

**RULES  
OF  
GEORGIA BOARD FOR HEALTH CARE WORKFORCE**

**CHAPTER 195-27  
GEORGIA BEHAVIORAL HEALTH PROVIDER LOAN REPAYMENT  
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**Rule 195-27-.01 General Definitions**

(1) "Georgia Board of Health Care Workforce" means the organization and its office created under O.C.G.A. § 49-10-1.

(2) "Georgia Behavioral Health Provider Loan Repayment Program (GBHPLRP)" refers to that program of the Georgia Board of Health Care Workforce authorized under O.C.G.A. §49-10-7, which awards service cancelable financial loans to mental health or substance use professionals who desire to practice in unserved geographic areas or communities in Georgia as defined by the Board.

(3) "Loans" refers to a four (4) year service repayable grant awarded by the Georgia Board of Health Care Workforce to applicants who are desirous of providing mental health or substance use services in unserved geographic areas or communities in Georgia as defined by the Board.

(4) "Loans Repayment" refers to the repayment of all or a portion of the recipient's outstanding loan debt for education to become a mental health or substance use professional.

(5) "Qualifying debt" is any debt held by an established lending institution, identifiable by a promissory note as origination from the debt incurred to obtain an education to become a mental health or substance use professional, fully disclosed at the time of application, and is currently not in default even if the creditor now considers the defaulted loan to be in good standing.

(6) "Mental Health or Substance Use Professional Education Loan Debt" refers to loans incurred by the applicant to finance his/her education and training to become a mental health or substance use professional that remain unpaid during the contract period.

(7) "Eligible and Qualified Applicant" is defined as a legal resident of the State of Georgia who is a mental health or substance use professional with education and training loan debt, holding a current, unrestricted license to practice in the State of Georgia, who desires to serve in a Board-approved, unserved geographic or community in Georgia.

(8) "Mental Health or Substance Use Professional" means a psychiatrist, psychologists, professional counselor, social worker, marriage and family therapist, clinical nurse specialist in psychiatric/mental health, or other licensed mental or behavioral health clinician or specialist.

(9) "Recipient" means any person who receives any amount of funding from the Georgia Behavioral Health Provider Loan Repayment Program administered by the Georgia Board of Health Care Workforce.

(10) "Service Repayment" means the period of service earned by the recipient, as approved by the Board, toward repayment of the service cancelable loan in professional services rendered by the recipient and as required under the provisions of the loan contract.

(11) "Credit" means the amount of time credited to the recipient for services rendered in compliance with the provisions of the contract. Credit is typically applied with one year of funding for each year of service rendered in compliance with the repayment provisions of the contract.

(12) "Unserved Geographic Areas or Communities" means a Health Professional Shortage Area (HPSA) in Mental Health as identified by the Health Resources and Services Administration (HRSA), a department of the U.S. Health and Human Services.

(13) "Board Certification" means the process of examining and certifying the qualifications of a physician or other professional by a board of specialists in the field.

(14) "Award Amount" refers to the total award amount obligated to a loan repayment recipient over a 4-year period. The following maximum total award amounts apply to mental health and substance use professionals. If the verified loan balance is less than the maximum award amounts below, the applicant will be awarded a lower amount of 25% of the loan balance each year for 4 years.

- Psychiatrists: \$150,000
- Psychologists, licensed clinical social workers, licensed professional counselors, and licensed marriage and family therapists who hold doctoral degrees in behavioral health: \$80,000
- Clinical nurse specialist in psychiatric/mental health: \$40,000
- Licensed clinical social workers, licensed professional counselors, licensed specialist in school psychology, and licensed marriage and family therapists who do not hold doctoral degrees: \$40,000
- Licensed chemical dependency counselors who hold associate degrees or any other behavioral health licensee not listed above: \$10,000

(15) "Georgia Board of Health Care Workforce" means that the agency of Georgia State Government, created under O.C.G.A. § 49-10-1, is responsible for monitoring Georgia's healthcare workforce needs and identifying areas of need by provider and geographic area.

