

1 **H. B. 4296**

2
3 (By Delegates Pethtel, Barill, M. Poling,
4 Perry, Barrett, Hamrick, Sumner, Tomblin,
5 Westfall)
6

7 [Introduced January 24, 2014; referred to the
8 Committee on Education then Finance.]
9

10 A BILL to amend and reenact §18C-3-3 of the Code of West Virginia,
11 1931, as amended, relating to establishing the Health Sciences
12 Service Program; continuing special revolving fund account and
13 designating new name of fund; modifying fund expenditure
14 provisions; modifying certain defined term; and expanding and
15 modifying program eligibility.

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

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

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

20 **§18C-3-3. ~~Health sciences scholarship program~~ Health Sciences**
21 **Service Program; establishment; administration;**
22 **eligibility.**

23 (a) *Legislative findings.* -- The Legislature finds that there
24 is a critical need for additional practicing health care

1 professionals in West Virginia. Therefore, there is hereby created
2 a ~~health sciences scholarship program~~ health sciences service
3 program to be administered by the Vice Chancellor for Health
4 Sciences. The purpose of this program is to provide an incentive
5 for health professional students to complete their training and
6 provide primary care in underserved areas of West Virginia.

7 (b) ~~Establishment of Special account.~~ -- There is hereby
8 ~~established~~ continued a special revolving fund account under the
9 Higher Education Policy Commission in the State Treasury ~~to be~~
10 formerly known as the "Health Sciences Scholarship Fund" and
11 hereafter designated the "Health Sciences Service Program Fund."
12 The fund ~~that~~ shall be used to ~~carry out~~ accomplish the purposes of
13 this section. The fund ~~shall consist of one or more~~ consists of
14 any of the following:

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

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

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

1 scholarship program previously established by this section; and

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

3 Balances remaining in the fund at the end of the fiscal year
4 ~~shall do~~ not expire or revert to the general revenue. All costs
5 associated with the administration of this section shall be paid
6 from the Health Sciences ~~Scholarship~~ Service Program Fund under the
7 direction of the Vice Chancellor for Health Sciences.

8 (c) *Eligibility requirements.* -- Award preference is given
9 to West Virginia residents. An individual is eligible for
10 consideration for a ~~health sciences scholarship~~ Health Sciences
11 Service Program award if the individual:

12 (1) Either:

13 (A) Is a fourth-year medical student at the Marshall
14 University School of Medicine, West Virginia School of Osteopathic
15 Medicine or West Virginia University School of Medicine who has
16 been accepted in a primary care internship/residency program in
17 West Virginia; or

18 (B) Is enrolled ~~or accepted for enrollment~~ in an approved
19 education program at a West Virginia institution leading to a
20 degree or certification in the field of nurse practitioner, nurse
21 educator, nurse midwife, physician assistant, dentist, pharmacist,
22 physical therapist, doctoral clinical psychologist, licensed
23 independent clinical social worker or other disciplines identified

1 as shortage fields by the Vice Chancellor for Health Sciences; and

2 (2) Signs an agreement to practice for at least two years in
3 an underserved area of West Virginia, ~~as determined by the bureau~~
4 ~~for public health. An individual also is eligible for~~
5 ~~consideration for a health sciences scholarship if the individual~~
6 ~~is~~ or, if pursuing a master's degree in nursing, ~~and~~ signs an
7 agreement to teach at least two years for a school of nursing
8 located in West Virginia, as may be determined by the Vice
9 Chancellor for Health Sciences, after receiving ~~her or his~~ the
10 master's degree. ~~Awarding preference will be given to West~~
11 ~~Virginia residents.~~

12 (d) ~~Scholarship awards~~ Program awards. -- Scholarships
13 Program awards shall be in ~~the amount of~~ an amount set by the
14 Higher Education Policy Commission of at least \$20,000 for medical
15 and dental students and at least \$10,000 for all others and may be
16 awarded by the Vice Chancellor for Health Sciences, with the advice
17 of an advisory panel, from the pool of all applicants with a
18 commitment to practice in an underserved area of West Virginia. ~~as~~
19 ~~determined by the bureau for public health. Nothing herein shall~~
20 ~~be construed as granting or guaranteeing~~ This section does not
21 grant or guarantee any applicant any right to ~~such a scholarship a~~
22 program award.

23 (e) Repayment provisions. -- A ~~scholarship~~ program award

1 recipient who fails to practice in an underserved area of West
 2 Virginia within six months of the completion of his or her
 3 training, or who fails to complete his or her training or ~~who fails~~
 4 ~~to complete the~~ required teaching is in breach of contract and is
 5 liable for repayment of the ~~total scholarship amount received plus~~
 6 ~~interest~~ program award and any accrued interest. The granting or
 7 renewal of a license to practice in West Virginia or to reciprocal
 8 licensure in another state based upon licensure in West Virginia
 9 ~~shall be~~ is contingent upon beginning payment and continuing
 10 payment until complete repayment of the ~~total scholarship amount if~~
 11 ~~the recipient fails to practice in an underserved area. No award~~
 12 ~~and any accrued interest.~~ A license, renewal or reciprocity shall
 13 may not be granted to ~~persons whose repayments are~~ any person whose
 14 repayment is in arrears. The appropriate regulatory board shall
 15 inform all other states where a recipient has reciprocated based
 16 upon West Virginia licensure of any refusal to renew licensure in
 17 West Virginia as a result of failure to repay the ~~scholarship~~
 18 ~~amount~~ award. This provision shall be explained in bold type in
 19 the ~~scholarship~~ award contract. Repayment terms, not inconsistent
 20 with this section, shall be established by the Vice Chancellor for
 21 Health Sciences pursuant to ~~rules as required under subsection (f)~~
 22 ~~of the rule required by~~ this section.

23 (f) ~~Promulgation of rules~~ Rule. -- The Higher Education

1 Policy Commission shall promulgate ~~rules~~ a rule pursuant to article
2 three-a, chapter twenty nine-a of this code ~~necessary for the~~
3 ~~implementation and administration of~~ to implement and administer
4 this section.

5 (g) *Definitions.* -- ~~For purposes of the repayment provisions~~
6 ~~of~~ As used in this section: ~~the term~~

7 (1) "Training" means:

8 (A) The entire degree program or certification program for
9 nurse midwives, nurse practitioners, nurse educators, physician
10 assistants, dentists, pharmacists, physical therapists, doctoral
11 clinical psychologists, licensed independent clinical social
12 workers and other disciplines identified as shortage ~~field~~ fields
13 by the Vice Chancellor for Health Sciences; ~~The term also means~~
14 ~~the~~

15 (B) Completion of a degree program and ~~includes completion of~~
16 an approved residency/internship program for students pursuing a
17 degree in medicine or ~~a degree in osteopathy~~, or as otherwise may
18 be designated for such students in the rule required by this
19 section.

20 (2) "Underserved area" means any primary care health
21 professional shortage area located in the state as determined by
22 the Bureau for Public Health or any additional health professional
23 shortage area determined by the Vice Chancellor for Health

1 Sciences.

NOTE: The purpose of this bill is to modify the Health Sciences Scholarship Program to become the Health Sciences Service Program to better reflect the purpose of the program as a job recruitment incentive for attracting practicing health care professionals to underserved areas of the state. The program is not a financial aid program, and there is no requirement that the funds be used for educational purposes, but rather the mission is to improve access to primary care in underserved areas of the state.

Strike-throughs indicate language that would be stricken from present law, and underscoring indicates new language that would be added.