

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 2833**

By Delegates Ellington, Clark, Smith, Hornby, Statler,

Toney, Tully, and Summers

[Introduced January 19, 2023; Referred to the

Committee on Education then Finance]

1 A BILL to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating  
 2 to establishing the Behavioral Health Workforce Education Initiative at the Higher  
 3 Education Policy Commission; directing the Treasurer to place funds into the account;  
 4 establishing the Behavioral Health Workforce Initiative; setting forth terms of the initiative;  
 5 and creating definitions.

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

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

**§18C-3-3. Health Sciences Service Program; Behavioral Health Workforce Education Initiative; establishment; administration; eligibility.**

1 (a) There is continued a special revolving fund account under the Higher Education Policy  
 2 Commission in the State Treasury ~~formerly~~ known as the Health Sciences Scholarship Fund. The  
 3 fund shall be used to accomplish the purposes of this section. The fund consists of any of the  
 4 following:

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

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

8 (3) Repayments, including interest as set by the ~~Vice chancellor for health sciences~~ or his  
 9 or her designee collected from program award recipients who fail to practice or teach in West  
 10 Virginia under the terms of an award agreement or the Health Sciences Scholarship Program  
 11 previously established by this section; and

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

13 Balances remaining in the fund at the end of the fiscal year do not expire or revert to the  
 14 general revenue. All costs associated with the administration of this section shall be paid from the  
 15 Health Sciences Service Program Fund under the direction of the ~~Vice chancellor for health~~  
 16 sciences or his or her designee.

17 (b) Award preference is given to West Virginia residents. An individual is eligible for

18 consideration for a Health Sciences Service Program award if the individual:

19 (1) Either:

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

24 (B) Is enrolled in an approved education program at a West Virginia institution leading to a  
25 degree or certification in the field of nurse practitioner, nurse educator, nurse midwife, physician  
26 assistant, dentist, pharmacist, physical therapist, doctoral clinical psychologist, licensed  
27 independent clinical social worker, or other disciplines identified as shortage fields by the ~~Vice~~  
28 ~~chancellor for health sciences~~ or his or her designee; and

29 (2) Signs an agreement to practice for at least two years in an underserved area of West  
30 Virginia or, if pursuing a master's degree in nursing, signs an agreement to teach at least two years  
31 for a school of nursing located in West Virginia, as may be determined by the ~~Vice-chancellor for~~  
32 ~~health sciences~~ or his or her designee, after receiving the master's degree.

33 (c) Program awards shall be in an amount set by the Higher Education Policy Commission  
34 of at least \$20,000 for medical and dental students and at least \$10,000 for all others and may be  
35 awarded by the ~~Vice-chancellor for health sciences~~ or his or her designee, with the advice of an  
36 advisory panel, from the pool of all applicants with a commitment to practice in an underserved  
37 area of West Virginia. This section does not grant or guarantee any applicant any right to a  
38 program award.

39 (d) A program award recipient who fails to practice in an underserved area of West Virginia  
40 within six months of the completion of his or her training, or who fails to complete his or her training  
41 or required teaching, is in breach of contract and is liable for repayment of the program award and  
42 any accrued interest. ~~The granting or renewal of a license to practice in West Virginia or to~~  
43 ~~reciprocal licensure in another state based upon licensure in West Virginia is contingent upon~~

44 ~~beginning payment and continuing payment until complete repayment of the award and any~~  
45 ~~accrued interest. A license, renewal, or reciprocity may not be granted to any person whose~~  
46 ~~repayment is in arrears. The appropriate regulatory board shall inform all other states where a~~  
47 ~~recipient has reciprocated based upon West Virginia licensure of any refusal to renew licensure in~~  
48 ~~West Virginia as a result of failure to repay the award~~ This provision shall be explained in bold type  
49 in the award contract. Repayment terms, not inconsistent with this section, shall be established by  
50 the ~~Vice-chancellor for health sciences~~ or his or her designee pursuant to the rule required by this  
51 section.

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

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

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

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

63 (2) There is created a special revenue fund account under the Higher Education Policy  
64 Commission in the State Treasury known as the Mental Health Provider Student Loan Repayment  
65 Fund. ~~The fund shall be used to accomplish the purposes of this subsection~~ The fund shall consist  
66 of appropriations as may be provided by the Legislature. The Treasurer shall deposit all moneys  
67 deposited in or credited to this fund in an interest-bearing account, with the amount of interest  
68 earned being credited to this fund as it is earned. The moneys in this special fund shall be  
69 expended solely for the purposes of carrying out the duties related to the implementation and

70 administration of the Mental Health Provider Student Loan Repayment Program. Any moneys  
71 remaining in the fund at the close of a fiscal year shall be carried forward for use in the next fiscal  
72 year.