(16) "Default" means breach of contract by the recipient in failing to begin or failing to complete the contractual service obligation of the Georgia Behavioral Health Provider Loan Repayment Program.

(17) "Ad Damnum or Double Damages" refers to the penalty resulting from a loan repayment recipient defaulting on their contractual obligations. Default requires immediate repayment of double the award amount for the unfulfilled service period as outlined in 195-27-.01(14) less any pro-rated amount for repaid service as provided in the contract.

(18) "Cancellation of Contract" refers to the discretionary power of the Georgia Board of Health Care Workforce to cancel any contract for cause deemed sufficient by the Board provided such authority is not exercised unreasonably or arbitrarily.

(19) "Full Time" refers to the minimum number of hours of work required per week to fulfill services obligation. Full-time is considered a minimum of 32 clinical hours, providing direct patient care during normal clinic hours at the approved practice site or other location required by the practitioner to provide care effectively. The remaining hours must be spent providing care to patients and/or in practice-related administrative activities. On-call hours are not considered part of the full-time requirement. For all providers employed under state jurisdiction, the full-time equivalent recognized by the respective state agency is acceptable. No more than 7 weeks (35 workdays) per year can be spent away from the practice for vacation, holidays, continuing professional education, illness, or any other reason. Absences greater than 7 weeks in a service year will extend the service commitment.

(20) "Legal Resident of Georgia" an applicant must submit documentation showing they are a legal resident of the State of Georgia. The applicant must submit three of the following six proofs listed below:

- (a) A current and valid Driver's License issued to applicant by the State of Georgia
- (b) A copy of the first page of the applicant's 1040 federal income tax return for the most recent filing year showing the Georgia address
- (c) A copy of the first page of the Georgia tax return for the most recent filing year showing the Georgia address
- (d) A copy of real estate or personal property tax paid to Georgia by the applicant for the most recent year
- (e) A copy of a utility bill in Georgia that is in the applicant's name and dated within 60 days
- (f) A copy of a vehicle titled in Georgia in the applicant's name.

## **Rule 195-27-.02 Eligibility Criteria and Application Process**

(1) Eligibility Criteria. Program eligibility is limited to applicants who meet the following criteria:

- (a) A legal resident of the State of Georgia
- (b) Licensed with no restrictions and in good standing to practice in Georgia by the Georgia Composite Medical Board or the appropriate licensing Board under the Georgia Secretary of State's Office.
- (c) Agree to practice full-time (a minimum of forty hours per week) in a Board-approved practice location in an unserved geographic area or community in Georgia designated by the Georgia Board of Health Care Workforce.
- (d) Must not restrict Medicaid or Peachcare recipients as part of their patient panel.
- (e) Must not have other contractual service obligations, such as National Health Service Corps Scholarships or Military Service Obligations.
- (f) Must have mental health or substance use professional education or undergraduate loans for repayment in good standing and must not have any loans in default status even if the creditor now considers the defaulted loan to be in goodstanding.
- (g) Must meet all other requirements the Georgia Board of Health Care Workforce sets forth.
- (h) Previous award winners in any GBHCW loan repayment program will be prioritized if the previous award(s) total less than \$50,000.

(2) Application Process. Each applicant must:

- a) Submit a completed application form.
- b) Submit a copy of the promissory note, which required the loan proceeds to be used to pay for the cost of attendance of the mental health or substance use education program. The loan must have originated before the date of the application being released. Full disclosure of all outstanding education and training debt is required.
- c) Submit a copy of the employment contract or letter from the Human Resources Office of the practice location documenting a commitment to full-time (32+ clinical hours per week) practice in the unserved location where the practice is located.
- d) Attest that the applicant does not have any other current service obligations, such as National Health Service Corps Scholarships or Military Service Obligations. Participants in the Public Service Loan Forgiveness Program can continue.

Authority: O.C.G.A. § 49-10-7: 31-34.

