



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

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

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: 18B-1-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

18B-1-6

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/26/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2020

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

Constituents notified of rule filing via e-mail.

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

Provides incentive for practicing mental health professionals to deliver therapy or counseling services in under-served areas of West Virginia.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

N/A

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 OF THE LEGISLATIVE RULE 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 shall 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.