



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia  
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-63  
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No  
RULE NAME: Mental Health Loan Repayment Program  
CITE STATUTORY AUTHORITY: 18B-1-6

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) House Bill 3229

Section 18B-7-2(II) Passed On 4/10/2021 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

August 15, 2021

This rule shall terminate and have no further force or effect from the following date:

August 15, 2026

**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. -- July 15, 2021.

1.4. Effective Date. -- August 15, 2021.

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, psychiatric mental health nurse practitioner, 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 therapy or counseling and/or 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 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, ancestry, sex, age, disability, genetic information, sexual orientation, gender identity, familial status or ~~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 up to \$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 recipients 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, psychiatric mental health nurse practitioners, 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.