

State of Wyoming



Department of Health

Wyoming Healthcare Provider Loan Repayment Program

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**State of Wyoming
Department of Health**

**Rules and Regulations for
Wyoming Healthcare Provider Loan Repayment Program**

Rules and Regulations for
Wyoming Healthcare Provider Loan Repayment Program
Rural and Frontier Health Division
Office of Rural Health

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This document is available in alternative format upon request.

Chapter 2. Wyoming Healthcare Provider Loan Repayment Program

Adoption

Statement of Reasons

The Wyoming Department of Health has adopted the following Amended Rule to comply with the provisions of the Wyoming Healthcare Provider Loan Repayment Act, which was amended in the 2008 Legislative Budget Session at House Enrolled Act (HEA) 62. These amendments will be codified at W.S. 9-2-118. The Act, HEA 62, and the Wyoming Administrative Procedures Act at W.S. 16-3-101, *et seq.*, authorizes the Department of Health to promulgate rules to amend the Wyoming Healthcare Provider Loan Repayment Program.

The Amended Rule amends the existing rules to remove the community funds match as required by HEA 62. Some provisions in the rules have been moved, but do not otherwise provide substantive changes. The name of the implementing agency has also been amended to reflect this name change within the Department of Health.

As required by W.S. 16-3-103(a)(i)(G), the amendments to the Rules implementing the Wyoming Healthcare Provider Loan Repayment Act and HEA 62 meet minimum substantive state statutory requirements.

WYOMING HEALTHCARE PROVIDER LOAN REPAYMENT PROGRAM

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CHAPTER 2

WYOMING HEALTHCARE PROVIDER LOAN REPAYMENT PROGRAM

Section 1. Authority.

These rules are promulgated by the Department of Health pursuant to the Office of Rural Health at W.S. 9-2-118, *et seq.*, and 9-2-119, *et seq.*, in consultation with the appropriate licensing board and professional associations pursuant to W.S. 9-2-118 (b) and 9-2-119 (b), and the Wyoming Administrative Procedures Act at W.S. 16-3-101, *et seq.*

Section 2. Purpose and Applicability.

(a) These rules implement the Wyoming Healthcare Provider Loan Repayment Program which governs the award of grant funds to healthcare providers to repay loans taken for educational expenses.

(b) The Department may issue provider manuals, provider bulletins, or both, to interpret the provisions of these rules and regulations. Such provider manuals and provider bulletins shall be consistent with and reflect the policies contained in these rules and regulations. The provisions contained in provider manuals or provider bulletins shall be subordinate to the provisions of these rules and regulations.

(c) The incorporation by reference of any external standard is intended to be the incorporation of that standard as it is in effect on the effective date of these rules and regulations.

Section 3. Severability.

If any portion of these rules is found to be invalid or unenforceable, the remainder shall continue in effect.

Section 4. Definitions.

The following definitions shall apply in the interpretation and enforcement of these rules. Where the context in which words are used in these rules indicates that such is the intent, words in the singular number shall include the plural and visa-versa. Throughout these rules gender pronouns are used interchangeably, except where the context dictates otherwise. The drafters have attempted to utilize each gender pronoun in equal numbers in random distribution. Words in each gender shall include individuals of the other gender.

For the purpose of these rules the following shall apply:

(a) “Allied Healthcare Provider” means an individual who is licensed or certified to practice in the state as defined under Wyoming Statutes, Title 33, Chapter 9 (Podiatrists),

Chapter 10 (Chiropractors), Chapter 15 (Dental Hygienists), Chapter 21 (Advanced Practice Registered Nurses, Registered Nurses, Licensed Practical Nurses, Certified Nurses Assistants), Chapter 23 (Optometrists), Chapter 24 (Pharmacists and Pharmacy Technicians), Chapter 25 (Physical Therapists), Chapter 26, Article 5 (Physician Assistants), Chapter 27 (Psychologists), Chapter 33 (Speech Pathologists and Audiologists), Chapter 34 (Laboratory Directors), Chapter 36 (Emergency Medical Technicians), Chapter 37 (Radiologic Technologists), Chapter 38 (Professional Counselors, Marriage and Family Therapists, Social Workers, and Chemical Dependency Specialists), Chapter 40 (Occupational Therapists), and Chapter 43 (Respiratory Care Practitioners).

