

SB 394

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-FIRST LEGISLATURE**  
**REGULAR SESSION, 2014**



**ENROLLED**

**Senate Bill No. 394**

(BY SENATORS LAIRD, STOLLINGS, PLYMALE, WELLS, BEACH, CHAFIN,  
TUCKER, BOLEY, CARMICHAEL AND JENKINS)

[PASSED MARCH 6, 2014; IN EFFECT NINETY DAYS FROM PASSAGE.]

**FILED**  
2014 MAR 28 A 10:23  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**FILED**

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**[Passed March 6, 2014; in effect ninety days from passage.]**

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**AN ACT to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to establishing the Health Sciences Service Program; continuing special revolving fund account and designating new name of fund; modifying fund expenditure provisions; modifying certain defined term; and expanding and modifying program eligibility.**

*Be it enacted by the Legislature of West Virginia:*

That §18C-3-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 3. HEALTH PROFESSIONALS STUDENT LOAN PROGRAMS.**

**§18C-3-3. Health Sciences Service Program; establishment; administration; eligibility.**

- 1           **(a) *Legislative findings.* – The Legislature finds that there**
- 2           **is a critical need for additional practicing health care**
- 3           **professionals in West Virginia. Therefore, there is created a**
- 4           **Health Sciences Service Program to be administered by the**

5 Vice Chancellor for Health Sciences. The purpose of this  
 6 program is to provide an incentive for health professional  
 7 students to complete their training and provide primary care  
 8 in underserved areas of West Virginia.

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9 (b) *Special account.* – There is continued a special  
 10 revolving fund account under the Higher Education Policy  
 11 Commission in the State Treasury formerly known as the  
 12 Health Sciences Scholarship Fund and hereafter designated  
 13 the Health Sciences Service Program Fund. The fund shall  
 14 be used to accomplish the purposes of this section. The fund  
 15 consists of any of the following:

16 (1) All unexpended health sciences scholarship funds on  
 17 deposit in the State Treasury on the effective date of this  
 18 section;

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

21 (3) Repayments, including interest as set by the Vice  
 22 Chancellor for Health Sciences, collected from program  
 23 award recipients who fail to practice or teach in West  
 24 Virginia under the terms of an award agreement or the health  
 25 sciences scholarship program previously established by this  
 26 section; and

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

29 Balances remaining in the fund at the end of the fiscal  
 30 year do not expire or revert to the general revenue. All costs  
 31 associated with the administration of this section shall be paid  
 32 from the Health Sciences Service Program Fund under the  
 33 direction of the Vice Chancellor for Health Sciences.

34       **(c) *Eligibility requirements.*** – Award preference is given  
35 to West Virginia residents. An individual is eligible for  
36 consideration for a Health Sciences Service Program award  
37 if the individual:

38       **(1) Either:**

39       **(A)** Is a fourth-year medical student at the Marshall  
40 University School of Medicine, West Virginia School of  
41 Osteopathic Medicine or West Virginia University School of  
42 Medicine who has been accepted in a primary care  
43 internship/residency program in West Virginia; or

44       **(B)** Is enrolled in an approved education program at a  
45 West Virginia institution leading to a degree or certification  
46 in the field of nurse practitioner, nurse educator, nurse  
47 midwife, physician assistant, dentist, pharmacist, physical  
48 therapist, doctoral clinical psychologist, licensed independent  
49 clinical social worker or other disciplines identified as  
50 shortage fields by the Vice Chancellor for Health Sciences;  
51 and

52       **(2)** Signs an agreement to practice for at least two years  
53 in an underserved area of West Virginia or, if pursuing a  
54 master's degree in nursing, signs an agreement to teach at  
55 least two years for a school of nursing located in West  
56 Virginia, as may be determined by the Vice Chancellor for  
57 Health Sciences, after receiving the master's degree.

58       **(d) *Program awards.*** – Program awards shall be in an  
59 amount set by the Higher Education Policy Commission of at  
60 least \$20,000 for medical and dental students and at least  
61 \$10,000 for all others and may be awarded by the Vice  
62 Chancellor for Health Sciences, with the advice of an  
63 advisory panel, from the pool of all applicants with a  
64 commitment to practice in an underserved area of West

65 Virginia. This section does not grant or guarantee any  
66 applicant any right to a program award.

67       **(e) *Repayment provisions.*** – A program award recipient  
68 who fails to practice in an underserved area of West Virginia  
69 within six months of the completion of his or her training, or  
70 who fails to complete his or her training or required teaching,  
71 is in breach of contract and is liable for repayment of the  
72 program award and any accrued interest. The granting or  
73 renewal of a license to practice in West Virginia or to  
74 reciprocal licensure in another state based upon licensure in  
75 West Virginia is contingent upon beginning payment and  
76 continuing payment until complete repayment of the award  
77 and any accrued interest. A license, renewal or reciprocity  
78 may not be granted to any person whose repayment is in  
79 arrears. The appropriate regulatory board shall inform all  
80 other states where a recipient has reciprocated based upon  
81 West Virginia licensure of any refusal to renew licensure in  
82 West Virginia as a result of failure to repay the award. This  
83 provision shall be explained in bold type in the award  
84 contract. Repayment terms, not inconsistent with this  
85 section, shall be established by the Vice Chancellor for  
86 Health Sciences pursuant to the rule required by this section.

87       **(f) *Rule.*** – The Higher Education Policy Commission  
88 shall promulgate a rule pursuant to article three-a, chapter  
89 twenty nine-a of this code to implement and administer this  
90 section.

91       **(g) *Definitions.*** – As used in this section:

92       **(1) “Training” means:**

93       **(A)** The entire degree program or certification program  
94 for nurse midwives, nurse practitioners, nurse educators,  
95 physician assistants, dentists, pharmacists, physical

96 therapists, doctoral clinical psychologists, licensed  
97 independent clinical social workers and other disciplines  
98 identified as shortage fields by the Vice Chancellor for  
99 Health Sciences; or

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

104 (2) "Underserved area" means any primary care health  
105 professional shortage area located in the state as determined  
106 by the Bureau for Public Health or any additional health  
107 professional shortage area determined by the Vice Chancellor  
108 for Health Sciences.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

~~Member~~ ~~Chairman~~ Senate Committee

*Danny Wells*  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Joseph M. Miasnik*  
Clerk of the Senate

*Suzanne A. Bay*  
Clerk of the House of Delegates

*[Signature]*  
President of the Senate

*[Signature]*  
Speaker of the House of Delegates

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2014 MAR 28 A 10:23

FILED

The within *is approved* this  
the *28<sup>th</sup>* Day of *March*, 2014.

*Earl Ray Tompkins*  
Governor

**PRESENTED TO THE GOVERNOR**

MAR 27 2014

Time 3:00 pm