

Loan Repayment Program Rulemaking (9 A.A.C. 15 ART 1 and ART 2)

December 16 Stakeholder Meeting

Stakeholder Comments and ADHS Responses

R9-15-101. Definitions

- 25.** "Health service experience to a medically underserved population" means at least 500 hours of medical, dental, pharmaceutical, or behavioral health services provided by a primary care provider:
- a. Under the direction of a governmental agency, an accredited educational institution, or a non-profit organization; and
 - b. At a service site located in:
 - i. A medically underserved area designated by a federal or state agency, or
 - ii. A HPSA designated by a federal agency.

Comment: Stakeholder requested the Department to clarify that health service experience provided by a primary care provider may occur in an urban or rural underserved area and asked the Department to clarify that health service experience may have been accomplished while a student completing health professional education or a residency.

Response: The Department stated that "medically underserved area" includes all whether urban or rural. The Department plans to revise the definition to add language to make clearer graduate and residency is included.

- 25.** "Health service experience to a medically underserved population" means at least 500 hours of medical, dental, pharmaceutical, or behavioral health services provided by a primary care provider, including hours completed during the primary care provider's residency or graduate education:
- a. Under the direction of a governmental agency, an accredited educational institution, or a non-profit organization; and
 - b. At a service site located in:
 - i. A medically underserved area designated by a federal or state agency, or
 - ii. A HPSA designated by a federal agency.

30. "Loan repayment funds" means:

- a. Monies provided to the Department from the United States Department of Health and Human Services, Health Resources and Services Administration established by 42 U.S.C.A. § 18001 (2010);
- b. State-appropriated funds; or
- c. Monies donated to the Department and designated for use by the LRP.

Comment: Stakeholder stated that they are very interested in growing the Loan Repayment Program by attracting private donors and asked whether a donation can be made directly to the Loan Repayment Program and not to the Department of Health Services. The stakeholder expressed concerns that money donated to the Department may be swept by the state. The stakeholder also explained that some private donors would like to specify where their donated monies will go and how the monies will be used. During the discussion, another stakeholder indicated that they represent different health centers and questioned how private donations, if allowed to be used for specific

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professionals/centers, would affect the use of federal matching funds received by the Loan Repayment Program.

Response: The Department confirmed that the Loan Repayment Program is not separate from the Department and that the statutes (below) allow the Department to receive private donations. The Program will look at Department policies and rules and discuss with the Department's Chief Financial Officer.

A.R.S. § 36-2172(L) "The department may use private donations, grants, and federal monies to implement, support, promote or maintain the [primary care provider loan repayment] program."

A.R.S. § 36-2174(D) "The department may apply for and receive private donations and grant monies to implement the rural private primary care provider loan repayment program established pursuant to this section."

43. "Primary care provider" means one of the following providing direct patient care in family medicine, internal medicine, pediatrics, geriatrics, obstetrics-gynecology, general dentistry, pharmaceuticals, or behavioral health:

- a. A physician,
- b. A physician assistant or a physician assistant certified to provide behavioral health,
- c. A registered nurse practitioner or a registered nurse practitioner certified to provide behavioral health,
- d. A certified nurse midwife,
- e. A dentist,
- f. A psychiatrist,
- g. A psychologist,
- h. A clinical social worker,
- i. A marriage and family therapist,
- j. A professional counselor, or
- k. A pharmacist.

Comment: Stakeholder asked the Department to call out nurse practitioners' and physician assistants' specialties as physicians are and include "women's health" consistent with federal State Loan Repayment Program (SLRP).

Response: The Department agreed to list specialties for nurse practitioners and physician assistants, including women's health consistent with SLRP.

58. "State prison" means a secure facility managed and run by a state that confines an individual convicted of a crime.

Comment: Stakeholder asked if only public employment applied to state prisons.

Response: The Department confirmed and cited A.R.S. § 36-2172(B)(2).

A.R.S. § 36-2172(B)(2) "Demonstrate current or prospective employment with a public or nonprofit entity located and providing services in a federally designated health professional shortage area in this state as designed under 42 Code of Federal Regulations section 62.52."

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R9-15-202. Allocation of Loan Repayment Funds

Comment: Stakeholders questioned why the Department is approving initial and renewal participation in the Loan Repayment Program once a year and asked the Department to consider allowing for more flexibility.

Response: The Department explained that state monies and federal monies are received at different times; the amount of monies received is not the same each year; the monies received are allocated to renewal primary care providers first due to retention; and the amended statutes add behavioral health professionals and pharmacists creating a greater opportunity/greater demand for the Loan Repayment Program. The Department also explained that the draft rules allow the Department to provide notice that the Department is accepting additional applications when the Department determines that the Department has loan repayment funds remaining after the initial and renewal application allocation. The Department believes that the allocation of loan repayment funds called out in the new draft rules provide the greatest access and is fair to all primary care providers.

R9-15-206. Primary Care Provider ~~Loan Repayment Program~~ Health Services Priority

Comment: Stakeholder asked the Department to consider adding a factor for primary care providers who grow up in a rural area and a factor for primary care providers who attended an educational institution located in a rural area.

Response: The Department explained that considerable attention was given to the factors provided in R9-15-206 and R9-14-207. The Department selected factors that provide objectivity rather than subjectivity for the program reviewing the documentation a primary care provider may provide to demonstrate that the primary care provider may be assessed health service points for a factor. The Department believes the requested rural residency factor is problematic for a primary care provider regarding adequate documentation to demonstrate residency in a rural area. Additionally, the Department explained that the Department encourages primary care providers to work in rural areas by assessing health service points to a primary care provider working at a service site located in a rural area. The Department believes that the draft rules take into consideration the factors that are most related to all primary care providers.

R9-15-208. Initial Application Packet

Comment: Stakeholder asked if the application provided in a Department form is an online electronic form.

Response: The Department stated that the application is online; however, the application is not an electronic form rather a fillable pdf document.

Comment: Stakeholder asked whether a green card may be acceptable as proof of U.S. citizenship.

Response: The Department stated that acceptable documentation in subsection (B)(2)(a) is required by federal and state law. The law does not include "green card."