### **Rule 195-27-.03 Review Process**

#### **(1) Administrative Review.**

(a) The Board staff shall collect and maintain documentation of the following information from Behavioral Health Provider loan repayment program applicants:

- 1) Application form.
- 2) Full disclosure of all outstanding professional education and training debt, including copy of the promissory note, which required the loan proceeds to be used to pay for the cost of the professional education.
- 3) Documentation of the practice location.
- 4) Documentation that the practice will be in a Georgia community that needs additional mental health or substance use professionals as determined by the Georgia Board of Health Care Workforce.
- 5) A copy of the contract between the practice entity and the mental health or substance use professional documenting full-time (40+ hours per week) practice in an area approved by the Board.
- 6) Documentation verifying enrollment in the Georgia Medicaid Program.
- 7) Attestation from the applicant that the applicant does not have any other current service obligation.
- 8) Attestation from the applicant that the applicant is actively pursuing board certification or provide documentation of board certification.

(b) The Board staff shall review application materials to ensure eligibility requirements are met and all required documentation has been submitted.

(c) Staff will compile the information and prepare a summary of each applicant for the Board's review.

#### **(2) Board Review, Criteria for Prioritizing Awards, and Approval Process.**

(a) The Board shall receive and act upon all applications for the Georgia Behavioral Health Provider Loan Repayment Program made by eligible and qualified mental health or substance use professional.

(b) The Board may employ such methods of applicant evaluation that it deems proper.

(c) The Board shall not discriminate or evaluate applicants based on race, religion, gender, or national origin.

(d) The Board shall review all documentation submitted by the applicant and the Board

staff to ensure that the applicant meets all eligibility requirements for the GBHPLRP program.

(e) The Board shall rank awards based on the following criteria:

- 1) All applicants shall be ranked in order using criteria established by the Board and approved at the Annual Meeting of the Board and recorded in the official minutes.

(f) The Board shall establish a final ranking of all qualified applicants from highest priority to lowest priority and shall allocate awards based on the availability of funds and the final rank order of the applicants.

(g) Action approving the applicant ranking and order of awards shall be made upon a majority vote of the Board members present.

(h) Action on awards shall be duly recorded in the Board meeting minutes.

Authority: O.C.G.A. § 49-10-7; 31-34.

#### **Rule 195-27-.04 Award Process**

(1) The Board staff shall notify each applicant in writing of the Board's decision within ten (10) days following the decision.

(2) Those applicants who accept the loan award shall receive a contract for participation in the Georgia Behavioral Health Provider Loan Repayment Program. Each recipient will be allowed 10 days in which to review the contract with an attorney as to its contents if they so choose.

(3) Loan awards that the applicant rejects shall be made available to the next highest-ranking applicant based on the discussion and action taken by the Board.

(4) The Board staff shall arrange for the Executive Director and Board Chairman to execute all valid and approved contracts.

(5) A fully executed copy of each loan contract shall be returned to the applicant via DocuSign, and one will be kept in the permanent records of the Georgia Board of Health Care Workforce.

(6) Funds shall be paid directly to the financial institution holding the recipient's student loan debt unless payment arrangements are otherwise directed in writing by the Board.

(7) The Board staff shall submit a payment request to the Georgia Department of Community Health for payment of approved loan awards for which a fully executed contract is on file in the Board offices.

(8) The Board staff shall maintain appropriate records necessary to account for the expenditure of funds for the Georgia Behavioral Health Provider Loan Repayment Program.

Authority: O.C.G.A. § 49-10-7; 31-34.

