

**RULES AND REGULATIONS  
PERTAINING TO THE HEALTH PROFESSIONAL  
LOAN REPAYMENT PROGRAM**

(R23-14.1-LRP)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Health Professional Loan Repayment Board

March 1994 (E)

*As Amended:*

June 1994

December 1995

**January 2002 (re-filing in  
accordance with the provisions  
of section 42-35-4.1 of the  
Rhode Island General Laws, as  
amended)**

## ***INTRODUCTION***

These *Rules and Regulations Pertaining to the Health Professional Loan Repayment Program* are promulgated pursuant to the authority conferred under Section 23-14.1 -5 of the General Laws of Rhode Island, as amended, and are established for the purpose of adopting standards for the implementation of the State Loan Repayment Program. The program is designed to improve statewide access to primary medical care and dental care by providing educational loan repayment to health professionals committed to work in primary care health professional shortage areas or dental health professional shortage areas.

Pursuant to the provisions of Chapter 42-35-3(c) of the General Laws, consideration was given to: (1) alternative approach to the regulations; (2) duplication or overlap with other state regulations; and (3) significant economic impact on small business as defined in Chapter 42-35 of the General Laws which may result from the proposed regulations. No alternative approach, duplication, overlap or economic impact was identified based on information available.

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Part I **DEFINITIONS**  
(23-14.1-5)

Section 1.0 **Definitions**

Wherever used in these rules and regulations the following terms shall be construed as follows:

- 1.1 "Authority" means the Higher Education Assistance Authority.
- 1.2 "Board" means the Health Professional Loan Repayment Board.
- 1.3 "Community health center" means a health care facility as defined and licensed under chapter 23-17.
- 1.4 "Director" means the Director of the Rhode Island Higher Education Assistance Authority.
- 1.5 "Eligible health professional" means a physician, dentist, dental hygienist, nurse practitioner, certified nurse midwife, physician assistant, or any other eligible health care professional under section 338A of the Public Health Service Act licensed in the State, who has entered into a contract with the board to serve medically underserved populations.
- 1.6 Health care facility includes, but is not limited to, hospital ambulatory care facilities, organized ambulatory care facilities or other entities delivering medical, or dental services. Said facility must be a non-profit organization or agency.
- 1.7 "HPSA" means a designated Health Professional Shortage Area as defined by the Office of Shortage Designation at the Bureau of Primary Health Care, U.S. Department of Health and Human Services.
- 1.8 "HPLRP" means the Health Professional Loan Repayment Program whose purpose shall be to provide loan repayment to eligible health professionals for qualifying loans relating to the graduate or undergraduate education as a recruitment or retention incentive for health professionals to practice in high-need areas.
- 1.9 "Loan repayment" means an amount of money to be repaid to satisfy loan obligations incurred to obtain a degree or certification in an eligible health profession.
- 1.10 "Qualifying loans" are government and commercial loans for actual costs paid for tuition, reasonable educational expenses, and reasonable living expenses relating to the graduate or undergraduate education of a health professional.

- 1.11 "RIHEAA" means the Rhode Island Higher Education Assistance Authority.
- 1.12 "Site" shall mean a community health center as defined in Section 1.3 and located in a designated HPSA or other entity delivering medical or dental services. Said entity shall be a non-profit organization or agency.

## Part II *General Requirements and Administrative Procedures*

In order to participate in the HPLR Program, health professionals and sites must apply for and obtain approval from the Board based upon the criteria set forth in these regulations and the availability of funds.

### Section 2.0 *The Health Professional Loan Repayment Board*

The Board shall receive, review and evaluate all applications from sites and health care professionals to determine eligibility for participation in the program based on criteria set forth in these regulations and the availability of funding. Once approval is granted, the health professional must enter into a contract with the Director and adhere to requirements of the contract to maintain participation.

- 2.1 The health professional loan repayment board shall consist of eleven (11) members and be constituted as follows:
- a) one health care consumer, to be appointed by the Governor;
  - b) one member of the Rhode Island Medical Society appointed by its president;
  - c) the Director of the Rhode Island Health Center Association; and one additional representative of the Rhode Island Health Center Association or his/her designee, and appointed by its president;
  - d) one member of the House of Representatives appointed by the Speaker;
  - e) one member of the Senate appointed by the Majority Leader;
  - f) the Dean of the Brown University Medical School, or his/her designee;
  - g) the Dean of the College of Nursing at the University of Rhode Island or his/her designee; and
  - h) the Director of Health or his/her designee, who shall serve as chairperson.
  - i) the Executive Director of the Hospital Association of Rhode Island, or his or her designee;

- j) the Executive Director of the Rhode Island Higher Education Assistance Authority, or his or her designee.

## 2.2 *Terms of Appointments*

- a) All members shall serve at the pleasure of the appointing official; and
- b) shall receive no compensation for their services.

## 2.3 *Duties of the Board*

The Board shall:

- a) determine which areas of the State shall be eligible to participate in the loan repayment program each year;
- b) score and rank site applications and approve sites for funding;
- c) receive and consider all applications from eligible health care professionals;
- d) conduct a careful and full investigation of the ability, character, financial needs and qualifications of each health professional applicant;
- e) submit to the Director a list of those health care professionals approved for loan repayment and the amount of loan repayment to be granted;
- f) maintain oversight of the health professional's adherence of contracts;
- g) recommend to the Director termination of contracts for imposition of penalties where health professional fails to comply with the terms of the contract or the within regulations;
- h) review and approve, when appropriate, all requests for contract extensions up to 6 months; no contract can be extended for more than 6 months unless compelling evidence of need is presented to the Board;
- i) review and approve, when appropriate, all requests for termination of contracts; and
- j) consider funding other applicants including dental hygienists, physicians in private practice in designated HPSAs or physicians in private practice in RI if the Board has additional funds after funding all approved health professional applicants.

