

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 2674**

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KELLY, QUEEN, CRISS AND KESSINGER

[Originating in the Committee on Finance; February 6,

2019.]



1 A BILL to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating  
2 to creating a student loan repayment program for mental health providers; creating a  
3 special revenue fund; and providing rulemaking authority to establish the program.

*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. ~~and hereafter designated the Health Sciences Service Program~~  
10 ~~Fund.~~ The fund shall be used to accomplish the purposes of this section. The fund consists of any  
11 of the following:

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

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

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

19 (4) Grant HRSA-18-011, State Loan Repayment Program, CFDA 93.165; and

20 ~~(4)~~ (5) Amounts that may become available from other sources.

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

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

28 (1) Either:

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

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

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

42 (d) *Program awards.* — Program awards shall be in an amount set by the Higher  
43 Education Policy Commission of at least \$20,000 for medical and dental students and at least  
44 \$10,000 for all others and may be awarded by the Vice Chancellor for Health Sciences, with the  
45 advice of an advisory panel, from the pool of all applicants with a commitment to practice in an

46 underserved area of West Virginia. This section does not grant or guarantee any applicant any  
47 right to a program award.

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

61 (f) *Loan repayment program.* —

62 (1) In addition to the provisions of subsection (c), there is created a student loan repayment  
63 program. The loan repayment program shall repay the student loan for a mental health provider,  
64 who resides and works in an underserved area of West Virginia for five years beginning January  
65 1, 2020.

66 (2) There is created a special revenue fund account under the Higher Education Policy  
67 Commission in the State Treasury known as the “Mental Health Provider Student Loan  
68 Repayment Fund”. The fund shall be used to accomplish the purposes of this subsection. The  
69 fund shall consist of appropriations as may be provided by the Legislature;

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

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

74           ~~(g)~~ (h) *Definitions.* — As used in this section:

75           (1) “Training” means:

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

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

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

NOTE: The purpose of this bill is to create a loan repayment program for a mental health provider.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.