

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

**ENROLLED**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2019 MAR 27 5:08 P

FILED

**Committee Substitute**

**for**

**House Bill 2674**

BY DELEGATES ATKINSON, WESTFALL, HOLLEN, D.

JEFFRIES, AZINGER, HARSHBARGER, CANESTRARO, J.

KELLY, QUEEN, CRISS AND KESSINGER

[Passed March 9, 2019; in effect ninety days from  
passage.]

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1 AN ACT to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended; and  
2 to amend said code by adding thereto a new section, designated, §18C-3-5, all relating to  
3 establishing health professionals' student loan programs; providing legislative findings and  
4 purpose; establishing a loan repayment program for mental health providers; providing for  
5 in-state tuition rates to out-of-state medical students who agree to practice for a specific  
6 time within West Virginia; establishing the program eligibility requirements; setting forth  
7 repayment schedules; creating application procedures; establishing violations; providing  
8 for civil penalties for the failure to complete the required service; creating a special revenue  
9 accounts; and providing for legislative rule-making authority.

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

**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 is a critical need for additional  
2 practicing health care professionals in West Virginia. Therefore, there is created a Health  
3 Sciences Service Program to be administered by the Vice Chancellor for Health Sciences. The  
4 purpose of this program is to provide an incentive for health professional students to complete  
5 their training and provide primary care and emergency medical care in underserved areas of West  
6 Virginia.

7 (b) *Special account.* — There is continued a special revolving fund account under the  
8 Higher Education Policy Commission in the State Treasury formerly known as the Health  
9 Sciences Scholarship Fund. The fund shall be used to accomplish the purposes of this section.

10 The fund consists of any of the following:

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

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

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

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

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

23 (c) *Eligibility requirements.* — Award preference is given to West Virginia residents. An  
24 individual is eligible for consideration for a Health Sciences Service Program award if the  
25 individual:

26 (1) Either:

27 (A) Is a fourth-year medical student at the Marshall University School of Medicine, West  
28 Virginia School of Osteopathic Medicine or West Virginia University School of Medicine who has  
29 been accepted in a primary care or emergency medicine internship/residency program in West  
30 Virginia; or

31 (B) Is enrolled in an approved education program at a West Virginia institution leading to  
32 a degree or certification in the field of nurse practitioner, nurse educator, nurse midwife, physician  
33 assistant, dentist, pharmacist, physical therapist, doctoral clinical psychologist, licensed  
34 independent clinical social worker or other disciplines identified as shortage fields by the Vice  
35 Chancellor for Health Sciences; and

36 (2) Signs an agreement to practice for at least two years in an underserved area of West  
37 Virginia or, if pursuing a Master's Degree in nursing, signs an agreement to teach at least two  
38 years for a school of nursing located in West Virginia, as may be determined by the Vice  
39 Chancellor for Health Sciences, after receiving the master's degree.

40 (d) *Program awards.* — Program awards shall be in an amount set by the Higher  
41 Education Policy Commission of at least \$20,000 for medical and dental students and at least  
42 \$10,000 for all others and may be awarded by the Vice Chancellor for Health Sciences, with the  
43 advice of an advisory panel, from the pool of all applicants with a commitment to practice in an  
44 underserved area of West Virginia. This section does not grant or guarantee any applicant any  
45 right to a program award.

46 (e) *Repayment provisions.* — A program award recipient who fails to practice in an  
47 underserved area of West Virginia within six months of the completion of his or her training, or  
48 who fails to complete his or her training or required teaching, is in breach of contract and is liable  
49 for repayment of the program award and any accrued interest. The granting or renewal of a license  
50 to practice in West Virginia or to reciprocal licensure in another state based upon licensure in  
51 West Virginia is contingent upon beginning payment and continuing payment until complete  
52 repayment of the award and any accrued interest. A license, renewal or reciprocity may not be  
53 granted to any person whose repayment is in arrears. The appropriate regulatory board shall  
54 inform all other states where a recipient has reciprocated based upon West Virginia licensure of  
55 any refusal to renew licensure in West Virginia as a result of failure to repay the award. This  
56 provision shall be explained in bold type in the award contract. Repayment terms, not inconsistent  
57 with this section, shall be established by the Vice Chancellor for Health Sciences pursuant to the  
58 rule required by this section.

59 (f) *Loan repayment program.* —

60 (1) There is created a student loan repayment program to be administered by the Higher  
61 Education Policy Commission. The loan repayment program shall help repay the student loans  
62 for mental health providers who provide therapy and counseling services and who reside in West  
63 Virginia and work in an underserved area of West Virginia for up to three years beginning January  
64 1, 2020. Individuals participating in the loan repayment program may be eligible to receive up to  
65 \$30,000 to be dispersed as follows:

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

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

69 (C) A participant must direct each award received toward the repayment of his or her  
70 educational loans.

