



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 5 -- NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR
A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY **Higher Education Policy Commission**
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **133-
41**
RULE NAME **Health Sciences Service Program**

CITE AUTHORITY **18B-1-6**

RULE IS LEGISLATIVE EXEMPT

Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

18B-1-6

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS

Saturday, September 02, 2017

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

**Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 133-41



Rule Id: 16546



Document: 49777

**TITLE 133
PROCEDURAL RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SERIES 41
HEALTH SCIENCES SERVICE PROGRAM**

§133-41-1. General.

1.1. Scope. -- This rule promulgates policy and procedure regarding the establishment and operation of a Health Sciences Service Program.

1.2. Authority. -- West Virginia Code §18C-3-3.

1.3. Filing Date. -- August 2, 2017.

1.4. Effective Date. -- September 2, 2017.

1.5. Repeal of Former Rule. -- Repeals and replaces Series 41, dated February 13, 2015.

§133-41-2. Purpose.

2.1. The purpose of this program is to provide an incentive for fourth-year medical students to complete their training and provide primary care or emergency medicine in underserved areas of West Virginia, for other health professional students to complete their training and provide primary care in underserved areas of West Virginia, or for nursing program students to complete their training and teach in associate or bachelor's degree nursing programs in West Virginia. "Primary care" means the health care services generally provided by family practice physicians, general practice physicians, general internists, geriatricians, obstetrician/gynecologists, general pediatricians, psychiatrists and mid-level providers, including nurse practitioners, nurse-midwives, and physician assistants, dentists, pharmacists, physical therapists, doctoral clinical psychologists, and licensed independent clinical social workers.

2.2. Health Sciences Service Program funds are to be used to award fourth-year medical students at a West Virginia school of allopathic or osteopathic medicine who have been accepted in an accredited primary care or emergency medicine residency program in West Virginia; or to award students who are enrolled in the last year of an accredited education program at a West Virginia institution leading to a degree or certification as a nurse practitioner, nurse midwife, physician assistant, dentist, pharmacist, physical therapist, doctoral clinical psychologist, licensed independent clinical social worker, or other disciplines identified as shortage fields by the Vice Chancellor for Health Sciences. Students who are enrolled in the last year of an accredited master's degree nursing program in West Virginia and intend to teach at an associate or bachelor's degree nursing program in West Virginia also are eligible. Any funds repaid in lieu of practice in an underserved area of West Virginia will be used to establish a revolving fund to make additional awards to eligible students.

§133-41-3. Eligibility Criteria.

3.1. In order to be eligible for an award through the Health Sciences Service Program, applicants must meet the following minimum requirements:

3.1.a. Be a fourth-year medical student at a West Virginia school of allopathic or osteopathic medicine who has been accepted in an accredited primary care or emergency medicine residency program in West Virginia; or

3.1.b. Be enrolled in the last year of an accredited education program at a West Virginia institution leading to a degree or certification as a nurse practitioner, nurse midwife, physician assistant, dentist, pharmacist, physical therapist, doctoral clinical psychologist, licensed independent clinical social worker, or other disciplines identified as shortage fields by the Vice Chancellor for Health Sciences; and

3.1.c. Sign an agreement to practice full-time for at least two (2) years or half-time for at least four (4) years in an underserved area of West Virginia as determined by the West Virginia Bureau for Public Health or any additional health professional shortage area determined by the Vice Chancellor for Health Sciences; or

3.1.d. Be enrolled in the last year of an accredited master's degree program in nursing in West Virginia; and

3.1.e. Sign an agreement to teach full-time for at least two (2) years or half-time for at least four (4) years at a qualifying associate or bachelor's degree nursing program in West Virginia as determined by the Vice Chancellor for Health Sciences.

3.2. Awarding preference will be given to West Virginia residents in accordance with the West Virginia Higher Education Policy Commission's (Commission) policy regarding "Residency Classification of Students for Admission and Fee Purposes."

§133-41-4. Application Process.

4.1. The applicant must apply to the Health Sciences Service Program using an application form approved by the Vice Chancellor for Health Sciences.

4.2. The Vice Chancellor for Health Sciences shall establish a deadline for applying for the Health Sciences Service Program.

§133-41-5. Selection of Recipients.

5.1. Recipients will be selected from a pool of all applicants.

5.2. Awards shall be determined by the Vice Chancellor for Health Sciences with the advice of an advisory panel.

5.2.a. The advisory panel may be made up of the Division of Health Sciences Advisory Committee and such other members as may be added by the Vice Chancellor for Health Sciences from time to time.

5.3. In order to be selected to receive a Health Sciences Service Program award, an applicant must agree to practice primary care full-time for at least two (2) years or half-time for at least four (4) years in an underserved area of West Virginia as determined by the West Virginia Bureau for Public Health or any additional health professional shortage area determined by the Vice Chancellor for Health Sciences or teach full-time for at least two (2) years or half-time for at least four (4) years at a qualifying associate or bachelor's degree nursing program in West Virginia as determined by the Vice Chancellor for Health Sciences. A medical student applicant only may agree to practice emergency medicine instead of primary

care full-time for at least two (2) years or half-time for at least four (4) years in an underserved area of West Virginia as determined by the West Virginia Bureau for Public Health or any additional health professional shortage area determined by the Vice Chancellor for Health Sciences.

