

NOTICE OF INTENT TO CREATE RULES
THE GEORGIA BOARD OF HEALTH CARE WORKFORCE

Chapter 195-25

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Health Care Workforce (hereinafter "Board") proposes the following create Rule Chapter 195-25:

Chapter 195-25 "GEORGIA PHYSICIAN EDUCATION LOAN REPAYMENT PROGRAM"

This notice, together with an exact copy of the proposed new rules and a synopsis of the proposed rules, is being forwarded to all persons who have requested, in writing, that they be placed on an interested parties list. A copy of this notice, an exact copy of the rules and a synopsis of the proposed rules may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Georgia Board of Health Care Workforce, 2 Martin Luther King Jr. Dr., SE, East Tower, 11th Floor, Atlanta, GA, 30334. These documents will also be available for review on the Georgia Board of Health Care Workforce's web page at <https://healthcareworkforce.georgia.gov>.

SYNOPSIS OF PROPOSED RULE

Chapter 195-25 "GEORGIA PHYSICIAN EDUCATION LOAN REPAYMENT PROGRAM"

Purpose of Rule: The purpose of this is to create rules for a secondary physician loan repayment program where a physician will practice in a rural area in exchange for loan repayment dollars.

Main Feature: The main feature of this is how the dollars are paid which is annually in arrears over four years and up to \$150,000 in total.

NOTICE OF PUBLIC HEARING

The board voted to adopt this Intent on August 31, 2023. A public hearing is expected to begin at 8:00 a.m. October 19, 2023 via Microsoft Teams (see meeting agenda posted for login information) to provide the public an opportunity to comment upon and provide input into the proposed rules. At the public hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to five minutes per person. Additional comments should be presented in writing. Written comments are welcome. To ensure their consideration, written comments must be received prior to October 6, 2023. Written comments should be addressed to Executive Director of Georgia Board of Health Care Workforce, 2 Martin Luther King Jr. Dr., SE, East Tower, 11th Floor, Atlanta, GA 30334. Fax 404-656-2596. You may email your comments to: chet.bhasin@dch.ga.gov. The proposed rules will be considered by Georgia Board of Health Care Workforce at its meeting scheduled to begin at 8:00 a.m. on October 19, 2023. According to the Department of Law, State of Georgia, the Georgia Board of Health Care Workforce has the authority to adopt the proposed rules pursuant to authority contained in Authority O.C.G.A §31-34-5.

This notice is given in compliance to with O.C.G.A § 50-13-4

Posted

This September 5, 2023

Chet Bhasin

Chet Bhasin
Executive Director
Georgia Board of Health Care Workforce

Chapter 195-25 GEORGIA **PHYSICIAN EDUCATION LOAN** **REPAYMENT PROGRAM**

Rule 195-25-.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 Physician Education Loan Repayment Program (GPELRP)" refers to that program of the Georgia Board of Health Care Workforce authorized under O.C.G.A. §49-10-3.(2) which awards service cancelable financial loans to physicians who desire to practice in rural communities of Georgia.
- (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 becoming practicing physicians in rural areas of Georgia.
- (4) "Loan Repayment" refers to repayment of all or a portion of recipient's outstanding medical education, and training loan debt.
- (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 a medical education, 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) "Medical Education and Training Loan Debt" refers to loans incurred by the applicant to finance his/her medical education, and training that remain unpaid during the contract period.
- (7) "Eligible and Qualified Applicant" is defined as a physician with outstanding medical education and training loan debt, holding a current, unrestricted licensed to practice medicine in the State of Georgia who desires to serve in a Board-approved, medically underserved rural area of Georgia.
- (8) "Medical School" means an institution of medical education that has received accreditation or provisional accreditation by the Liaison Committee on Medical Education of the American Medical Association (LCME) or Bureau of Professional Education of the American Osteopathic Association (AOA) for a program in medical education designed to qualify the graduate for licensure by the Georgia Composite Medical Board.

- (9) "Recipient" means any person who receives any amount of funding from the Georgia Physician Education Loan Repayment Program administered by the Georgia Board of Health Care Workforce.
- (10) "Service Repayment" means the period of service earned by the physician, as approved by the Board, toward repayment of the service cancelable loan in professional medical services rendered by the recipient and as required under the provisions of the loan contract.
- (11) "Credit" means that the amount of time credited to the recipient for services rendered in compliance with the provisions of the contract. Credit is typically applied one year of funding for each year of service rendered in compliance with the repayment provisions of the contract.
- (12) "Rural and Underserved Area" means a Georgia Board of Health Care Workforce approved rural county in Georgia of 50,000 population or less according to the United States decennial census of 2010 or any future such census or at any hospital or facility operated by or under the jurisdiction of Department of Public Health or at any facility operated by or under the jurisdiction of the Department of Corrections or at any facility operated by or under the jurisdiction of the Department of Juvenile Justice or at any facility operated under the jurisdiction of the Department of Behavioral Health and Developmental Disabilities. Facilities falling under jurisdiction of the mentioned state agencies must include physician employment by approved agency or, in the case of contracted employment, the physician must be treating patients of the approved agency with equal provisions given to that agency's missions.
- (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 annual amount obligated to a loan repayment recipient. The following maximum annual award amounts apply to physicians whose initial applications for participation in the program:
- Year 1 – \$25,000 or 15% if the total loan balance is less than \$150,000
 - Year 2 – \$35,000 or 20% if the total loan balance is less than \$150,000
 - Year 3 - \$40,000 or 30% if the total loan balance is less than \$150,000
 - Year 4 - \$50,000 or 35% if the total loan balance is less than \$150,000
- (15) "Approved Primary Care Specialties" refers to the priority of award consideration given to physician applicants. All specialties can apply with priority given to:
- Family Medicine/Family Practice