### **Rule 195-27-.05 Contract Provisions**

- (1) The term of the GBHPLRP contract will be four years.
- (2) The following maximum award amounts apply to mental health and substance use professionals. If the verified loan balance is less than the maximum award amounts below, the applicant will be awarded a lower amount of 25% of the loan balance each year for 4 years.
  - Psychiatrists: \$150,000
  - Psychologists, licensed clinical social workers, licensed professional counselors, and licensed marriage and family therapists who hold doctoral degrees in behavioral health: \$80,000
  - Clinical nurse specialist in psychiatric/mental health: \$40,000
  - Licensed clinical social workers, licensed professional counselors, licensed specialist in school psychology, and licensed marriage and family therapists who do not hold doctoral degrees: \$40,000
  - Licensed chemical dependency counselors who hold associate degrees or any other behavioral health licensee not listed above: \$10,000
- (3) Recipients shall provide one year of service in a practice location approved by the Board before award payment is made.
- (4) Once staff has received, reviewed, and approved all required documentation of completion of each year of service, the annual award amount will be processed and mailed to the lender. Required documentation includes, but is not limited to:
  - (a) Listing showing total patients or total encounters treated by payor class and by place of service (hospital, clinic, etc.) for the service period. For year 1 awards, the previous year's listing will need to be submitted.
  - (b) Documentation of Practice Location
  - (c) Annual report of practice operations describing the successes and challenges of the practice.
- (5) At all times, each GBHPLRP loan repayment recipient is responsible for keeping the Board apprised of his/her current mailing address, email address, and primary telephone number. GBHPLRP recipient also commits to responding promptly to Board requests for information needed to process loan repayment funds. Failure to do so may result in the cancellation of the contract and a request for payment in full.
- (6) The Board has the discretionary power to cancel any contract for a cause deemed sufficient by the Board. Upon such cancellation by the Board, two times the total uncredited amount of the loan paid on behalf of the recipient shall become due and payable to the Georgia Board of Health Care Workforce.
- (7) The Georgia Board of Health Care Workforce is vested with full and complete authority to bring an action in its own name against any recipient for any balance due the Georgia

Board of Health Care Workforce on any such contract.

Authority: O.C.G.A. § 49-10-7; 31-34.

### **Rule 195-27-.06 Contract Default, Penalty, and Appeals**

(1) Default - a recipient will be considered in default of the contractual obligations of the Georgia Behavioral Health Provider Loan Repayment Program under any of the following situations:

- (a) The recipient loses his/her Georgia license, or restrictions are placed on the recipient's license, rendering him/her ineligible to practice full-time in agreement with the terms of the GBHPLRP contract.
- (b) The recipient fails to begin professional practice in a board-approved practice location in Georgia as specified in the contract.
- (c) The recipient fails to complete the full term of the contractual service obligation in the practice location specified in the contract.
- (d) The recipient fails to maintain a full-time practice (40+ hours per week) in the board-approved practice location specified in the contract.
- (e) The recipient fails to provide Board staff access to records or other information necessary to monitor the recipient's compliance with contract terms.

(2) Penalty for Default - upon a finding of default by the Board, the recipient shall immediately be liable to the Board for two times the award amount for the uncompleted service period.

(3) Reduction of Penalty - the Georgia Board for Physician Workforce may consent or agree to a lesser measure of damages in recognition of service provided or for other compelling reasons.

(4) Appeal Process - a recipient found to be in default may appeal the finding to the Board in writing. The recipient shall also have the right to request a hearing before the Board to appeal a finding of default or enforcement of the penalty provision. If a recipient fails to appear for a scheduled hearing before the Board, the recipient shall forfeit all rights of appeal. The Board shall consider appeals from recipients prior to enforcement of the penalty provision.

(5) Enforcement of Penalty - the penalty provision for default shall be enforced by a letter of demand for payment from the Board to the recipient. If the recipient fails to respond to the letter of demand for payment, collection shall be pursued through the civil courts.

Authority: O.C.G.A. § 49-10-7; 31-34.

### **Rule 195-27-.07 Monitoring Compliance**

(1) The Board shall monitor compliance primarily through information submitted by the recipient in an annual report, which shall include information about the recipient and the recipient's practice as it relates to the service obligations of the contract.



(2) The Board may also monitor compliance through on-site visits by Board staff or contracted compliance officers to the recipient's practice during the contract period. Such on-site visits may be unannounced.

(3) The Board, at its discretion, may monitor compliance through other appropriate means.

Authority: O.C.G.A. § 49-10-7: 31-34et seq.

#### **Rule 195-27-.08 Allocation of Funds**

Funds for all awards granted through the Georgia Behavioral Health Provider Loan Repayment Program shall be allocated from funding appropriated to the Georgia Board for Health Care Workforce by the Georgia General Assembly for that purpose.

