



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/14/2026 10:41:21 AM
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: 133-41
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes
RULE NAME: 133-41 Health Sciences Loan Repayment Program

PRIMARY CONTACT

NAME: Cindy L Anderson
ADDRESS: 2001 Union Carbide Drive
Building 2000
South Charleston, WV 25303
EMAIL: cindy.anderson@wvhepc.edu
PHONE NUMBER: 304-558-4016

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:

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: 6/12/2026

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/13/2026

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 were notified via e-mail, posted to agency website.

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

Establishes procedures to implement the Health Sciences Loan Repayment Program. HB 5212 passed during the 2026 Legislative Session requires changes to the operation of the Health Sciences Loan Repayment Program.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

WV Code 18C-3-3 creates the Health Sciences Loan Repayment Program.

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		
	2026 Increase/Decrease (use "-")	2027 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
~~PROCEDURAL~~ LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 41
HEALTH SCIENCES ~~SERVICE~~ LOAN REPAYMENT PROGRAM

§133-41-1. General.

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

1.2. Authority. -- West Virginia Code §18B-1-6 and §18C-3-3.

1.3. Filing Date. -- ~~January 22, 2026.~~

1.4. Effective Date. -- ~~February 22, 2026.~~

1.5. ~~Repeal of Former Rule. -- Repeals and replaces Title 133, Series 41, dated August 18, 2019~~
Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2032.

§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 a school of nursing in West Virginia.

2.1.a. "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, physician assistants, dentists, occupational therapists, pharmacists, physical therapists, doctoral clinical psychologists, and licensed independent clinical social workers, or other disciplines which may be identified as primary care by the Vice Chancellor for Administration.

2.1.b. 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. For other applicants, the term "training" is defined as the entire degree program or certification program for advanced practice nurses (both master's and doctoral), physician assistants, dentists, occupational therapists, pharmacists, physical therapists, doctoral clinical psychologists, licensed independent clinical social workers, or other disciplines identified as shortage fields by the Vice Chancellor for Administration.

2.1.c. "Underserved area" means any primary care health professional shortage area located in the state as determined by the Bureau for Public Health or any additional health professional shortage area determined by the Vice Chancellor for Administration.

2.1.d. "School of nursing" means any associate, baccalaureate, master's or doctoral level nursing program in West Virginia accredited by a national nursing accrediting agency recognized by the United States Department of Education.

2.1.e. “Part-time” for purposes of this rule is defined as working a minimum of twenty hours per week.

2.2. Health Sciences ~~Service~~ Loan Repayment Program funds are to be used to award ~~fourth-year~~ medical students at the Marshall University School of Medicine, the West Virginia School of Osteopathic Medicine, or the West Virginia University School of Medicine ~~a West Virginia school of allopathic or osteopathic medicine~~ who have participated in the match process and have been offered an internship or residency ~~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 academic year of an accredited education program at a public or private, non-profit West Virginia institution of higher education leading to a degree or certification in the field of nurse practitioner, nurse midwife, as an advanced practice nurse, occupational therapist, 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 Administration. Students who are enrolled in the last year of an accredited master’s or doctoral degree nursing program in West Virginia and intend to teach at a school of nursing in West Virginia also are eligible. Any funds repaid in lieu of practice in an underserved area of West Virginia or teaching at a school of nursing in 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 a Health Sciences ~~Service~~ Loan Repayment Program award, each applicant must:

3.1.a. Certify that the applicant possesses federal student loans in an amount equal to or exceeding the proposed award amount. Loans eligible for the loan repayment assistance award are federal student loans in the applicant’s name that were used for educational costs associated with obtaining a degree. Parent PLUS Loans are not eligible for loan repayment assistance; and

3.1.b. ~~Be enrolled in the last academic year of an accredited education program at a West Virginia institution leading to a degree or certification as a physician, advanced practice nurse, 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 Administration~~ a student set forth in subsection 2.2.

§133-41-4. Application Process.

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

4.2. The Vice Chancellor for Administration shall establish a deadline for applying for the Health Sciences Loan Repayment ~~Service~~ Program. Applications must be complete and received by the deadline in order for the applicant to be considered for an award.

§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 Administration 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 Administration from time to time.

5.3. In order to ~~be selected to~~ receive a Health Sciences Loan Repayment Service Program award, an applicant must agree to practice primary care full-time for at least two (2) years or part-time for at least four (4) years in an underserved area. For advanced practice nursing only, applicants may agree to practice primary care in an underserved area or teach full-time at a school of nursing located in West Virginia for at least two (2) years or part-time for at least four (4) years ~~at a school of nursing~~. A medical student applicant who intends to enter an emergency medicine residency only must agree to practice emergency medicine instead of primary care full-time for at least two (2) years or part-time for at least four (4) years in an underserved area.