73 (3) There is hereby created the Behavioral Health Workforce Initiative to be administered  
74 by the Higher Education Policy Commission. The Behavioral Health Workforce Initiative shall:

75 (A) Study behavioral health workforce supply and demand by analyzing the geographic  
76 and demographic availability of West Virginia behavioral health professionals, including  
77 psychiatrists, psychologists, social workers, mental health counselors, substance use disorder  
78 counselors, behavioral analysts, peer support providers, primary care physicians, nurses, nurse  
79 practitioners, pharmacists, and physician assistants, and develop a strategic plan for education of  
80 the behavioral health workforce, prioritizing the need for additional professionals by type and  
81 location;

82 (B) Incentivize and promote careers in behavioral health by:

83 (i) Providing funds for two additional residents per year in West Virginia based psychiatry  
84 programs. The psychiatry residents participating in this program shall sign an agreement to  
85 practice in an underserved area of the state, including the state's psychiatric hospitals, for at least  
86 one year for every year of support received from the program;

87 (ii) Providing funds for doctoral-level psychology clinical training placement stipends in  
88 West Virginia. Recipients shall train in areas of the state that are underserved by behavioral  
89 healthcare providers so as to increase access to such services and shall sign an agreement to  
90 practice in an underserved area of the state for at least one year for every year of support received  
91 from the program; and

92 (iii) Providing funds for masters' degree level psychology, social work, and counseling  
93 internship stipends in West Virginia. These interns shall train in areas of the state that are  
94 underserved by behavioral healthcare providers so as to increase access to such services. The  
95 interns participating in this program shall sign an agreement to practice in an underserved area of

96 the state for at least one year for every year of support received from the program.

97 (C) Assist in the development of pipeline programming by providing funding to implement  
98 evidence-based programs designed to interest elementary, secondary, and postsecondary  
99 students, at both the undergraduate and graduate levels, in behavioral health careers;

100 (D) Support new graduates in behavioral health fields by providing funds to increase their  
101 access to supervision by licensed practitioners so that the new graduates can obtain licensure or  
102 specialized treatment credentials;

103 (E) Assess and increase the training available for behavioral health students in telehealth  
104 techniques and other innovative means of care delivery in order to increase access to behavioral  
105 health services for all West Virginians; and

106 (F) Coordinate communication between stakeholders to leverage existing federal and  
107 state scholarship, loan repayment, and incentive program funds to increase the number of  
108 behavioral health professionals practicing in West Virginia.

109 (f) *Rule.* — The Higher Education Policy Commission shall promulgate a rule pursuant to  
110 §29A-3A-1 *et seq.* of this code to implement and administer this section.

111 (g) As used in this section:

112 (1) "Training" means:

113 (A) The entire degree program or certification program for nurse midwives, nurse  
114 practitioners, nurse educators, physician assistants, dentists, pharmacists, physical therapists,  
115 doctoral clinical psychologists, licensed independent clinical social workers, behavioral health  
116 practitioners, and other disciplines identified as shortage fields by the ~~Vice~~ vice chancellor ~~for health~~  
117 sciences or his or her designee; or

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

121 (2) "Underserved area" means any primary care, dental care, or mental health professional

122 shortage area located in the state as determined by the Bureau for Public Health or any additional  
123 health professional shortage area, ~~including an emergency medicine professional~~ determined by  
124 the ~~Vice-chancellor for health sciences~~ or his or her designee.

125 (3) "Behavioral health" means mental health, behavioral health, or substance use disorder  
126 care provided by psychiatrists, psychologists, social workers, mental health counselors,  
127 substance use disorder counselors, behavioral analysts, peer support providers, primary care  
128 physicians, nurses, nurse practitioners, pharmacists, physician assistants, and other disciplines in  
129 similar fields identified as shortage fields by the chancellor or his or her designee.

130 (4) "Evidence based" means programming that has been documented as successful using  
131 objective data in pilot or demonstration projects.

132 (5) "Pipeline" means programs during elementary, secondary, or postsecondary education  
133 that encourage or emphasize behavioral health careers. "Pipeline programs" are designed to  
134 increase student understanding of the field of behavioral health and may include information on  
135 potential educational pathways, job shadowing opportunities, career fair and exploration events,  
136 availability of dual credit psychology courses in secondary schools, career-focused camp,  
137 summer internship experiences, or various other strategies designed to teach students about  
138 careers in behavioral health.

NOTE: The purpose of this bill is to create the behavioral health workforce initiative within the Higher Education Policy Commission.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.