



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

6/26/2020 3:23:21 PM

Office of West Virginia  
Secretary Of State

**NOTICE OF AN EMERGENCY RULE**

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-63  
RULE TYPE: Legislative Amendment to Existing Rule: No  
RULE NAME: Mental Health Loan Repayment Program

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

18B-1-6

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

PRIMARY CONTACT:

NAME: Cindy L. Anderson  
ADDRESS: 1018 Kanawha Blvd East Suite 700  
1018 Kanawha Blvd. East Suite 700  
EMAIL: cindy.anderson@wvhepc.edu  
PHONE NUMBER: 304-558-4016

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

As a result of SB 1009, passed during the 2019 first Special Session, a rule is required to establish guidelines for the Mental Health Loan Repayment Program.

In order to make awards in a timely fashion for the 2020 fall semester, the rule needs to be promulgated, and, in view of the mental health issues due to the COVID-19 pandemic, mental health providers are of critical importance.

DOES THIS EMERGENCY RULE REPEAL A CURRENT RULE? No

HAS THE SAME OR SIMILAR EMERGENCY RULE PREVIOUSLY BEEN FILED AND OR EXPIRED? No

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/A

C. ECONOMIC IMPACT ON THE STATE OR ITS RESIDENTS:

N/A

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2020 Increase/Decrease (use "-")	2021 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS 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 133  
LEGISLATIVE RULE  
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 63  
MENTAL HEALTH LOAN REPAYMENT PROGRAM

**§133-63-1. General.**

1.1. Scope. -- This rule establishes requirements for eligibility, award, maintenance, and termination of the financial incentives provided by the Mental Health Loan Repayment Program.

1.2. Authority. -- West Virginia Code §18B-1-6 and §18C-3-3(e) and (f).

1.3. Filing Date. –

1.4. Effective Date. –

1.5. This rule will terminate and have no further force or effect upon the expiration of five years from its effective date.

**§133-63-2. Purpose.**

2.1. The purpose of this program is to provide an incentive for practicing mental health professionals to deliver therapy or counseling services in underserved areas of West Virginia.

2.2. Mental Health Loan Repayment Program funds shall be awarded to West Virginia residents who are currently practicing mental health professionals and who provide therapy or counseling services in an underserved area of West Virginia. A revolving fund will be established for funds for this program.

**§133-63-3. Eligibility Criteria.**

3.1. In order to be eligible for a Mental Health Loan Repayment Program award, each applicant must:

3.1.a. Certify that the applicant possesses educational debt in an amount equal to or exceeding the proposed award amount; and

3.1.b. Be a graduate of an accredited program at an institution of higher education, having obtained a degree preparing them for licensure as a licensed doctoral clinical psychologist, master's level licensed psychologist, licensed independent clinical social worker, licensed certified social worker, licensed professional counselor, licensed marriage and family therapist, or other mental health disciplines identified by the Senior Director of Health Sciences as experiencing a shortage of practitioners; and

3.1.c. Be employed in an underserved area in West Virginia, providing individual and group therapy or counseling for a majority of his, her or their practice.

**§133-63-4. Application Process.**

4.1. The applicant must apply to the Mental Health Loan Repayment Program using an application form provided by the Senior Director of Health Sciences.

4.2. Applicants for participation in the Mental Health Loan Repayment Program shall submit their applications by the deadline established by to the Senior Director of Health Sciences. Applications must be complete and received by the deadline in order for the applicant to be considered for an award.

**§133-63-5. Selection of Recipients.**

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

5.2. Awards shall be determined by the Senior Director of Health Sciences with the advice of an advisory panel. 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 Senior Director of Health Sciences from time to time.

5.3. In order to be selected to receive a Mental Health Loan Repayment Program award, an applicant must agree to provide mental health therapy or counseling services for at least one (1) year full-time or at least two (2) years part-time in an underserved area for every year that funding is awarded.

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 Senior Director of Health Sciences may consider such factors as the applicant's expressed commitment to the provision of mental health services in underserved communities, and his, her or their work or community service experiences in underserved areas of the State.

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.

**§133-63-6. Award Provisions and Agreement.**

6.1. The award amount shall be at least \$10,000 (depending on outstanding debt) for one (1) year of full-time service or two (2) years of part-time service for eligible mental health professionals. The award shall be renewable up to three (3) years based on availability of funds and continued eligibility for the loan repayment program.

6.2. The award agreement shall contain the provision that the recipient will agree to practice full-time for at least one (1) year or part-time for at least two (2) years in an underserved area of West Virginia.

6.3. No award payments shall be disbursed before a properly completed and signed award agreement and documentation of qualifying educational debt have been delivered by the recipient to the Senior Director of Health Sciences or his or her designee.

**§133-63-7. Notification of Recipients and Fund Disbursement.**

7.1. The Senior Director of Health Sciences or his or her designee shall notify students of their selection to receive an award.

7.2. The full amount of the award shall be disbursed to the participant upon the receipt of verification of one (1) year of full-time employment or two (2) years of part-time employment in an approved site, beginning from the date of the award agreement. The Senior Director of Health Sciences shall approve the disbursement of the funds.

**§133-63-8. Fulfillment of Agreement.**

8.1. To fulfill the award agreement, a participant must complete the service obligation. If applying for additional funding, the recipient must provide documentation demonstrating that the entire award has been allocated toward recipient's educational debt.

8.2. A recipient shall satisfy obligation as stated in the recipient's award agreement by practicing mental health therapy or counseling full or part time in an underserved area of West Virginia.

8.3. If at any time during the term of the agreement the recipient needs to change the practice site, the recipient may request approval from the Senior Director of Health Sciences and may request that additional areas be considered as underserved if appropriate.

8.4. With advance approval of the Senior Director of Health Sciences, the recipient may serve his or her obligation concurrently with other service obligations.

**§133-63-9. Definitions.**

9.1. "Practicing mental health professionals" means licensed doctoral clinical psychologists, master's level licensed psychologists, licensed independent clinical social workers, licensed certified social workers, licensed professional counselors, licensed marriage and family therapists, or other disciplines which may be identified as practicing mental health professionals providing therapy or counseling services by the Senior Director of Health Sciences.

9.2. "Underserved area" means any mental health professional shortage area located in the state as determined by the Bureau for Public Health, any hospital devoted solely to the provision of mental health services, or any additional mental health professional shortage area determined by the Senior Director of Health Sciences.

9.3. "Educational debt" is defined as any government, commercial, or foundation loans for actual costs paid for tuition, reasonable education, and living expenses related to graduate or undergraduate education.

9.4. "Part-time" is defined as working twenty or more hours per week.