5.4. Applications will be processed without regard to race, color, religion, sex, national origin, age, disability, genetic information, and veteran or military status.

5.5. In making awards, the Vice Chancellor for Administration may consider such factors as the applicant's expressed commitment to primary care or teaching, their 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 Administration 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.

5.8. 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."

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

6.1. The award amount shall be at least \$20,000 for medical and dental students and at least \$10,000 for all other eligible disciplines.

6.2. The award agreement shall contain the provision that the recipient will agree to practice full-time for at least two (2) years or ~~half~~part-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~~part-time for at least four (4) years at a school of nursing in West Virginia.

6.2.a. Part-time for purposes of fulfillment of Subsection 6.2 is defined as working a minimum of twenty hours per week.

6.3. The award agreement shall state that if a recipient fails to complete the service obligation the award shall be cancelled.

6.4. No award payments shall be disbursed before the applicant has completed their service obligation.

6.5. A recipient who fails to complete their training or practice in an underserved area, fails to teach at a school of nursing, or fails to submit verification of completion of the terms of the contract by a deadline established by the Vice Chancellor for Administration as required by the award agreement is in breach of contract and the award will be cancelled.

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

7.1. The Vice Chancellor for Administration or their designee shall notify students of their selection to receive an award.

7.2. The Vice Chancellor for Administration shall disburse funds as follows upon the participant's completion of the service obligation:

7.2.a. One-half of the award amount will be disbursed to the federal student loan servicer upon completion of half of the contract.

7.2.b. The remaining half of the award will be disbursed at the completion of the contract to the federal student loan servicer.

§133-41-8. Fulfillment of Agreement.

8.1. To fulfill the award agreement, a participant must complete the service obligation and provide documentation demonstrating the participant has completed the terms of the contract by the deadline established by the Vice Chancellor for Administration.

8.2. A recipient shall satisfy their obligation as stated in the recipient's award agreement by practicing primary care full- or part-time or by full- or part-time teaching at a school of nursing in West Virginia. A medical student recipient only who has completed an emergency medicine residency shall satisfy their obligation practicing emergency medicine full- or part-time in West Virginia.

8.2.a. Any recipient may petition the Vice Chancellor for Administration to pursue additional post-graduate training beyond requirements contained in this section. The Vice Chancellor for Administration shall use their discretion in approving such request.

8.2.b. At the time a recipient is ready to start their practice or teaching, he or she may request that additional areas be considered as underserved by the Vice Chancellor for Administration. 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.

8.2.c. With advance approval of the Vice Chancellor for Administration, the recipient may serve their obligation concurrently with other service obligations.

8.3. ~~A dentistry, advanced practice nursing, pharmacy, physical therapy, or physician assistant recipient that is a nurse practitioner, nurse midwife, occupational therapist, physician assistant, dentist, pharmacist, physical therapist, or in another discipline identified as shortage fields by the Vice Chancellor for Administration~~ must begin practicing and completing start the service obligation within six (6) months of graduation.

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

8.4.a. Under certain circumstances during a medical student recipient's primary care or emergency medicine residency, the recipient may petition the Vice Chancellor for Administration to allow their service obligation to begin during residency.

8.4.b. A recipient making such a request must possess an executed employment contract governing their post-residency employment. The practice site must be located in a qualifying underserved area. If the contract is for full-time employment, it 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. If the contract is for part-time employment, it must require the recipient to work at the practice site for at least four (4) years upon completion of a qualifying primary care or emergency medicine residency program in West Virginia.

8.4.c. The Vice Chancellor for Administration shall use discretion in approving such a request. If the Vice Chancellor for Administration approves such a request, the recipient may begin serving the service obligation from the execution date of the employment contract.

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

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

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

8.8. If a recipient serves as much as twelve (12) months full-time practice or twenty-four (24) months of part-time practice for their obligation but does not complete the full obligation, payment to the federal student loan servicer shall be figured on a pro rata basis. No credit shall be given for less than twelve (12) months of service of full-time practice or twenty-four (24) months of part-time practice.

§133-41-9. Annual Certification of Practice or Teaching.

9.1. To be eligible for payment to the federal student loan servicer, the recipient must have approval from the Vice Chancellor for Administration to practice at a specific practice site in an underserved area in West Virginia or teach in a specific qualifying nursing program in West Virginia. Throughout the course of their participation in the program, participants must annually provide evidence of continued practice or teaching at an approved site. Such evidence shall be presented on a form provided by the Vice Chancellor for Administration for this purpose.

9.2. Recipients shall be required to maintain their current mailing address, email address, and phone number with the Vice Chancellor for Administration until such time as the contract has been fulfilled.