

WEST VIRGINIA LEGISLATURE
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ENROLLED

Senate Bill No. 394

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

[PASSED MARCH 6, 2014; IN EFFECT NINETY DAYS FROM PASSAGE.]

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(BY SENATORS LAIRD, STOLLINGS, PLYMALE, WELLS, BEACH,
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[Passed March 6, 2014; in effect ninety days from passage.]

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

Be it enacted by the Legislature of West Virginia:

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

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
2 is a critical need for additional practicing health care
3 professionals in West Virginia. Therefore, there is created a
4 Health Sciences Service Program to be administered by the

5 Vice Chancellor for Health Sciences. The purpose of this
6 program is to provide an incentive for health professional
7 students to complete their training and provide primary care
8 in underserved areas of West Virginia.

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

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

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

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

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

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

34 (c) *Eligibility requirements.* – Award preference is given
35 to West Virginia residents. An individual is eligible for
36 consideration for a Health Sciences Service Program award
37 if the individual:

38 (1) Either:

39 (A) Is a fourth-year medical student at the Marshall
40 University School of Medicine, West Virginia School of
41 Osteopathic Medicine or West Virginia University School of
42 Medicine who has been accepted in a primary care
43 internship/residency program in West Virginia; or

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

52 (2) Signs an agreement to practice for at least two years
53 in an underserved area of West Virginia or, if pursuing a
54 master's degree in nursing, signs an agreement to teach at
55 least two years for a school of nursing located in West
56 Virginia, as may be determined by the Vice Chancellor for
57 Health Sciences, after receiving the master's degree.

58 (d) *Program awards.* – Program awards shall be in an
59 amount set by the Higher Education Policy Commission of at
60 least \$20,000 for medical and dental students and at least
61 \$10,000 for all others and may be awarded by the Vice
62 Chancellor for Health Sciences, with the advice of an
63 advisory panel, from the pool of all applicants with a
64 commitment to practice in an underserved area of West

65 Virginia. This section does not grant or guarantee any
66 applicant any right to a program award.

67 (e) *Repayment provisions.* – A program award recipient
68 who fails to practice in an underserved area of West Virginia
69 within six months of the completion of his or her training, or
70 who fails to complete his or her training or required teaching,
71 is in breach of contract and is liable for repayment of the
72 program award and any accrued interest. The granting or
73 renewal of a license to practice in West Virginia or to
74 reciprocal licensure in another state based upon licensure in
75 West Virginia is contingent upon beginning payment and
76 continuing payment until complete repayment of the award
77 and any accrued interest. A license, renewal or reciprocity
78 may not be granted to any person whose repayment is in
79 arrears. The appropriate regulatory board shall inform all
80 other states where a recipient has reciprocated based upon
81 West Virginia licensure of any refusal to renew licensure in
82 West Virginia as a result of failure to repay the award. This
83 provision shall be explained in bold type in the award
84 contract. Repayment terms, not inconsistent with this
85 section, shall be established by the Vice Chancellor for
86 Health Sciences pursuant to the rule required by this section.

87 (f) *Rule.* – The Higher Education Policy Commission
88 shall promulgate a rule pursuant to article three-a, chapter
89 twenty nine-a of this code to implement and administer this
90 section.

91 (g) *Definitions.* – As used in this section:

92 (1) “Training” means:

93 (A) The entire degree program or certification program
94 for nurse midwives, nurse practitioners, nurse educators,
95 physician assistants, dentists, pharmacists, physical

96 therapists, doctoral clinical psychologists, licensed
97 independent clinical social workers and other disciplines
98 identified as shortage fields by the Vice Chancellor for
99 Health Sciences; or

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

104 (2) "Underserved area" means any primary care health
105 professional shortage area located in the state as determined
106 by the Bureau for Public Health or any additional health
107 professional shortage area determined by the Vice Chancellor
108 for Health Sciences.

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

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this
the Day of, 2014.

.....
Governor