

1 **ENROLLED**

2 **Senate Bill No. 394**

3 (BY SENATORS LAIRD, STOLLINGS, PLYMALE, WELLS, BEACH, CHAFIN, TUCKER, BOLEY,
4 CARMICHAEL AND JENKINS)

5 _____
6 [Passed March 6, 2014; in effect ninety days from passage.]
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8
9 AN ACT to amend and reenact §18C-3-3 of the Code of West Virginia,
10 1931, as amended, relating to establishing the Health Sciences
11 Service Program; continuing special revolving fund account and
12 designating new name of fund; modifying fund expenditure
13 provisions; modifying certain defined term; and expanding and
14 modifying program eligibility.

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

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

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

19 **§18C-3-3. Health Sciences Service Program; establishment;
20 administration; eligibility.**

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

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

7 (b) *Special account.* -- There is continued a special revolving
8 fund account under the Higher Education Policy Commission in the
9 State Treasury formerly known as the Health Sciences Scholarship
10 Fund and hereafter designated the Health Sciences Service Program
11 Fund. The fund shall be used to accomplish the purposes of this
12 section. The fund consists of any of the following:

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

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

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

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

23 Balances remaining in the fund at the end of the fiscal year

1 do not expire or revert to the general revenue. All costs
2 associated with the administration of this section shall be paid
3 from the Health Sciences Service Program Fund under the direction
4 of the Vice Chancellor for Health Sciences.

5 (c) *Eligibility requirements.* -- Award preference is given to
6 West Virginia residents. An individual is eligible for
7 consideration for a Health Sciences Service Program award if the
8 individual:

9 (1) Either:

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

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

22 (2) Signs an agreement to practice for at least two years in
23 an underserved area of West Virginia or, if pursuing a Master's

1 Degree in nursing, signs an agreement to teach at least two years
2 for a school of nursing located in West Virginia, as may be
3 determined by the Vice Chancellor for Health Sciences, after
4 receiving the master's degree.

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

13 (e) *Repayment provisions.* -- A program award recipient who
14 fails to practice in an underserved area of West Virginia within
15 six months of the completion of his or her training, or who fails
16 to complete his or her training or required teaching, is in breach
17 of contract and is liable for repayment of the program award and
18 any accrued interest. The granting or renewal of a license to
19 practice in West Virginia or to reciprocal licensure in another
20 state based upon licensure in West Virginia is contingent upon
21 beginning payment and continuing payment until complete repayment
22 of the award and any accrued interest. A license, renewal or
23 reciprocity may not be granted to any person whose repayment is in

1 arrears. The appropriate regulatory board shall inform all other
2 states where a recipient has reciprocated based upon West Virginia
3 licensure of any refusal to renew licensure in West Virginia as a
4 result of failure to repay the award. This provision shall be
5 explained in bold type in the award contract. Repayment terms, not
6 inconsistent with this section, shall be established by the Vice
7 Chancellor for Health Sciences pursuant to the rule required by
8 this section.

9 (f) *Rule.* -- The Higher Education Policy Commission shall
10 promulgate a rule pursuant to article three-a, chapter twenty
11 nine-a of this code to implement and administer this section.

12 (g) *Definitions.* -- As used in this section:

13 (1) "Training" means:

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

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

1 (2) "Underserved area" means any primary care health
2 professional shortage area located in the state as determined by
3 the Bureau for Public Health or any additional health professional
4 shortage area determined by the Vice Chancellor for Health
5 Sciences.