- General Internal Medicine
 - General Pediatrics
 - Obstetrics/Gynecology
 - Internal Medicine-Pediatrics
 - Psychiatry
 - Geriatrics
 - General Surgery
- (16) "Georgia Board of Health Care Workforce" means that agency of Georgia State Government created under O.C.G.A. § [49-10-1](#), that has responsibility for monitoring the physician workforce needs of Georgia and identifying areas of need by physician specialty and by geographic area.
- (17) "Default" means breach of contract by the recipient in failing to begin or failing to complete the contractual service obligation of the Georgia Physician Education Loan Repayment Program.
- (18) "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 195-25-.01(14) less any pro-rated amount for repaid service as provided in the contract.
- (19) "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.
- (20) "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. Remaining hours must be spent providing inpatient care to patients and/or in practice-related administrative activities. On-call hours are not considered part of the full-time requirement. Full time hours for an OBGYN or Family Practice physicians who practice OB are considered at least 21 of the minimum 40 hour work week must be spent providing direct patient care during normal clinic hours at the approved practice site. The remaining hours must be spent providing inpatient care to patients of the approved site, and/or in practice related administrative activities not to exceed 8 hours per week. 40 hours per week for General Surgery is combined clinical/office hours and surgery/inpatient care with no more than 8 hours per week devoted to practice related administrative duties. For all specialties employed under state jurisdiction, the full time equivalent as recognized by the respective state or federal 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.

Rule 195-25-.02 Eligibility Criteria and Application Process

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

- (a) Licensed with no restrictions and in good standing to practice medicine in Georgia by the Georgia Composite Medical Board.
- (b) Agree to practice full time (a minimum of forty hours per week) in a Board-approved practice location in a rural and underserved community in Georgia designated by the Georgia Board of Health Care Workforce.
- (c) Must maintain a Georgia Medicaid number and directly actively treat Medicaid and/or PeachCare patients. Recipient will not knowingly restrict Medicaid/PeachCare recipients as part of their practice.
- (d) Must not have other current contractual service obligations, such as National Health Service Corps Scholarships or Military Service Obligations.
- (e) Must have medical 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 good standing.
- (f) Must be eligible to take the exam for board certification from the appropriate specialty board during the first, second, or third service period. If the physician has not earned and maintained board certification by the fourth year, repayment assistance cannot be provided.
- (g) Must meet all other requirements as set forth by the Georgia Board of Health Care Workforce
- (h) Previous award winners in the Physicians for Rural Areas Assistance loan repayment program may apply, provided the sum of their previous awards does not exceed \$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 medical education program. The loan must have originated before the date of the application being released. Full disclosure of all outstanding medical education and training debt is required.

- (c) Submit a copy of the contract between the practice entity and the applicant or a letter of attestation from the applicant documenting a commitment to full time (40+ hours per week) practice in the rural community 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 Public Service Loan Forgiveness Program can continue.

Rule 195-25-.03 Review Process

(1) Administrative Review.

- (a) The Board staff shall collect and maintain documentation of the following information from PRAA loan repayment program applicants:
 1. Application form.
 2. Full disclosure of all outstanding medical education and training debt including a copy of the promissory note which required the loan proceeds to be used to pay for the cost of medical education.
 3. Documentation of the county and population where the practice is located.
 4. Documentation that the practice will be located in a rural Georgia community which needs additional physicians in the applicant's specialty, as determined by the Georgia Board for Physician Workforce.
 5. Copy of the contract between the practice entity and the physician or attestation from the physician documenting full time (40+ hours per week) practice in the rural community where the practice is located.
 6. Documentation verifying enrollment in the Georgia Medicaid program.
 7. Attestation from the applicant that the applicant does not have any other current service obligations.
 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 Physician Education Loan Repayment Program made by eligible and qualified physicians.
- (b) The Board may employ such methods of applicant evaluation that it deems proper.
- (c) The Board shall not discriminate or evaluate applicants on the basis of race, religion, gender, or national origin.
- (d) The Board shall review all documentation submitted by the applicant and by the Board staff to assure that the applicant meets all eligibility requirements for the PRAA program.
- (e) The Board shall rank awards based on the following criteria:
 - 1. All applicants shall be rank ordered 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 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 majority vote of the Board members present.
- (h) Action on awards shall be duly recorded in the minutes of the Board meeting.

