

1 **H. B. 2545**

2
3 (By Delegates Ellington, Poling, M., Rowan, Miller,
4 Sumner, Pasdon, Perdue, Faircloth, Perry, Marcum and Nelson, E.)

5
6 [Introduced February 19, 2013; referred to the
7 Committee on Education then Finance.]

8 **FISCAL
NOTE**

9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §18C-3-4, relating to
12 health professionals student loan programs; creating the
13 Nonresident Medical Student Tuition Regularization Program;
14 legislative findings; stating a purpose of offering
15 nonresident medical students a partial tuition waiver as a
16 means of recruiting practicing physicians to under-served
17 areas and to primary care and practitioner shortage fields in
18 West Virginia; establishing eligibility; requiring nonresident
19 medical students to commit to rendering services for one
20 calendar year as a medical doctor or a doctor of osteopathy in
21 this state for each academic year for which he or she
22 participates in the program; providing a penalty for failure
23 to satisfy service commitment; and requiring the Higher
24 Education Policy Commission to promulgate rules to implement
25 the program.

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

2 That the Code of West Virginia, 1931, as amended, be amended
3 by adding thereto a new section, designated §18C-3-4, to read as
4 follows:

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

6 **§18C-3-4. Nonresident Medical Student Tuition Regularization**
7 **Program.**

8 (a) Findings. -- The Legislature finds as follows:

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

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

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

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

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

22 (6) The high cost of nonresident medical education tuition,
23 and resulting high level of debt incurred by students, often

1 prohibit nonresident graduates who remain in the state from
2 entering a primary care practice;

3 (7) Many nonresident medical students in West Virginia have
4 indicated that they would be willing to remain in the state as a
5 practicing physician if they could afford to;

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

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

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

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

22 (b) Purpose. - It is the purpose of this section to offer
23 nonresident medical students a partial tuition waiver as a means of
24 recruiting practicing physicians to under-served areas, and to

1 primary care and practitioner shortage fields in West Virginia.

2 (c) Program established. - There is created the Nonresident
3 Medical Student Tuition Regularization Program to be administered
4 by the Vice Chancellor for Health Sciences in cooperation with the
5 deans of the three medical schools in the state.

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

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

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

24 (4) Once selected to participate in the program, a student may

1 continue in the program for as long as he or she continues to meet
2 the eligibility criteria in subsection (d) of this section, for a
3 maximum of four academic years.

4 (d) Eligibility. -- An individual is eligible for enrollment
5 or continuation in the program if he or she meets the following
6 criteria:

7 (1) Is enrolled or accepted for enrollment at the West
8 Virginia University School of Medicine, the Marshall University
9 School of Medicine, or the West Virginia School of Osteopathic
10 Medicine in a program leading to the degree of medical doctor
11 (M.D.) or doctor of osteopathy (D.O.);

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

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

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

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

19 (6) Commits to render services for one calendar year as a
20 medical doctor or a doctor of osteopathy in this state in a
21 medically under-served area or in a primary care or speciality
22 practice or field in which there is a shortage of physicians for
23 each academic year for which he or she participates in the program;

24 (7) Submits to the Higher Education Policy Commission:

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

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

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

6 (e) Penalty for failure to satisfy service commitment. -

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

9 (A) Fails to render services as a medical doctor or doctor of
10 osteopathy in accordance with the sworn statement he or she
11 submitted to the commission. This includes failure to begin
12 servng within six months of completing an accredited residency
13 program, or failure to complete each one-year term to which he or
14 she committed to serve; or

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

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

19 (A) He or she shall repay the amount of nonresident tuition
20 charges waived plus interest at a rate of fifteen percent per
21 annum;

22 (B) The granting or renewal of a license to practice medicine
23 in West Virginia or to reciprocal licensure in another state based
24 upon licensure in West Virginia is contingent upon commencing

1 payment and continuing payment until full repayment of the
2 obligation if the recipient fails to complete the required practice
3 commitment. A license, renewal or reciprocity may not be granted
4 to an individual whose repayments are in arrears. The West
5 Virginia Board of Medicine shall inform all other states where a
6 recipient has reciprocated based upon West Virginia licensure of
7 any refusal to renew licensure in West Virginia as a result of
8 failure to repay the tuition amount.

9 (f) Rule. -- The commission shall promulgate a rule in
10 accordance with section six, article one, chapter eighteen-b of
11 this code to implement this section. The rule shall provide for:

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

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

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

20 (4) A method for developing a mutually agreeable modification
21 to the terms of a participant's service commitment regarding the
22 medically under-served area or primary care or speciality practice
23 or field in which he or she committed to serve under circumstances
24 where the Division of Health determines at the time the

1 participant's service commitment is scheduled to commence that the
2 area is no longer medically under-served or that primary care or
3 service specialty is no longer experiencing a physician shortage;

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

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

NOTE: The purpose of this bill is to offer nonresident medical students a partial tuition waiver as a means of recruiting practicing physicians to under-served areas and to primary care and practitioner shortage fields in West Virginia.

This section is new; therefore, it has been completely underscored.