71 (2) There is created a special revenue fund account under the Higher Education Policy  
72 Commission in the State Treasury known as the “Mental Health Provider Student Loan  
73 Repayment Fund”. The fund shall be used to accomplish the purposes of this subsection. The  
74 fund shall consist of appropriations as may be provided by the Legislature. Any moneys remaining  
75 in the fund at the close of a fiscal year shall be carried forward for use in the next fiscal year.

76 (3) The Higher Education Policy Commission shall promulgate a rule to implement the  
77 provisions of this subsection pursuant to §29A-3A-1.

78 (g) *Rule.* — The Higher Education Policy Commission shall promulgate a rule pursuant to  
79 §29A-3A-1 *et seq.* of this code to implement and administer this section.

80 (h) *Definitions.* — As used in this section:

81 (1) “Training” means:

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

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

89 (2) “Underserved area” means any primary care health professional shortage area located  
90 in the state as determined by the Bureau for Public Health or any additional health professional

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

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

69 (C) A participant must direct each award received toward the repayment of his or her  
70 educational loans.

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72 Commission in the State Treasury known as the “Mental Health Provider Student Loan  
73 Repayment Fund”. The fund shall be used to accomplish the purposes of this subsection. The  
74 fund shall consist of appropriations as may be provided by the Legislature. Any moneys remaining  
75 in the fund at the close of a fiscal year shall be carried forward for use in the next fiscal year.

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83 practitioners, nurse educators, physician assistants, dentists, pharmacists, physical therapists,  
84 doctoral clinical psychologists, licensed independent clinical social workers and other disciplines  
85 identified as shortage fields by the Vice Chancellor for Health Sciences; or

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

89 (2) “Underserved area” means any primary care health professional shortage area located  
90 in the state as determined by the Bureau for Public Health or any additional health professional

91 shortage area, including an emergency medicine professional determined by the Vice Chancellor  
92 for Health Sciences.

**§18C-3-5. Non-resident Medical Student Tuition Regularization Program.**

1 (a) *Findings.* — The Legislature finds as follows:

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

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

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

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

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

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

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

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

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



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

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

28           (b) *Purpose.* – It is the purpose of this section to offer nonresident medical students a  
29 partial tuition waiver as a means of recruiting practicing physicians to under-served areas, and to  
30 primary care and practitioner shortage fields in West Virginia.

31           (c) *Program established.* – There is created the Nonresident Medical Student Tuition  
32 Regularization Program to be administered by the Vice Chancellor for Health Sciences in  
33 cooperation with the deans of the three medical schools in the state.

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

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

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

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

49 (d) *Eligibility.* — An individual is eligible for enrollment or continuation in the program if he  
50 or she meets the following criteria:

51 (1) Is enrolled or accepted for enrollment at the West Virginia University School of  
52 Medicine, the Marshall University School of Medicine, or the West Virginia School of Osteopathic  
53 Medicine in a program leading to the degree of medical doctor (M.D.) or doctor of osteopathy  
54 (D.O.);

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

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

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

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

59 (6) Commits to render services for one calendar year as a medical doctor or a doctor of  
60 osteopathy in this state in a medically under-served area or in a primary care or specialty practice  
61 or field in which there is a shortage of physicians for each academic year for which he or she  
62 participates in the program;

63 (7) Submits to the commission:

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

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

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

68 (e) *Penalty for failure to satisfy service commitment.* —

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

70 (A) Fails to render services as a medical doctor or doctor of osteopathy in accordance with  
71 the sworn statement he or she submitted to the commission. This includes failure to begin serving

72 within six months of completing an accredited residency program, or failure to complete each one-  
73 year term to which he or she committed to serve; or

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

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

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

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

86 (f) *Rule.* — The commission shall promulgate a rule in accordance with §18B-1-6 of this  
87 code to implement this section. The rule shall provide for:

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

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

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

95 (4) A method for developing a mutually agreeable modification to the terms of a  
96 participant's service commitment regarding the medically under-served area or primary care or  
97 specialty practice or field in which he or she committed to serve under circumstances where the

98 Division of Health determines at the time the participant's service commitment is scheduled to  
99 commence that the area is no longer medically under-served or that primary care or service  
100 specialty is no longer experiencing a physician shortage;

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

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

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

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

*Maure Spits*  
.....  
Chairman, House Committee

*E.S.T.*  
.....  
~~Member~~ Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

*Steve Harrison*  
.....  
Clerk of the House of Delegates

*Joe Corin*  
.....  
Clerk of the Senate

*Ray Haskew*  
.....  
Speaker of the House of Delegates

*Will B. Carrithers*  
.....  
President of the Senate

The within *is disapproved* this the *27th*  
*March* day of ..... 2019.

*James I. Good*  
.....  
Governor

FILED  
2019 MAR 27 P 5:08  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

PRESENTED TO THE GOVERNOR

12:58 PM

Time 12:58 pm