

# Senate Bill No. 394

(By Senators Laird, Stollings, Plymale, Wells, Beach, Chafin,  
Tucker, Boley, Carmichael and Jenkins)

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[Introduced January 21, 2014; referred to the Committee on  
Education; and then to the Committee on Finance.]

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A BILL 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  
2 there is a critical need for additional practicing health care  
3 professionals in West Virginia. Therefore, there is ~~hereby~~  
4 created a ~~health sciences scholarship program~~ Health  
5 Sciences Service Program to be administered by the Vice  
6 Chancellor for Health Sciences. The purpose of this program  
7 is to provide an incentive for health professional students to  
8 complete their training and provide primary care in  
9 underserved areas of West Virginia.

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

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

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

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

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

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

37           (c) *Eligibility requirements.*—Award preference is given  
38 to West Virginia residents. An individual is eligible for  
39 consideration for a ~~health sciences scholarship~~ Health  
40 Sciences Service Program award if the individual:

41           (1) Either:

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

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

55 (2) Signs an agreement to practice for at least two years  
56 in an underserved area of West Virginia ~~as determined by the~~  
57 ~~bureau for public health. An individual also is eligible for~~  
58 ~~consideration for a health sciences scholarship if the~~  
59 ~~individual is~~ or, if pursuing a Master's Degree in nursing, and  
60 signs an agreement to teach at least two years for a school of  
61 nursing located in West Virginia, as may be determined by  
62 the Vice Chancellor for Health Sciences, after receiving ~~her~~  
63 ~~or his~~ the Master's Degree. ~~Awarding preference will be~~  
64 ~~given to West Virginia residents.~~

65 (d) ~~Scholarship awards~~ Program awards. – Scholarships  
66 Program awards shall be in ~~the amount of~~ an amount set by  
67 the Higher Education Policy Commission of at least \$20,000  
68 for medical and dental students and at least \$10,000 for all  
69 others and may be awarded by the Vice Chancellor for  
70 Health Sciences, with the advice of an advisory panel, from  
71 the pool of all applicants with a commitment to practice in an  
72 underserved area of West Virginia. ~~as determined by the~~  
73 ~~bureau for public health. Nothing herein shall be construed~~

74 ~~as granting or guaranteeing~~ This section does not grant or  
75 guarantee any applicant any right to ~~such a scholarship a~~  
76 program award.

77 (e) *Repayment provisions.* – A ~~scholarship~~ program  
78 award recipient who fails to practice in an underserved area  
79 of West Virginia within six months of the completion of his  
80 or her training, or who fails to complete his or her training or  
81 ~~who fails to complete the~~ required teaching, is in breach of  
82 contract and is liable for repayment of the ~~total scholarship~~  
83 ~~amount received plus interest~~ program award and any  
84 accrued interest. The granting or renewal of a license to  
85 practice in West Virginia or to reciprocal licensure in another  
86 state based upon licensure in West Virginia ~~shall be~~ is  
87 contingent upon beginning payment and continuing payment  
88 until complete repayment of the ~~total scholarship amount if~~  
89 ~~the recipient fails to practice in an underserved area. No~~  
90 award and any accrued interest. A license, renewal or  
91 reciprocity ~~shall~~ may not be granted to ~~persons whose~~  
92 ~~repayments are~~ any person whose repayment is in arrears.

93 The appropriate regulatory board shall inform all other states  
94 where a recipient has reciprocated based upon West Virginia  
95 licensure of any refusal to renew licensure in West Virginia  
96 as a result of failure to repay the ~~scholarship amount~~ award.  
97 This provision shall be explained in bold type in the  
98 ~~scholarship~~ award contract. Repayment terms, not  
99 inconsistent with this section, shall be established by the Vice  
100 Chancellor for Health Sciences pursuant to ~~rules as required~~  
101 ~~under subsection (f) of the rule required by~~ this section.

102 (f) *Promulgation of rules* Rule. – The Higher Education  
103 Policy Commission shall promulgate ~~rules~~ a rule pursuant to  
104 article three-a, chapter twenty nine-a of this code ~~necessary~~  
105 ~~for the implementation and administration of~~ to implement  
106 and administer this section.

107 (g) *Definitions*. – ~~For purposes of the repayment~~  
108 ~~provisions of~~ As used in this section: ~~the term~~

109 (1) “Training” means:

110 (A) The entire degree program or certification program  
111 for nurse midwives, nurse practitioners, nurse educators,

112 physician assistants, dentists, pharmacists, physical  
113 therapists, doctoral clinical psychologists, licensed  
114 independent clinical social workers and other disciplines  
115 identified as shortage ~~field~~ fields by the Vice Chancellor ~~The~~  
116 ~~term also means the~~ for Health Sciences; or

117 (B) Completion of a degree program and ~~includes~~  
118 ~~completion of an approved residency/internship program for~~  
119 students pursuing a degree in medicine or ~~a degree in~~  
120 osteopathy, or as otherwise may be designated for such  
121 students in the rule required by this section.

122 (2) “Underserved area” means any primary care health  
123 professional shortage area located in the state as determined  
124 by the Bureau for Public Health or any additional health  
125 professional shortage area determined by the Vice Chancellor  
126 for Health Sciences.

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(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.)