

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2674

BY DELEGATES ATKINSON, WESTFALL, HOLLEN, D.

JEFFRIES, AZINGER, HARSHBARGER, CANESTRARO, J.

KELLY, QUEEN, CRISS AND KESSINGER

[Passed March 9, 2019; in effect ninety days from
passage.]

1 AN ACT to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended; and
2 to amend said code by adding thereto a new section, designated, §18C-3-5, all relating to
3 establishing health professionals' student loan programs; providing legislative findings and
4 purpose; establishing a loan repayment program for mental health providers; providing for
5 in-state tuition rates to out-of-state medical students who agree to practice for a specific
6 time within West Virginia; establishing the program eligibility requirements; setting forth
7 repayment schedules; creating application procedures; establishing violations; providing
8 for civil penalties for the failure to complete the required service; creating a special revenue
9 accounts; and providing for legislative rule-making authority.

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. The fund shall be used to accomplish the purposes of this section.

10 The fund consists of any of the following:

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

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

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

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

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

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

26 (1) Either:

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

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

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

40 (d) *Program awards.* — Program awards shall be in an amount set by the Higher
41 Education Policy Commission of at least \$20,000 for medical and dental students and at least
42 \$10,000 for all others and may be awarded by the Vice Chancellor for Health Sciences, with the
43 advice of an advisory panel, from the pool of all applicants with a commitment to practice in an
44 underserved area of West Virginia. This section does not grant or guarantee any applicant any
45 right to a program award.

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

59 (f) *Loan repayment program.* —

60 (1) There is created a student loan repayment program to be administered by the Higher
61 Education Policy Commission. The loan repayment program shall help repay the student loans
62 for mental health providers who provide therapy and counseling services and who reside in West
63 Virginia and work in an underserved area of West Virginia for up to three years beginning January
64 1, 2020. Individuals participating in the loan repayment program may be eligible to receive up to
65 \$30,000 to be dispersed as follows:

66 (A) A participant may receive a loan repayment program award of up to \$10,000 each year
67 in exchange for the participant completing one year of practice in an underserved area.

68 (B) A participant may not receive a program award for more than three years of practice.

69 (C) A participant must direct each award received toward the repayment of his or her
70 educational loans.

71 (2) There is created a special revenue fund account under the Higher Education Policy
72 Commission in the State Treasury known as the “Mental Health Provider Student Loan
73 Repayment Fund”. The fund shall be used to accomplish the purposes of this subsection. The
74 fund shall consist of appropriations as may be provided by the Legislature. Any moneys remaining
75 in the fund at the close of a fiscal year shall be carried forward for use in the next fiscal year.

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

78 (g) *Rule.* — The Higher Education Policy Commission shall promulgate a rule pursuant to
79 §29A-3A-1 *et seq.* of this code to implement and administer this section.

80 (h) *Definitions.* — As used in this section:

81 (1) “Training” means:

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

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

89 (2) “Underserved area” means any primary care health professional shortage area located
90 in the state as determined by the Bureau for Public Health or any additional health professional

91 shortage area, including an emergency medicine professional determined by the Vice Chancellor
92 for Health Sciences.

§18C-3-5. Non-resident Medical Student Tuition Regularization Program.

1 (a) *Findings.* — The Legislature finds as follows:

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

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

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

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

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

12 (6) The high cost of nonresident medical education tuition, and resulting high level of debt
13 incurred by students, often prohibit nonresident graduates who remain in the state from entering
14 a primary care practice;

15 (7) Many nonresident medical students in West Virginia have indicated that they would be
16 willing to remain in the state as a practicing physician if it was affordable;

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

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

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

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

28 (b) *Purpose.* – It is the purpose of this section to offer nonresident medical students a
29 partial tuition waiver as a means of recruiting practicing physicians to under-served areas, and to
30 primary care and practitioner shortage fields in West Virginia.

31 (c) *Program established.* – There is created the Nonresident Medical Student Tuition
32 Regularization Program to be administered by the Vice Chancellor for Health Sciences in
33 cooperation with the deans of the three medical schools in the state.

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

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

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

46 (4) Once selected to participate in the program, a student may continue in the program for
47 as long as he or she continues to meet the eligibility criteria in subsection (d) of this section, for a
48 maximum of four academic years.

49 (d) *Eligibility.* — An individual is eligible for enrollment or continuation in the program if he
50 or she meets the following criteria:

51 (1) Is enrolled or accepted for enrollment at the West Virginia University School of
52 Medicine, the Marshall University School of Medicine, or the West Virginia School of Osteopathic
53 Medicine in a program leading to the degree of medical doctor (M.D.) or doctor of osteopathy
54 (D.O.);

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

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

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

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

59 (6) Commits to render services for one calendar year as a medical doctor or a doctor of
60 osteopathy in this state in a medically under-served area or in a primary care or specialty practice
61 or field in which there is a shortage of physicians for each academic year for which he or she
62 participates in the program;

63 (7) Submits to the commission:

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

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

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

68 (e) *Penalty for failure to satisfy service commitment.* —

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

70 (A) Fails to render services as a medical doctor or doctor of osteopathy in accordance with
71 the sworn statement he or she submitted to the commission. This includes failure to begin serving

72 within six months of completing an accredited residency program, or failure to complete each one-
73 year term to which he or she committed to serve; or

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

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

77 (A) He or she shall repay the amount of nonresident tuition charges waived plus interest
78 at a rate of five percent per annum;

79 (B) The granting or renewal of a license to practice medicine in West Virginia or to
80 reciprocal licensure in another state based upon licensure in West Virginia is contingent upon
81 commencing payment and continuing payment until full repayment of the obligation if the recipient
82 fails to complete the required practice commitment. A license, renewal or reciprocity may not be
83 granted to an individual whose repayments are in arrears. The West Virginia Board of Medicine
84 shall inform all other states where a recipient has reciprocated based upon West Virginia licensure
85 of any refusal to renew licensure in West Virginia as a result of failure to repay the tuition amount.

86 (f) *Rule.* — The commission shall promulgate a rule in accordance with §18B-1-6 of this
87 code to implement this section. The rule shall provide for:

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

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

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

95 (4) A method for developing a mutually agreeable modification to the terms of a
96 participant's service commitment regarding the medically under-served area or primary care or
97 specialty practice or field in which he or she committed to serve under circumstances where the

98 Division of Health determines at the time the participant's service commitment is scheduled to
99 commence that the area is no longer medically under-served or that primary care or service
100 specialty is no longer experiencing a physician shortage;

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

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

105 (g) There is created in the State Treasury a special revenue account to be designated the
106 "Nonresident Medical Student Tuition Regularization Fund" which is an interest-bearing account
107 that may be invested and retain all earnings. Expenditures from the fund shall be for the purposes
108 set forth in this section and are to be made only in accordance with appropriation by the
109 Legislature and in accordance with §11B-2-1 *et seq.* of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2019.

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Governor