

Testimony
Administrative Rules Committee
Tuesday, June 14, 2016
North Dakota Department of Health

Good morning Chairman Devlin and members of the Administrative Rules Committee. My name is Brenda Weisz, the Director of the Accounting Division at the North Dakota Department of Health (NDDoH). I am providing testimony today regarding the repeal of two sections of administrative rules.

During the 2015 Legislative Session, chapters 43-12.2 (Medical Personnel Loan Repayment Program) and 43-17.2 (Physician Loan Repayment Program) of the North Dakota Century Code (NDCC) were repealed through HB 1396. HB 1396 enacted a new chapter of NDCC to provide student loan repayment for health care professionals, which includes the professions previously covered by the chapters that were repealed along with adding behavioral health professions. The repeal of these chapters of NDCC subsequently makes sections 33-03-27 (State Community Matching Physician Loan Repayment Program) and 33-03-32 (State Community Matching Loan Repayment Program for Nurse Practitioners, Physician Assistants, and Certified Nurse Midwives) of the Administrative Code obsolete.

The State Health Council approved the first applicants under the new loan repayment program in April 2016.

This concludes my presentation. I would be happy to answer any questions you may have.

CHAPTER 33-03-27
STATE COMMUNITY MATCHING PHYSICIAN LOAN REPAYMENT PROGRAM

Section

33-03-27-01	Definitions
33-03-27-02	Responsibilities and Process
33-03-27-03	Loan Repayment Contract

33-03-27-01. Definitions.

1. "Applicant" means an eligible physician who applies to the council for repayment of an eligible loan.
2. "Center for rural health" means the center for rural health at the university of North Dakota.
3. "Community" means any county, city, or township in North Dakota.
4. "Council" means the state health council.
5. "Department" means the state department of health.
6. "Eligible community" means a North Dakota community with a need for a physician in the medical fields of general practice, family practice, general internal medicine, general obstetrics and gynecology, general surgery, general pediatrics, or general psychiatry. The center for rural health shall designate eligible communities.
7. "Eligible loan" means an education loan acceptable to an accredited medical or osteopathic school and made by a bank, credit union, savings and loan association, insurance company, accredited school, government, or other financial or credit institution in its capacity as lender and in which the lender is subject to examination and supervision by an agency of the United States or the state in which the lender has its principal place of business.

History: Effective February 1, 1992.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-17.2-02, 43-17.2-03

33-03-27-02. Responsibilities and process.

1. At least annually the center for rural health shall provide public notice to communities and physicians, medical students, and interns of the loan repayment program.
2. A community wishing to be designated as eligible for participation in the program shall complete a form developed by the center for rural health. Forms will be available upon request from the department and the center for rural health. Completed forms must be submitted to the center for rural health. In addition to the criteria stated in North Dakota Century Code section 43-17.2-03, the form must include:
 - a. A statement of medical needs.
 - b. A statement of the type of physician services required to meet the needs.
 - c. A signed statement of broad-based endorsement and financial commitment to participate in this program.
3. The center for rural health shall update and give the department a list of eligible communities by January of each year.
4. The center for rural health shall assist eligible communities locate eligible physicians.

5. A physician may apply for repayment of an education loan on an application developed by the department and the center for rural health. The application will be available upon request from the department and center for rural health. In addition to the criteria stated in North Dakota Century Code section 43-17.2-03, the applicant shall submit the completed application to the department. The application must include the following information:
 - a. The licensure status of the applicant.
 - b. A history of all medical licenses held by the applicant.
 - c. A description of any litigation to which the applicant is a party.
 - d. The health status of the applicant.

Three letters of recommendation and an agreement signed by the applicant and the community stating the conditions of the loan repayment shall be submitted along with the application.

6. The department and center for rural health shall jointly review the application within sixty days of its receipt. The application and its review will be considered by the council at its next regularly scheduled meeting.
7. The council shall consider the criteria specified in North Dakota Century Code section 43-17.2-03, as well as all information contained in the application and accompanying documents.
8. The council shall approve or deny the application within ninety days after the council meeting when the application was considered.
9. The council may approve more than five applications in any fiscal year; however, no more than five loan repayments can begin in any fiscal year.

History: Effective February 1, 1992.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-17.2-02, 43-17.2-03

33-03-27-03. Loan repayment contract.

1. Before receiving a loan repayment under this chapter, each applicant selected shall enter into a loan repayment contract with the state and community agreeing to the terms and conditions upon which the loan repayment is granted, the penalties for a breach of the loan repayment contract, and the conditions under which the applicant can be released from any obligations under the contract without penalty.
2. The state health officer shall sign the loan repayment contract for the state. A community representative shall sign the loan repayment contract for the community.
3. The loan repayment contract must include:
 - a. The amounts to be paid to the physician by the state and by the community.
 - b. The specific term in which the physician is obligated to provide medical services within the community.
 - c. A provision that any financial obligation of the state arising out of a loan repayment contract entered into under this chapter, and any obligation of the applicant that is conditioned thereon, is contingent on funds being appropriated by the legislative assembly for loan repayments under North Dakota Century Code chapter 43-17.2.

