

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

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2002 JUL 11 P 4:03

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Higher Education Policy Commission TITLE NUMBER: 133

RULE TYPE: Procedural CITE AUTHORITY: WV Code § 18C-3-3

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Series 41

TITLE OF RULE BEING PROPOSED: Health Sciences Scholarship Program

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 10, 2002 AT 10:00 AM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Office of the Chancellor
Higher Education Policy Commission
1018 Kanawha Blvd. East
Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SCANNED

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2002 JUL 18 P 4: 23

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

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**SERIES 41
HEALTH SCIENCES SCHOLARSHIP PROGRAM**

This rule establishes procedures for awarding scholarships. The purpose of this program is to provide an incentive for health professional students to complete their training and provide primary care in underserved areas of West Virginia. "Primary care" means the health care services generally provided by family practice physicians, general practice physicians, general internists, obstetrician/gynecologists, general pediatricians, psychiatrists and mid-level providers, including nurse practitioners, nurse-midwives and physician assistants.

Health Sciences Scholarship 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 who have been accepted in an accredited primary care internship or 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, 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 are eligible under certain circumstances. 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.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 133-41 Health Sciences Scholarship Program

Type of Rule: _____ Legislative _____ Interpretive X Procedural

Agency: Higher Education Policy Commission

Address: 1018 Kanawha Boulevard East
Charleston, WV 25301

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST			\$148,500	\$148,500	\$148,500
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

The legislature has appropriated \$148,500 annually for this program since 1995. These funds are used for health sciences scholarships. The scholarships must be repaid if the recipient does not practice in underserved areas of West Virginia following completion of the degree. Repayment funds are deposited in a revolving account and used for additional scholarships and administration of the program.

3. Objectives of These Rules:

To outline procedures for awarding scholarships that provide an incentive for health sciences students to complete their training and provide primary care for underserved areas of the State.

Rule Title: 133-41 Health Sciences Scholarship Program

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

State funding as appropriated by the Legislature

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

Intangible

C. Economic Impact on Citizens/Public at Large.

Additional access to health care.

Date: July 11, 2002

Signature of Agency Head or Authorized Representative:

FILED

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

2002 JUL 11 P 4: 03

**SERIES 41
HEALTH SCIENCES SCHOLARSHIP PROGRAM**

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SECTION 1. GENERAL

- 1.1. Scope. -- These rules promulgate policy and procedure regarding the establishment and operation of a Health Sciences Scholarship Program (HSSP).
- 1.2. Authority -- W. Va. Code §18C-3-3.
- 1.3. Filing Date. --
- 1.4. Effective Date. --
- 1.5. Repeal of former rule -- Repeals and replaces Series 3 of Title 128

SECTION 2. PURPOSE

2.1. The purpose of this program is to provide an incentive for health professional students to complete their training and provide primary care in underserved areas of West Virginia. "Primary care" means the health care services generally provided by family practice physicians, general practice physicians, general internists, obstetrician/gynecologists, general pediatricians, psychiatrists and mid-level providers, including nurse practitioners, nurse- midwives and physician assistants.

Health Sciences Scholarship 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 who have been accepted in an accredited primary care internship or 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, 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 are eligible under certain circumstances. 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.

SECTION 3. FUNDING

3.1. There shall be established a special revolving account under the West Virginia Higher Education Policy Commission in the State Treasury to be known as the "Health Sciences Scholarship Fund." The fund shall consist of one or more of the following:

- 3.1.1. All unexpended Health Sciences Scholarship funds on deposit in the State Treasury on the effective date of the enabling legislation,
- 3.1.2. Future appropriations provided by the Legislature,

3.1.3. Repayments, including interest, collected from scholarship recipients who fail to practice or teach in West Virginia under the terms of their agreements, and

3.1.4. Any amounts that may become available from other sources.

3.2. All costs associated with the administration of HSSP shall be paid from the Health Sciences Scholarship Fund.

3.3. Balances remaining in the HSSP account at the end of the fiscal year shall not expire or revert to the general revenue.

SECTION 4. ELIGIBILITY CRITERIA

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

4.1.1. Be a fourth year medical student (at the Marshall University School of Medicine, the West Virginia School of Osteopathic Medicine, or the West Virginia University School of Medicine) who has been accepted in an accredited primary care internship or residency program in West Virginia; or

4.1.2. Be enrolled in the last year of an accredited primary care education program at a West Virginia institution leading to a degree or certification as a nurse practitioner, nurse midwife, physician assistant, or other disciplines identified as shortage fields by the Vice-Chancellor for Health Sciences; and

4.1.3. Signs an agreement to practice for at least two (2) years in an underserved area of West Virginia as determined by the West Virginia Bureau for Public Health; or

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

4.1.5. Sign an agreement to teach at least two (2) years for an approved and accredited associate or bachelor's degree nursing program in West Virginia as determined by the Vice-Chancellor for Health Sciences.

4.2. Awarding preference will be given to West Virginia residents in accordance with the Commission's policy regarding "Classification of Students for Admission and Fee Purposes."

SECTION 5. APPLICATION PROCESS

5.1. The applicant must apply to the Health Sciences Scholarship Program using an application form approved by the Vice-Chancellor for Health Sciences.