5.3.a. For medical students, the term "training" is defined as the completion of a degree program in allopathic or osteopathic medicine and includes the successful completion of a primary care or emergency medicine residency.

5.3.b. For other applicants, the term "training" is defined as the entire degree program or certification program for nurse midwives, nurse practitioners, physician assistants, master's degree nurses, dentists, pharmacists, physical therapists, doctoral clinical psychologists, licensed independent clinical social workers, or other disciplines which may be identified as shortage fields by the Vice Chancellor for Health Sciences.

5.4. Applications will be processed without regard to race, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, gender identity, and veteran status.

5.5. In making awards, the Vice Chancellor for Health Sciences may consider such factors as the applicant's expressed commitment to primary care or teaching, his or her work or community service experiences in underserved areas of the State and the applicant's ties in West Virginia. For a medical student applicant only, the Vice Chancellor for Health Sciences also may consider the applicant's expressed commitment to emergency medicine.

5.6. The number of awards shall be determined by the availability of funds.

5.7. Nothing in this rule shall be construed as granting or guaranteeing any applicant any right to such an award.

§133-41-6. Award Provisions and Agreement.

6.1. The award shall be a one-time award of at least \$20,000 for medical and dental students and at least \$10,000 for all other eligible disciplines.

6.2. The agreement shall contain the provision that the recipient will agree to practice full-time for at least two (2) years or half-time for at least four (4) years in an underserved area of West Virginia or teach full-time for at least two (2) years or half-time for at least four (4) years in an associate or bachelor's degree nursing program in West Virginia.

6.3. The award agreement shall state that if a recipient fails to complete the service obligation and repayment of the award is required, that the granting of renewal of a license to practice in West Virginia or to reciprocal licensure in another state based upon licensure in West Virginia shall be contingent upon the recipient's complete repayment of the award and any accrued interest, court costs, or other costs associated with the debt.

6.3.a. No license, renewal or reciprocity shall be granted to persons whose payments are in arrears.

6.3.b. The appropriate regulatory board shall inform all states where a recipient has reciprocated based upon West Virginia licensure of any refusal to renew licensure in West Virginia as a result of failure to repay the award amount.

6.4. No award shall be disbursed before a properly completed and signed agreement has been delivered by the recipient to the Vice Chancellor for Health Sciences or his or her designee.

6.5. A recipient who fails to complete his or her training or practice in an underserved area of West Virginia or fails to teach in a qualifying nursing program in West Virginia as required by the award agreement is in breach of contract and is liable for repayment of the total award plus interest.

6.5.a. Interest shall be at the rate of fifteen (15) percent. The Commission may, from time to time, change the rate of interest charged.

§133-41-7. Notification of Recipients and Fund Disbursement.

7.1. The Vice Chancellor for Health Sciences or his or her designee shall notify students of their selection to receive an award, and

7.2. Shall disburse funds to those awarded.

7.2.a. Disbursements shall be made directly to medical students no later than sixty (60) days after they have been accepted into a primary care or emergency medicine residency program located in West Virginia and have returned a properly completed and signed award agreement to the Vice Chancellor for Health Sciences.

7.2.b. Disbursements shall be made directly to doctoral clinical psychology students no later than sixty (60) days after they have been accepted into a one (1) year internship program located in West Virginia and have returned a properly completed and signed award agreement to the Vice Chancellor for Health Sciences.

7.2.c. Disbursements shall be made directly to master's social work students no later than sixty (60) days after they have secured a two (2) year post-graduate clinical field placement located in West Virginia and have returned a properly completed and signed award agreement to the Vice Chancellor for Health Sciences.

7.2.d. Disbursements to students in all other eligible disciplines shall be made directly to the student within sixty (60) days of the student returning a properly completed and signed award agreement to the Vice Chancellor for Health Sciences.

§133-41-8. Fulfillment of Agreement.

8.1. A recipient shall satisfy his or her obligation by practicing primary care full- or half-time in West Virginia as stated in the recipient's agreement or by full-time or half-time teaching at a qualifying associate or bachelor's degree nursing program in West Virginia. A medical student recipient only who has completed an emergency medicine residency shall satisfy his or her obligation practicing emergency medicine full- or half-time in West Virginia.

8.1.a. Any recipient may petition the Vice Chancellor for Health Sciences to pursue additional post-graduate training beyond requirements contained in this section. The Vice Chancellor for Health Sciences shall use his or her discretion in approving such request.

8.2. A dentistry, nurse practitioner, nurse midwifery, pharmacy, physical therapy, or physician assistant recipient must begin practicing and completing the service obligation within six (6) months of graduation.