- d. Such other statements of the rights and liabilities of the department and of the applicant considered necessary by the council.

History: Effective February 1, 1992.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-17.2-02, 43-17.2-03

CHAPTER 33-03-32
STATE COMMUNITY MATCHING LOAN REPAYMENT PROGRAM FOR NURSE PRACTITIONERS, PHYSICIANS ASSISTANTS, AND CERTIFIED NURSE MIDWIVES

Section	
33-03-32-01	Definitions
33-03-32-02	Responsibilities and Process
33-03-32-03	Loan Repayment Contract

33-03-32-01. Definitions.

1. "Center for rural health" means the center for rural health at the university of North Dakota.
2. "Community" means any county, city, or township in North Dakota.
3. "Council" means the state health council.
4. "Department" means the state department of health.
5. "Eligible applicant" means a nurse practitioner, physician assistant, or certified nurse midwife who is licensed or registered to practice by the respective state regulatory agency.
6. "Eligible community" means a North Dakota community with a need for a nurse practitioner, physician assistant, or certified nurse midwife. The center for rural health shall designate eligible communities.
7. "Eligible loan" means an educational loan acceptable to an accredited nurse practitioner, physician assistant, or nurse midwife educational program and made by a bank, credit union, savings and loan association, insurance company, accredited school, government, or other financial or credit institution in its capacity as lender and in which the lender is subject to examination and supervision by an agency of the United States or the state in which the lender has its principal place of business.

History: Effective August 1, 1994.

General Authority: NDCC 43-12.2

Law Implemented: NDCC 43-12.2

33-03-32-02. Responsibilities and process.

1. At least annually the center for rural health shall provide public notice of the loan repayment programs to communities and accredited nurse practitioner and physician assistant educational programs in North Dakota and to selected nurse midwife educational programs in the United States and Canada.
2. A community wishing to be designated as eligible for participation in the program shall complete a form developed by the center for rural health. Forms will be available upon request from the department and the center for rural health. Completed forms must be submitted to the center for rural health. In addition to the criteria stated in North Dakota Century Code section 43-12.2-04, the form must include:
 - a. A statement of health personnel needs.
 - b. A signed statement of community endorsement and financial commitment to participate in this program.
3. The center for rural health shall update and give the department a list of eligible communities by January of each year.

4. The center for rural health shall assist eligible communities to locate eligible nurse practitioners, physician assistants, or certified nurse midwives.
5. A nurse practitioner, physician assistant, or certified nurse midwife may apply for repayment of an education loan on an application developed by the department and the center for rural health. The application will be available upon request from the department and center for rural health. In addition to the criteria stated in North Dakota Century Code section 43-12.2-03, the applicant shall submit the completed application to the department. The application must include the following information:
 - a. A current North Dakota license or registration to practice.
 - b. A list of states in which the applicant is currently licensed or registered to practice as well as the states in which the applicant has a lapsed license or registration.
 - c. A description of any litigation to which the applicant is a party.

Three letters of recommendation and an agreement signed by the applicant and the community stating the conditions of the loan repayment must be submitted along with the application.

6. The department and center for rural health shall jointly review the application within sixty days of its receipt. The application and its review will be considered by the council at its next regularly scheduled meeting.
7. The council shall consider the criteria specified in North Dakota Century Code section 43-12.2-03, as well as all information contained in the application and accompanying documents.
8. The council shall approve or deny the application within ninety days after the council meeting when the application was considered.
9. The council may approve more than five applications in any fiscal year; however, no more than five loan repayments can begin in any fiscal year.
10. The council shall designate which loan repayments can begin in any fiscal year based on a priority system adopted by the council.

History: Effective August 1, 1994.

General Authority: NDCC 43-12.2

Law Implemented: NDCC 43-12.2

33-03-32-03. Loan repayment contract.

1. Before receiving a loan repayment under this chapter, each applicant selected shall enter into a loan repayment contract with the state and community agreeing to the terms and conditions upon which the loan repayment is granted, the penalties for a breach of the loan repayment contract, and the conditions under which the applicant can be released from any obligations under the contract without penalty.
2. The state health officer shall sign the loan repayment contract for the state. A community representative shall sign the loan repayment contract for the community.
3. The loan repayment contract must include:
 - a. The amounts to be paid by the state and by the community.

- b. The specific term in which the nurse practitioner, physician assistant, or certified nurse midwife is obligated to provide primary health care services within the community.
- c. A provision that any financial obligation of the state arising out of a loan repayment contract entered into under this chapter, and any obligation of the applicant that is conditioned thereon, is contingent on funds being appropriated by the legislative assembly for loan repayments under North Dakota Century Code chapter 43-12.2.
- d. Such other statements of the rights and liabilities of the department and of the applicant considered necessary by the council.

History: Effective August 1, 1994.

General Authority: NDCC 43-12.2

Law Implemented: NDCC 43-12.2