) The granting or renewal of a license to practice medicine in West Virginia or to reciprocal licensure in another state based upon licensure in West Virginia is contingent upon commencing payment and continuing payment until full repayment of the obligation if the recipient fails to complete the required practice commitment. A license, renewal, or reciprocity may not be granted to an individual whose repayments are in arrears. The West Virginia Board of Medicine shall inform all other states where a recipient has reciprocated based upon West Virginia licensure of any refusal to renew licensure in West Virginia as a result of failure to repay the tuition amount.

(f) The commission shall develop policy to provide for:

(1) A method for selecting annually the 12 new students to be enrolled in the program, with priority consideration to applicants in the earliest academic years of the medical education program;

(2) A method for selecting greater or fewer than four participants from a single medical school in any year where four suitable applicants are not available at each school;

(3) A method for the applicant to select the service area and specialty to which he or she commits to practice medicine;

(4) A method for developing a mutually agreeable modification to the terms of a participant's service commitment regarding the medically underserved area and primary care or specialty practice or field in which he or she committed to serve under circumstances where the Division of Health determines at the time the participant's service commitment is scheduled to commence that the area is no longer medically underserved or that primary care or

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service specialty is no longer experiencing a physician shortage;

(5) Provisions for enforcing sanctions against a participant who fails to satisfy the service commitment; and

(6) Such other provisions as the commission considers necessary to administer the program.

(g) There is continued in the State Treasury a special revenue account to be designated the Nonresident Medical Student Tuition Regularization Fund which is an interest-bearing account that may be invested and retain all earnings. Expenditures from the fund shall be for the purposes set forth in this section and are to be made only in accordance with appropriation by the Legislature and in accordance with §11B-2-1 *et seq*. of this code.

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