

H. B. 2492

(By Delegates Perdue, Perry, Border,
Ellington, Ferns, Fleischauer, Lawrence,
Marshall, Moye, Poore and Rowan)

[Introduced February 15, 2013; referred to the
Committee on Health and Human Resources then Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new article, designated §16-45-1, §16-45-2,
§16-45-3, §16-45-4, §16-45-5 and §16-45-6, all relating to
creating a loan forgiveness program for health professionals.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new article, designated §16-45-1, §16-45-2,
§16-45-3, §16-45-4, §16-45-5 and §16-45-6, all to read as follows:

ARTICLE 45. HEALTH PROFESSIONAL EDUCATION LOAN FORGIVENESS

PROGRAM.

§16-45-1. Definitions.

For purposes of this section, the following definitions apply:

"Advanced nurse practitioner" means a person who is licensed
to practice as an advanced practice nurse.

"Bureau" means the Bureau for Public Health.

"Commissioner" means the Commissioner of the Bureau for Public

1 Health.

2 "Dentist" means a person who is licensed to practice as a
3 dentist.

4 "Dental hygienist" means a person who is licensed to practice
5 as a dental hygienist.

6 "Emergency circumstances" means those conditions that make it
7 impossible for the participant to fulfill the service commitment
8 including death, total and permanent disability or temporary
9 disability lasting more than two years.

10 "Medical resident" means a person participating in a medical
11 residency.

12 "Nurse" means a person who is licensed to practice as a
13 licensed practical nurse or registered nurse.

14 "Nurse-midwife" means a person who is licensed to practice as
15 a nurse-midwife.

16 "Pharmacist" means a person who is licensed to practice as a
17 pharmacist.

18 "Physician" means a person who is licensed to practice
19 medicine.

20 "Physician assistant" means a person licensed as a physician
21 assistant.

22 "Qualified educational loan" means a government, commercial or
23 foundation loan for actual costs paid for tuition, reasonable
24 education expenses and reasonable living expenses related to the

1 graduate or undergraduate education of a health care professional.

2 **§16-45-2. Health Professional Education Loan Forgiveness.**

3 (a) There is created a Special Revolving Fund account under
4 the Bureau for Public Health in the State Treasury to be known as
5 the Health Professional Education Loan Forgiveness Fund which shall
6 be used to carry out the purposes of this section. The fund
7 consists of:

8 (1) Appropriations provided by the Legislature;

9 (2) Repayment of loans made under this section;

10 (3) Amounts provided by medical provider organizations in this
11 state or by political subdivisions of the state under an agreement
12 which requires the recipient to practice his or her profession in
13 the political subdivision providing the funds, or otherwise in this
14 state, for a predetermined period of time and that thirty percent
15 of their practice be dedicated to persons who receive services
16 under the state Medicaid program set forth in chapter nine of this
17 code; and

18 (4) Other amounts available from external sources.

19 (b) Balances remaining in the fund at the end of the fiscal
20 year do not expire or revert. All costs associated with
21 administering this section shall be paid from the Health
22 Professional Education Loan Forgiveness Fund.

23 **§16-45-3. Eligibility.**

24 (a) To be eligible to participate in the loan forgiveness

1 program, a person must:

2 (1) Be a medical resident or be enrolled in a dentist, dental
3 hygienist, pharmacist, advanced nurse practitioner, nurse-midwife,
4 nurse anesthetist, advanced clinical nurse specialist, registered
5 nurse or a licensed practical nurse training program; and

6 (2) Agree to work in a designated rural area or for a state
7 mental health facility.

8 (b) An applicant selected to participate shall sign a contract
9 to agree to serve a minimum three-year, full-time service
10 obligation.

11 **§16-45-4. Loan forgiveness.**

12 (a) The Commissioner of Public Health may select applicants
13 each year for participation in the loan forgiveness program within
14 the limits of available funding. The commissioner shall distribute
15 available funds for loan forgiveness proportionally among the
16 eligible professions according to the vacancy rate for each
17 profession in the required geographic area, facility type, teaching
18 area, patient group or specialty type.

19 (b) The participant shall provide the commissioner with
20 verification that the full amount of loan repayment disbursement
21 received by the participant has been applied toward the designated
22 loans. After each disbursement, verification must be received by
23 the commissioner and approved before the next loan repayment
24 disbursement is made. Participants who move their practice remain

1 eligible for loan repayment as long as they practice as required
2 under section three of this article.

3 **§16-45-5. Penalty for nonfulfillment.**

4 If a participant does not fulfill the required minimum
5 commitment of service, the commissioner shall collect from the
6 participant the total amount paid to the participant under the loan
7 forgiveness program plus interest. The commissioner shall deposit
8 the money collected in the Health Care Access Fund to be credited
9 to the Health Professional Education Loan Forgiveness program
10 account. The commissioner shall allow waivers of all or part of the
11 money owed the commissioner as a result of a nonfulfillment penalty
12 if emergency circumstances prevented fulfillment of the minimum
13 service commitment.

14 **§16-45-6. Report.**

15 No later than thirty days following the end of each fiscal
16 year, the commissioner shall prepare and submit a report to the
17 Governor and the Joint Committee on Health. At a minimum, the
18 report shall include the following information:

19 (1) The number of loans awarded in each area;

20 (2) The total amount of the loans awarded;

21 (3) The amount of any unexpended moneys in the fund; and

22 (4) The rate of default during the previous fiscal year on the
23 repayment of loans granted pursuant to this section.

NOTE: The purpose of this bill is to create a loan forgiveness program for health professionals.

This article is new; therefore, the entire article is underscored.

This bill has been recommended for passage during the 2013 Regular Session by the Joint Committee on Health.