

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

House Bill 2989

By Delegates Ellington, Walker, Hornby, Lucas,
Dittman, Chiarelli, Mazzocchi, Hornbuckle, A. Hall,
Toney and Foggin

[Originating in the Committee on Finance; February
23, 2023]

1 A BILL to amend and reenact §18C-3-5 of the Code of West Virginia, 1931, as amended, all
2 relating to increasing the number of out-of-state medical students receiving in-state tuition
3 rates who agree to practice for a specific time within West Virginia; and requiring each
4 medical student that participates in the program to practice in a medically underserved
5 area and in a primary care or specialty practice or field in which there is a shortage of
6 physicians.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. HEALTH PROFESSIONALS STUDENT LOAN PROGRAMS.

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

1 (a) 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 a
14 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 a
20 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 underserved 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) It is the purpose of this section to offer nonresident medical students a partial tuition
29 waiver as a means of recruiting practicing physicians to underserved areas, and to primary care
30 and practitioner shortage fields in West Virginia.

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

34 (1) ~~Two~~ Four nonresident medical students from each medical school in the state are
35 selected annually to participate in the program subject to the exception provided in subsection (f)
36 of this 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 underserved area ~~or~~ and in a primary care or specialty

43 practice or field in which there is a shortage of physicians, as determined by the Division of Health
44 at the 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) An individual is eligible for enrollment or continuation in the program if he or she meets
50 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 underserved area ~~or~~ and in a primary care or specialty
61 practice or field in which there is a shortage of physicians for each academic year for which he or
62 she 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 for
66 that purpose; and

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

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

69 (A) Fails to render services as a Medical Doctor or Doctor of Osteopathy in accordance
70 with the sworn statement he or she submitted to the commission. This includes failure to begin
71 serving within six months of completing an accredited residency program, or failure to complete
72 each one-year term to which he or she committed to serve; or

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

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

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

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

85 (f) The commission shall develop policy to provide for:

86 (1) A method for selecting annually the ~~six~~ 12 new students to be enrolled in the program,
87 with priority consideration to applicants in the earliest academic years of the medical education
88 program;

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

91 (3) A method for the applicant to select the service area ~~or~~ and specialty to which he or she
92 commits to practice medicine;

93 (4) A method for developing a mutually agreeable modification to the terms of a
94 participant's service commitment regarding the medically underserved area ~~or~~ and primary care or

95 specialty practice or field in which he or she committed to serve under circumstances where the
96 Division of Health determines at the time the participant's service commitment is scheduled to
97 commence that the area is no longer medically underserved or that primary care or service
98 specialty is no longer experiencing a physician shortage;

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

101 (6) Such other provisions as the commission considers necessary to administer the
102 program.

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