5.2. The Vice-Chancellor for Health Sciences shall establish a deadline for applying for an HSSP award.

SECTION 6. SELECTION OF RECIPIENTS

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

6.2. Scholarships shall be awarded by the Vice-Chancellor for Health Sciences with the advice of an advisory panel.

6.2.1. The advisory panel may be made up of the Vice-Chancellor's Recruitment Advisory Committee, a representative from each of the State's graduate nursing programs and physician assistant programs, and such other members as may be added by the Vice-Chancellor for Health Sciences from time to time.

6.3. In order to be selected to receive a Health Sciences Scholarship, an applicant must agree to practice primary care for at least two (2) years in an underserved area of West Virginia as determined by the West Virginia Bureau for Public Health or teach for at least two (2) years for an approved and accredited associate or bachelor's degree nursing program in West Virginia as determined by the Vice-Chancellor for Health Sciences. Such practice or teaching will commence no later than six months after the completion of his/her training.

6.3.1. 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 residency or internship program.

6.3.2. 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, or other disciplines which may be identified as shortage fields by the Vice-Chancellor for Health Sciences.

6.4. Applications will be processed without regard to race, national origin, age, gender, handicap, marital status, or religion.

6.5. In making awards, the Vice-Chancellor may consider such factors as the applicant's expressed commitment to primary care or teaching, his/her work or community service experiences in underserved areas of the State and the applicant's ties in West Virginia.

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

6.7. Nothing in these rules shall be construed as granting or guaranteeing any applicant any right to such a scholarship.

SECTION 7. SCHOLARSHIP PROVISIONS AND AGREEMENT

7.1. The scholarship shall be a one-time award of \$20,000 for medical students and \$10,000 for all others.

7.2. The scholarship agreement/contract shall contain the provision that the recipient will agree to practice in an underserved area of West Virginia for at least two years or teach for an approved and accredited associate or bachelor's degree nursing program in West Virginia for at least two years.

7.3. The scholarship contract shall also contain the stipulation that if a recipient fails to practice in an underserved area or fails to complete the required teaching in West Virginia and repayment of the scholarship 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 beginning payment and continuing payment until repayment of the total scholarship and any and all interest has been paid in full.

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

7.3.2. 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 scholarship amount.

7.4. No scholarship money shall be disbursed before a properly completed and signed agreement has been delivered by the recipient to the office of the Vice-Chancellor or his designee.

7.5. A scholarship recipient who fails to practice in an underserved area of West Virginia or fails to teach in a qualifying nursing program in West Virginia within six months of the completion of his or her training, or who fails to complete his or her training, is in breach of contract and is liable for repayment of the total scholarship plus interest.

7.5.1. Interest shall be at the rate of fifteen percent. The Commission may, from time to time, change the rate of interest charged.

SECTION 8. NOTIFICATION OF RECIPIENTS AND FUND DISBURSEMENT

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

8.2. Shall disburse scholarship funds to those awarded.

8.2.1. Disbursements shall be made directly to those medical students receiving awards no later than 60 days after they have been accepted into an internship or residency program.

8.2.2. Disbursements for students enrolled in other approved health sciences programs at West Virginia institutions of higher education shall be sent to the appropriate institutions for delivery to the students after their enrollment has been verified.

SECTION 9. FULFILLMENT OF SCHOLARSHIP AGREEMENT

9.1. A scholarship recipient may satisfy his or her scholarship obligation by the actual full-time practice of primary care in West Virginia as an M. D., D. O., or other eligible health professional in an underserved area, or by full-time teaching as a master's degree nurse in an approved and accredited associate or bachelor's degree nursing program in West Virginia.

9.2. The West Virginia Bureau for Public Health shall determine qualifying underserved areas. A current listing of underserved areas shall be made available, upon request, to scholarship recipients.

9.2.1. At the time a recipient is ready to start his or her practice, he/she may request that additional areas be considered as underserved by the Bureau for Public Health. 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.

9.3. The Vice-Chancellor for Health Sciences shall determine qualifying nursing programs. A current listing of qualifying nursing programs shall be made available, upon request, to scholarship recipients.

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

9.4.1. With advance approval of the Vice-Chancellor, the recipient may serve his or her obligation concurrently with other service obligations.

9.5. 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 consecutive months of full-time service.

9.6. Scholarship recipients shall be required to maintain a current address with the Vice-Chancellor until such time as the scholarship obligation has been satisfied through service or repayment.

SECTION 10. REPAYMENT OF SCHOLARSHIP IN LIEU OF SERVICE

10.1. In lieu of service, recipients must repay the full amount of scholarship funds received, plus interest, within six months of the date they complete or terminate their training or six months 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.

10.1.1. Payment may be made in one full payment or, with the approval of the Vice-Chancellor, arrangements may be made to repay the scholarship over a six-month period.

10.2. 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 contract.

10.2.1. Interest shall be at fifteen percent. The Commission may, from time to time, change the rate of interest.

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

SECTION 11. CANCELLATION AND WAIVER OF PRACTICE OBLIGATION

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

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

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

SECTION 12. CERTIFICATION OF PRACTICE AND CREDIT EARNED TOWARD SCHOLARSHIP OBLIGATION FULFILLMENT

12.1. To be eligible for credit toward scholarship obligation, the applicant 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 an applicant has completed twelve months of full-time 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 this purpose. The Vice-Chancellor shall be the authority that grants service obligation credit. The Vice-Chancellor shall notify the recipient of all scholarship credit which is granted.