Rule 195-25-.04 Award Process

- A. The Board staff shall notify each applicant in writing of the Board's decision within ten (10) days following the decision.
- B. The successful applicant will be asked to accept or decline the award of a loan by signing and submitting an *Acceptance Form*.
- C. Those applicants who accept the loan award shall receive a contract for participation in the Georgia Physician Education 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.

- D. Loan awards that are rejected by the applicant shall be made available to the next highest ranking applicant based on the discussion and action taken by the Board.
- E. The Board staff shall arrange for all valid and approved contracts to be executed by the Executive Director and Board Chairman.
- F. 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.
- G. 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.
- H. The Board staff shall submit a payment request to the Georgia Department of Community Health for payment of loan awards approved by the Board and for which a fully executed contract is on file in the Board offices.
- I. The Board staff shall maintain appropriate records necessary to account for the expenditure of funds for the Georgia Physician Education Loan Repayment Program.

Rule 195-25-.05 Contract Provisions

- A. The term of the GPELRP contract will be four years.
- B. Awards shall be in an amount as follows:
 - Year 1 – \$25,000 or 15% if the total loan balance is less than \$150,000
 - Year 2 – \$35,000 or 20% if the total loan balance is less than \$150,000
 - Year 3 - \$40,000 or 30% if the total loan balance is less than \$150,000
 - Year 4 - \$50,000 or 35% if the total loan balance is less than \$150,000
- C. Recipients shall provide one year of service in a practice location approved by the Board prior to award payment being made.
- D. 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:
 - (1) Listing showing total patients or total encounters treated by payor class and by place of service (hospital, clinic, etc) for service period. For year 1 awards the previous year listing will need to be submitted.
 - (2) Documentation of Practice Location
 - (3) Annual report of practice operations describing the successes and challenges of the practice.

- E. Recipients of the Georgia Board of Health Care Workforce scholarship shall be eligible for loan repayment and receive funds as described in section 195-25-.04 Award Process but with the special proviso they cannot apply until after they complete the scholarship service obligation.
- F. Each GPELRP loan repayment recipient is responsible for keeping the Board apprised of his/her current mailing address, email address and telephone number at all times. Failure to do so may result in cancellation of contract and request for payment in full.
- G. The Board has the discretionary power to cancel any contract for 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 at once become due and payable to the Georgia Board of Health Care Workforce.
- H. 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.

Rule 195-25-.06 Contract Default, Penalty, and Appeals

- (1) Default - a recipient will be considered in default of the contractual obligations of the Georgia Physician Education Loan Repayment Program under any of the following situations:
 - (a) The recipient loses his/her Georgia medical license; or restrictions are placed on the recipient's license rendering him/her ineligible to practice full time medicine in agreement with the terms of the GPELRP contract.
 - (b) The recipient fails to begin professional practice in a Board approved practice location in a rural community 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 with 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.

Rule 195-25-.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 about 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.

Rule 195-25-.08 Allocation of Funds

- (1) Funds for all awards granted through the Georgia Physician Education 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.

Rule 195-25-.09 Accounting Procedures and Reporting Requirements

- (1) 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](#).

Rule 195-25-.10 Due Process and Collection Provisions in the Event of Default

- A. **Intent and General Approach.** It is the intention of the Georgia Board of Health Care Workforce to carry out the purpose of the Georgia Physician Education Loan Repayment Program to recruit physicians in medically underserved rural 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 completion of the service obligation by the recipient prior to enforcement of the penalty provisions of the contract.

- B. **Assessment of Default.** Board staff shall investigate potential default situations, obtain information from recipients pertaining to the potential default and report to the Board.
- C. **Notification and Due Process Procedures.** In the event the Board determines a recipient to be in default, the following steps shall be taken:
 - (1) **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 letter of notification shall include the facts upon which the Board made its finding of default. 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.
 - (2) **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 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.
 - (3) **Hearing.**
 - a. The Board Chair shall serve as the presiding officer for the hearing. In the absence of the Chair, the Board Vice Chair shall preside.
 - b. 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.
 - c. 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.
 - d. Neither the Board nor the recipient shall be represented by legal counsel at the hearing.

- e. At the conclusion of the hearing, action to accept or reject the recipient's appeal shall be made by majority vote of the Board members present. The decision of the Board shall be final.
- f. The recipient shall be notified in writing of the Board's decision within ten days of the date of the hearing.
- g. 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.

D. Enforcement of Penalty Provisions.

- (1) In the event of default, and following implementation of the notification and due process procedures, the penalty provisions of the contract shall be enforced through the civil courts.
- (2) 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.
- (3) 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.
- (4) 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.

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