

WEST VIRGINIA LEGISLATURE
2019 FIRST EXTRAORDINARY SESSION

Enrolled

Senate Bill 1009

BY SENATORS CARMICHAEL (MR. PRESIDENT) AND

PREZIOSO

(BY REQUEST OF THE EXECUTIVE)

[Passed May 20, 2019; in effect from passage]

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 special revenue
9 accounts; and providing for specific policy provisions.

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

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

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

8 (3) Repayments, including interest as set by the Vice Chancellor for Health Sciences,
9 collected from program award recipients who fail to practice or teach in West Virginia under the
10 terms of an award agreement or the Health Sciences Scholarship Program previously established
11 by this section; and

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

13 Balances remaining in the fund at the end of the fiscal year do not expire or revert to the
14 general revenue. All costs associated with the administration of this section shall be paid from the

15 Health Sciences Service Program Fund under the direction of the Vice Chancellor for Health
16 Sciences.

17 (b) Award preference is given to West Virginia residents. An individual is eligible for
18 consideration for a Health Sciences Service Program award if the individual:

19 (1) Either:

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

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

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

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

38 (d) A program award recipient who fails to practice in an underserved area of West Virginia
39 within six months of the completion of his or her training, or who fails to complete his or her training
40 or required teaching, is in breach of contract and is liable for repayment of the program award

41 and any accrued interest. The granting or renewal of a license to practice in West Virginia or to
42 reciprocal licensure in another state based upon licensure in West Virginia is contingent upon
43 beginning payment and continuing payment until complete repayment of the award and any
44 accrued interest. A license, renewal, or reciprocity may not be granted to any person whose
45 repayment is in arrears. The appropriate regulatory board shall inform all other states where a
46 recipient has reciprocated based upon West Virginia licensure of any refusal to renew licensure
47 in West Virginia as a result of failure to repay the award. This provision shall be explained in bold
48 type in the award contract. Repayment terms, not inconsistent with this section, shall be
49 established by the Vice Chancellor for Health Sciences pursuant to the rule required by this
50 section.

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

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

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

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

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

67 (f) *Rule.* — The Higher Education Policy Commission shall promulgate a rule pursuant to
68 §29A-3A-1 *et seq.* of this code to implement and administer this section.

69 (g) As used in this section:

70 (1) “Training” means:

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

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

78 (2) “Underserved area” means any primary care health professional shortage area located
79 in the state as determined by the Bureau for Public Health or any additional health professional
80 shortage area, including an emergency medicine professional determined by the Vice Chancellor
81 for Health Sciences.

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

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

31 (c) There is created the Nonresident Medical Student Tuition Regularization Program to
32 be administered by the Vice Chancellor for Health Sciences in cooperation with the deans of the
33 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 underserved 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) An individual is eligible for enrollment or continuation in the program if he or she meets
50 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 underserved 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) (1) A program participant violates the service commitment if he or she:

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

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

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

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

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

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

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

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

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

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

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

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

103 (g) There is created in the State Treasury a special revenue account to be designated the
104 Nonresident Medical Student Tuition Regularization Fund which is an interest-bearing account
105 that may be invested and retain all earnings. Expenditures from the fund shall be for the purposes
106 set forth in this section and are to be made only in accordance with appropriation by the
107 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.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the.....
Day of, 2019.

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Governor