



Legislative Oversight Commission on Education Accountability
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WEST VIRGINIA

Higher Education Policy Commission

**Report to the Legislative Oversight Commission
on Education Accountability**

**Approval of Legislative Rule
West Virginia Higher Education Policy Commission
Title 133, Series 63, Mental Health Loan Repayment Program**

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 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 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, 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 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 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, 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.



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**Approval of Legislative Rule
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Title 133, Series 64, Administrative Exemption**

TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

ADMINISTRATIVE EXEMPTION

SERIES 64

§133-64-1. General.

1.1. Scope and Purpose. – This legislative rule establishes the process by which the West Virginia Higher Education Policy Commission (Commission) will grant administrative exemption status to and remove administrative exemption status from the State’s baccalaureate institutions of higher education.

1.2. Authority. – West Virginia Code §18B-1-1f(c).

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.

§133-64-2. Definitions.

2.1. “Administratively exempted schools” means state colleges and universities that achieve and maintain three of the five of the following:

2.1.a. Graduation rate: A three-year average graduation rate of not less than 45 percent;

2.1.b. Retention rate: A three-year average retention rate of not less than 60 percent;

2.1.c. Credit head count enrollment: A three-year credit head count enrollment increase, or a decrease of not more than five percent over the same period;

2.1.d. Days of cash reserved: A three-year average of not less than 50 days cash reserved;

2.1.e. Composite Financial Index: A Composite Financial Index of not less than one as reported in the college and university’s audited financial statements; or

2.1.f. Whose governing board requests a review by the chancellor of any special circumstances and the Commission grants administratively exempted status based on those special circumstances as verified by the chancellor after his or her review.

2.2. “Composite Financial Index” means the benchmarking tool used by the Higher Learning Commission as a financial indicator and developed specifically for the higher education industry and is a combination of several different ratios, each of which is comprised of data that, when analyzed further, can provide insight into an institution’s financial health and inform decision-making processes;

2.3. “Credit headcount enrollment” means the total number of unique students, but not counting dual-enrolled high school students, who enrolled in credit-bearing classes during the fall, spring, and summer terms in a given academic year at a specific institution;

2.4. “Days of cash reserved” means the audited end of fiscal year cash balance, multiplied by 365, and then divided by the audited total expenses less depreciation, and less other post-employment benefit and pension liability expenses;

2.5. “Graduation rates” means the proportion of first time in college students who obtain a bachelor’s degree within six years, as further defined by and reported to the Commission;

2.6. “Retention rates” means the proportion of first-time, fall term, full-time freshmen students who are in continuing enrollment in the fall term of the next succeeding year;

2.7. “State college and university” shall have the same meaning as provided in West Virginia Code §18B-1-2.

§133-64-3. Procedure for Requesting Status as an Administratively Exempt School.

3.1. Requesting Administratively Exempt Status. – Any State college or university may apply to the Commission for designation as an administratively exempt school by its governing board submitting a letter to the Chancellor requesting such status and setting forth which of the criteria established in West Virginia Code §18B-1-1f(b) and reiterated in subsection 2.1 above the college or university meets.

3.2. Reviewing Administratively Exempt School Status. – Upon receipt of a request for administrative exemption, the Commission shall verify that the requesting institution meets the statutory criteria using data submitted by the college or university to, and validated by, the Commission.

3.3. Institutions shall provide promptly upon request from the Commission or Chancellor any information to support the Commission’s review of the institution’s performance as an administratively exempt college or university.

§133-64-4. Procedure for Granting or Denying Status as an Administratively Exempt School.

4.1. Approval of Administratively Exempt School Status. – Upon verification that an institution meets three of the five requirements to be designated as an administratively exempt school, the Commission shall vote at its next regularly scheduled meeting whether to grant or deny such request.

§133-64-5. Procedure for Reviewing Administratively Exempt Status Once Granted.

5.1. Review of Administrative Exempt School Status Institutions. – Commission staff will review annually all criteria, either statutory or special circumstances, for administratively exempt school status for the administratively exempt institutions.

5.2. If, during its annual review, Commission staff determines that an administratively exempt school has failed to meet one or more of the criteria by which it initially qualified for administrative exemption status, but that it also now meets one or more of the other criteria that would allow it to maintain its administrative exemption, Commission staff will notify the institution that it is being allowed to maintain its administrative exemption status under the newly met criteria.

5.3. Each year, as part of the statutorily mandated annual reauthorization process established in 133 C.S.R. 52, *Annual Reauthorization of Degree Granting Institutions*, the reauthorization review committee shall determine whether administratively exempted institutions are meeting at least three of the exemption criteria specified in Section 2 of this rule.

5.3.a. Those administratively exempted institutions meeting three or more of the criteria in the review process shall be reported in the annual reauthorization resolution to the Commission as qualified to maintain administratively exempt status.

5.3.b. Those administratively exempt institutions that fail to meet at least three of the exemption criteria shall be reported in the annual reauthorization resolution to the Commission as failing to meet the requirements to maintain the administratively exempt status. The institution shall be formally notified of this finding by the process set forth in Section 6 below.

§133-64-6. Revoking Administratively Exempt School Status Procedure.

6.1. Revoking Administratively Exempt School Status. – Upon the annual review, institutions that do not meet three of the five requirements for administratively exempt school status, or whose special circumstances have changed, the Chancellor will notify the President of the institution that they no longer meet the requirements for the designation and that the institution has one year to meet the requirements again.

6.1.a. Upon the second consecutive annual review where institutions that do not meet three of the five requirements for exempt status, the Chancellor will notify the President that the institution no longer is eligible and that the Commission will vote to revoke administratively exempt status in no less than 30 days.

6.1.b. After 30 days have passed following the notification that an institution no longer meets three of the five requirements for exempt status, the Commission may vote to revoke the institution's administratively exempt status.