### Section 3.0 ***Requirements for Eligibility for Sites***

In order for a site to obtain approval for a funded position of a health professional qualified under the HPLR Program, the site must:

- a) be located in a designated HPSA;
- b) agree that it will accept assignment under Section 1842 (b) (3) (B) (ii) of the Social Security Act for all services for which payment may be made under Part B of Title XVIII;
- c) not discriminate on the basis of the ability of the individual to pay for such care or on the basis that payment for such care will be made pursuant to the program established in Title XVIII (Medicare) of the Social Security Act, or Pursuant to the program established in Title XIX (Medicaid) of such Act;
- d) submit an application to the Board and documentation satisfactory to the Board that the site meets the requirements;
- e) agree to report to the Board those health professionals unable to fulfill the contract; and
- f) be a non-profit organization or agency.

### Section 4.0 ***Requirements for Eligibility for Health Care Professional***

In order to obtain approval to participate in the HPLR Program, the health care professional must:

- a) have a valid contract for a two year commitment to provide full-time services at a site that has been approved for funding;
- b) present evidence of outstanding loan obligations;
- c) be licensed or in the process of applying for a license or certification in the appropriate profession;
- e) be a citizen of the United States;
- f) agree to comply with all contract provisions and the rules and regulations as promulgated by the Board; and

- g) submit to the Board an application form and documentation satisfactory to the Board that he/she meets all requirements for eligibility.

4.1 *Health care professionals are not eligible to participate:*

- a) if they have previously incurred an obligation for health professional service to the Federal, State, or local government, or other entity unless the obligation is completely satisfied prior to the beginning of service under this program;
- b) if a breach of obligation has occurred for health professional service to the Federal Government, a State Government or other entity;
- c) and shall not be allowed credit for any practice done while in a professional school or graduate training programs; and
- d) shall not be allowed loan repayment for any professional practice performed prior to the effective date of the health professional's HPLR contract;

4.2 *Requirements of the health professional to maintain eligibility:*

After a health care professional has been awarded a loan repayment contract, he/she must comply with the following practices:

- a) charge for professional services at the usual and customary rates prevailing in the areas in which such services are provided. If a person is unable to pay such charge, such person shall be charged at a reduced rate or not charged any fee;
- b) must serve in the clinical practice of their profession full time (40 hours per week), with no more than 20% of the time devoted to administrative work;
- c) agree that, in providing primary health services, he/she will not, in the case of any individual seeking care, discriminate on the basis of the ability of the individual to pay for such care or on the basis that payment for such care will be made pursuant to the program established in Title XVIII (Medicare) of the Social Security Act or pursuant to the program established in Title XIX (Medicaid) of such Act;
- d) agree that he/she will accept assignment under Section 1842 (b) (3) (B) (ii) of the Social Security Act for all services for which payment may be made under Part B of Title XVIII and will enter into an appropriate agreement with the State agency that administers the State plan for medical assistance under Title XIX of such Act to provide service to individuals entitled to medical assistance under the plan; and



- 4.3 If the health care professional is a dental hygienist, physician in private practice in a designated HPSAs or is a physician in private practice, the health care professional must apply to the Board for un-matched funds.
- 4.4 The health professional may not engage in any activity which is in violation of the contract or these regulations.

#### Section 5.0 ***Board Approval***

The Board shall approve for participation all eligible applicants who meet above criteria. The loan repayment amount will be based upon fund availability and priorities established by the Board.

#### Section 6.0 ***Duties of the Director***

The Director shall:

- a) grant loan repayment to successful applicants as determined by the Board; and
- b) enter into contracts, on behalf of the Higher Education Assistance Authority, with each successful health care professional for participation in the State Loan Repayment Program.

#### Section 7.0 ***Duties of RIHEAA***

The Rhode Island Higher Education Assistance Authority shall have the responsibility to process all approved applications including:

- a) confirmation of existing loan and amount, and determination if the health care provider has defaulted on any other loans;
- b) issue payment to the lender, upon receiving Board notification that the medical care provider qualifies for loan repayment; and
- c) implement legal proceedings against those health professionals determined to be in breach of contract.

#### Section 8.0 ***Breach of Contract***

- 8.1 If the health care professional, without justifiable cause, fails to complete the period of obligated service, he or she shall be liable to the State of Rhode Island for an amount equal to the total paid on behalf of the health care professional and an

amount equal to the number of months of obligated service that were not completed by the health care professional multiplied by \$1,000;

- 8.2 If the health care professional fails to complete, without justifiable cause, 1 year of service, he or she shall be liable to the State of Rhode Island for an amount equal to the total paid on behalf of the health care professional and the unserved obligation penalty shall be equal to the number of months in the full period multiplied by \$1,000;
- 8.3 Any amount owed shall be paid to the State of Rhode Island within 1 year of the date that the applicant is in breach of contract; and
- 8.4 Where the director, subject to the approval of the Board, determines that there exists justifiable cause for the failure of a health professional to practice pursuant to the terms and conditions of the contract, he or she may relieve the health professional of the obligation to fulfill any or all of the terms of the contract.

### Part III ***SEVERABILITY***

#### Section 9.0 ***Severability***

- 9.1 If any provisions of these regulations or the application thereof to any provider or client shall be held invalid, such invalidity shall not affect the provisions or application of the regulations which can be given effect, and to this end the provisions of the regulations are declared severable.