Authority: O.C.G.A. § 4-10-7: 31-34.

#### **Rule 195-27-.09 Accounting Procedures and Reporting Requirements**

The Georgia Department of Community Health shall maintain appropriate records in accordance with the provisions of the Georgia Administrative Attachment Statute, O.C.G.A. § 50-4-3.

Authority: O.C.G.A. § 49-10-7: 31-34et seq.

#### **Rule 195-27-.10 Due Process and Collection Provisions in the Event of Default**

- (1) Intent and General Approach. The Georgia Board of Health Care Workforce intends to carry out the purpose of the Georgia Behavioral Health Provider Loan Repayment Program to recruit mental health and substance use professionals to unserved areas of Georgia. It is also the intention of the Georgia Board of Health Care Workforce to assure due process in the enforcement of the provisions of the program contract. Therefore, in the event of default by the recipient of the service obligations of the contract, the Board will take reasonable steps to negotiate the completion of the service obligation by the recipient prior to enforcement of the penalty provisions of the contract.
- (2) Assessment of Default. Board staff shall investigate potential default situations, obtain information from recipients pertaining to the potential default, and report to the Board.
- (3) Notification and Due Process Procedures. In the event the Board determines a recipient to be in default, the following steps shall be taken:
  - (a) Notification of Default. The Executive Director of the Board shall notify the recipient by certified mail of the Board's finding that the recipient is in default. The notification letter shall include the facts upon which the Board made its default finding. The letter of notification shall provide information on the penalty provisions of the contract,

including the total penalty due and payable, the Board's procedures for enforcement of the penalty provisions, and the opportunity for the recipient to obtain a hearing before the Board to appeal the finding of default.

(b) Opportunity for a Hearing Prior to Enforcement of Penalty Provisions. Upon receipt of a notice of default, the recipient will be allowed thirty (30) days from the mailing date of the mailing date of the default notice to request a hearing before the Board to dispute the finding of default or to provide information to the Board as to why the penalty provisions of the contract should not be enforced. Said hearing shall take place within sixty (60) days of receipt of a clearly written request for a hearing.

(c) Hearing.

1. The Board Chair shall serve as the presiding officer for the hearing. In the absence of the Chair, the Board Vice Chair shall preside.
2. The recipient shall have a reasonable amount of time during the hearing to present information relevant to the issue of default to the Board. The presiding officer of the hearing shall determine the length of the hearing and shall have the sole authority to bring the hearing to closure.
3. The testimony of individuals with knowledge relevant to the recipient's case is requested to be submitted in writing to the Board at least one week prior to the date of the hearing. The presiding officer of the hearing may permit live testimony if, in the sole opinion of the presiding officer, the information to be presented by witnesses is relevant and useful to assist the Board in making an appropriate decision.
4. Neither the Board nor the recipient shall be represented by legal counsel at the hearing.
5. At the conclusion of the hearing, action to accept or reject the recipient's appeal shall be made by a majority vote of the Board members present. The decision of the Board shall be final.
6. The recipient shall be notified in writing of the Board's decision within ten (10) days of the date of the hearing.
7. If the recipient declines the offer of a hearing before the Board or fails to appear as scheduled, the penalty provisions of the contract shall be enforced immediately.

(4) Enforcement of Penalty Provisions.

(a) In the event of default and following the implementation of the notification and due process procedures, the penalty provisions of the contract shall be enforced through the civil courts.

(b) In the event legal action is instituted to collect any amount under the contract, the recipient shall pay attorney's fees incurred in the collection in an amount equal to fifteen percent (15%) of the unpaid balance of principal and interest.

(c) Principal and penalties collected through the courts shall be used to pay the balance of

any costs of collection, with the balance returned to the State of Georgia Treasury.

(d) Penalty payments made to the State Treasury shall be duly recorded by the Georgia Board of Health Care Workforce and a record of payment maintained in the recipient's permanent file.

Authority: O.C.G.A. § **49-10; 31-34.**