

1 SENATE BILL NO. 159

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the Senate Committee on Education and Health
4 on January 27, 2022)

5 (Patron Prior to Substitute--Senator Hashmi)

6 A BILL to amend and reenact § 2.2-4806 of the Code of Virginia, relating to public institutions of higher
7 education; debt collection; transcripts and degrees.

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That § 2.2-4806 of the Code of Virginia is amended and reenacted as follows:**

10 **§ 2.2-4806. Utilization of certain collection techniques.**

11 A. Each state agency and institution shall take all appropriate and cost-effective actions to
12 aggressively collect its accounts receivable. Each agency and institution shall utilize, but not be limited
13 to, the following collection techniques, according to the policies and procedures required by the
14 Department of Accounts and the Division: (i) credit reporting bureaus, (ii) collection agencies, (iii)
15 garnishments, liens and judgments, (iv) administrative offset, and (v) participation in the Treasury Offset
16 Program of the United States under 31 U.S.C. § 3716.

17 B. Except as provided otherwise herein, for collection of accounts receivable of \$3,000 or more
18 that are 60 days past due, each agency and institution shall forward those claims to the Division for
19 collection. The Division shall review forwarded accounts, determine the appropriate collection efforts, if
20 any, for each account, and take such actions on the accounts as the Division may so determine.

21 C. Except as provided otherwise herein, for collection of accounts receivable under \$3,000 that are
22 60 days past due, each agency and institution shall contract with a private collection agency for the
23 collection of those debts. Prior to referring accounts receivable of less than \$3,000, agencies and
24 institutions may refer such accounts to the Division. The Division may accept the account for collection
25 or return it to the agency or institution for collection by a private collection agency.

26 D. Except as otherwise provided in this subsection, where a debtor is paying a debt in periodic
27 payments to an agency or institution, the agency or institution may elect to retain the claim in excess of
28 60 days provided that such periodic payments are promptly paid until the account is satisfied. In the event
29 the debtor is delinquent (i) by 60 days in paying a periodic payment or (ii) for such other period of time
30 approved by the Division, the account shall be handled in the manner provided by subsections B and C of
31 this section.

32 E. A public institution of higher education shall provide a debtor who is currently enrolled in such
33 institution the option to pay his debt in periodic payments over the course of the term or semester in which
34 the account became past due or, at the discretion of such institution, over a longer period, provided that
35 such periodic payments are promptly paid until the account is satisfied. In the event that the debtor is
36 delinquent (i) by 60 days in paying a periodic payment or (ii) for such other period of time approved by
37 the Division, the account shall be handled in the manner provided by subsections B and C.

38 F. Notwithstanding any other provision of this chapter or any other law to the contrary, neither the
39 Virginia Commonwealth University Health System Authority (the Authority) nor the University of
40 Virginia Medical Center (the Center) shall engage in extraordinary collection actions, as defined in §
41 501(r) of the Internal Revenue Code as it was in effect on January 1, 2020, to collect patient accounts
42 receivable related to medical treatment at such Authority or Center or its affiliated facilities unless the
43 Authority or Center has undertaken all reasonable efforts to determine whether an individual with
44 delinquent debt is eligible for Medicaid or other assistance under the Authority's or Center's financial
45 assistance policy.

46 G. Each state agency and institution shall report and pay required fees to the Division as required
47 by subsection C of § 2.2-518.

48 H. Notwithstanding any other provision of law, a public institution of higher education shall not,
49 due to an outstanding balance on a current or former student's account:

50 1. Refuse to provide a transcript or degree for a current or former student on the grounds that the
51 student owes a debt;

52 2. Condition the provision of a transcript or degree for a current or former student on the payment
 53 of a debt, other than a fee charged to provide the transcript or degree;

54 3. Charge a higher fee to a current or former student for obtaining a transcript or degree, or provide
 55 less favorable treatment of a transcript or degree request because a current or former student owes a debt;

56 or

57 4. Use transcript or degree issuance as a tool for debt collection.

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