8.3. A medical student recipient must begin practicing and completing the service obligation within six (6) months of completing a qualifying primary care or emergency medicine internship or residency program in West Virginia.

8.3.a. Under certain circumstances during the final two (2) years of a medical student recipient's primary care or emergency medicine residency, the recipient may petition the Vice Chancellor for Health Sciences to allow his or her service obligation to begin during residency.

8.3.b. A recipient making such a request must possess an executed employment contract governing his or her post-residency employment. The practice site must be located in a qualifying underserved area as designated by the West Virginia Bureau for Public Health or the Vice Chancellor for Health Sciences. The contract must be for full-time employment and must require the recipient to work at the practice site for at least two (2) years upon completion of a qualifying primary care or emergency medicine residency program in West Virginia.

8.3.c. The Vice Chancellor for Health Sciences shall use his or her discretion in approving such a request. If the Vice Chancellor for Health Sciences approves such a request, the recipient may begin serving the service obligation from the date of the Vice Chancellor's approval.

8.4. A nurse educator recipient must begin teaching and completing the service obligation within six (6) months of graduation.

8.5. A doctoral psychology recipient must begin practicing and completing the service obligation within six (6) months of completing his or her one (1) year internship required for attaining licensure as a doctoral clinical psychologist.

8.6. A master's level social work recipient must begin practicing and completing the service obligation within six (6) months of completing his or her two (2) year post-graduate clinical field placement required for attaining licensure as a licensed independent clinical social worker.

8.7. The West Virginia Bureau for Public Health or the Vice Chancellor for Health Sciences shall determine qualifying underserved areas. A current listing of underserved areas shall be made available, upon request, to recipients.

8.7.a. At the time a recipient is ready to start his or her practice, he or she may request that additional areas be considered as underserved by the Vice Chancellor for Health Sciences. Among the criteria for consideration of such additional areas are factors such as a population shift which may create an additional underserved area or a location where a physician or other primary health care professional will retire or leave the area for other reasons.

8.8. The Vice Chancellor for Health Sciences shall determine qualifying nursing programs, and all programs eligible for consideration must be accredited and located in West Virginia. A current listing of qualifying nursing programs shall be made available, upon request, to recipients.

8.9. To be eligible for credit toward obligation fulfillment, the applicant must first apply on an annual basis for and receive approval for practice in a specific designated underserved area or in a specific qualifying nursing program by the Vice Chancellor for Health Sciences.

8.9.a. With advance approval of the Vice Chancellor for Health Sciences, the recipient may serve his or her obligation concurrently with other service obligations.

8.9.b. If a recipient serves as much as twelve (12) consecutive months of his or her obligation but does not complete the full obligation, payment shall be figured on a pro rata basis. No credit shall be given for less than twelve (12) consecutive months of service.

§133-41-9. Repayment of Award in Lieu of Service.

9.1. In lieu of service, recipients must repay the full amount of funds received, plus interest, within one (1) year of the date they complete or terminate their training or one (1) year following the day they are no longer practicing in an underserved area of West Virginia or teaching in a qualifying nursing program in West Virginia.

9.1.a. Payment may be made in one full payment or, with the approval of the Vice Chancellor for Health Sciences, arrangements may be made to repay the award over a one (1) year period.

9.2. Interest shall start to accrue on the day the recipient completes or terminates training or is no longer serving as stated in his or her agreement.

9.2.a. Interest shall be at fifteen (15) percent. The Commission may, from time to time, change the rate of interest.

9.3. The recipient shall pay all attorney's fees and other costs and charges for the collection of any amount not paid when due.

§133-41-10. Cancellation and Waiver of Practice Obligation.

10.1. In the event of the recipient's death, any unpaid indebtedness on his or her obligation shall be cancelled.

10.2. In the event of the permanent, total disability of the recipient, any unpaid indebtedness on his or her obligation shall be cancelled.

10.3. In certain cases such as partial disability, chronic disease, or other instances of extreme hardship, repayment of the award may be postponed or waived. The recipient must thoroughly document a request for such consideration. The Vice Chancellor for Health Sciences shall be the authority that may grant such postponement or waiver.

§133-41-11. Certification of Practice and Credit Earned Toward Award Obligation Fulfillment.

11.1. To be eligible for credit toward the obligation, the recipient must have approval from the Vice Chancellor for Health Sciences to practice in a specific designated underserved area in West Virginia or teach in a specific qualifying nursing program in West Virginia. In addition, when a recipient has completed twelve (12) months of practice or teaching, he or she must provide evidence of such practice. Such evidence shall be presented on a form provided by the Vice Chancellor for Health Sciences for this purpose. The Vice Chancellor for Health Sciences shall be the authority that grants service obligation credit. The Vice Chancellor for Health Sciences shall notify the recipient of all credit which is granted.

11.2. Recipients shall be required to maintain a current address with the Vice Chancellor for Health Sciences until such time as the obligation has been satisfied through service or repayment.