(b) “Applicant” means an individual who has submitted a completed application and has met the application requirements established by the Department of Health for a loan repayment program under the act.

(c) “Approved Site” means a site approved by the Department that meets the eligibility criteria established in this rule.

(d) "Contract Agreement" means a legally enforceable binding agreement that describes the terms of the commitment between the Department and the applicant selected for a loan repayment award.

(e) “Dentist” means an individual licensed under Wyoming Statutes, Title 33, Chapter 15, excluding Dental Hygienists.

(f) “Department” means the Wyoming Department of Health, Rural and Frontier Health Division, Office of Rural Health.

(g) “Education expenses” means the cost of education in a healthcare profession, including books, education equipments, fees, materials, reasonable living expenses, supplies, and tuition.

(h) “Educational loan” means a commercial, government, or government-guaranteed loan taken to pay education expenses.

(i) “Full-time Equivalency” means “full-time position,” as defined by the State of Wyoming Department of Administration and Information, Human Resources Division.

(j) “Grant” means a grant of funds under a contract agreement.

(k) “Grant Amount” means the state program funds plus the local community funds match, except for recipients under W.S. 9-2-119, wherein a local community funds match is not required.

(l) “Loan Repayment” means a grant of funds under a grant to defray educational loans in exchange for service for a specified period of time at an approved site in the state.

(m) "Physician" means an individual who is licensed to practice in the state under Wyoming Statutes, Title 33, Chapter 26, of the Wyoming Medical Practice Act.

(n) "Recipient" means an applicant selected to receive a loan repayment grant under the act.

(o) "Service Obligation" means professional service rendered at an approved site for a minimum of three (3) years in exchange for a loan repayment grant.

(p) "Site Contract Agreement" means a legally enforceable binding agreement that describes the terms of the commitment between the Department and the Approved Site.

(q) "This Act" means W.S. 9-2-118 and W.S. 9-2-119.

Section 5. Healthcare Providers Loan Repayment Grants - Terms and Service.

(a) The Department may provide loan repayment grants to healthcare providers to repay loans taken for educational expenses in exchange for their agreement to serve for a specified period of time at an approved site in the state.

(b) Physician and dentist applicants under W.S. 9-2-118 shall be repaid up to one hundred percent (100%) of the amount of outstanding educational loans the physician or dentist has acquired as a direct result of undergraduate or post-graduate educational training directly related to providing medical or dental services. The Department shall determine the total amount of the loan repayment grant for each loan repayment grant recipient, not to exceed thirty thousand dollars and zero cents (\$30,000.00) per year for the physician and dentist loan repayment.

(c) Allied healthcare applicants under W.S. 9-2-119 shall be repaid up to one hundred percent (100%) of the amount of outstanding educational loans the provider has acquired as a direct result of undergraduate or postgraduate educational training directly related to providing medical services. The Department shall determine the total amount of the loan repayment grant for each loan repayment grant recipient, not to exceed ten thousand dollars and zero cents (\$10,000.00) per year, for the allied healthcare provider loan repayment program.

(d) Under either W.S. 9-2-118 or 9-2-119, loan repayment grants may be given only to repay bonafide loans, as described above in Section 5(b) and Section 5(c), and that meet the following criteria:

(i) a commercial loan made by a bank, credit union, savings and loan association, insurance company, school, or credit institution; or

(ii) a governmental loan made by a federal, state, county, or city agency.

(e) The Department may not disburse any grant monies under the act until the recipient has performed at least six (6) months of service at the approved site. The date on which the recipient's six (6) months of service begins shall be determined by the Department.

(f) The loan repayment grant recipient must use the grant payments to repay educational loans identified in the application. The grant recipient must notify the Department if they intend to hold part of the grant payments for federal taxes.

Section 6. Loan Repayment Grant Administration.

(a) As requested by the Department, a loan repayment grant recipient shall provide information reasonably necessary for administration of the program.

(b) The loan repayment grant recipient shall disclose other sources of loan repayment in the recipient's grant application.

(c) The loan repayment grant recipient shall disclose any other obligations to practice his profession at a specific location and any other existing loan repayment arrangements. The applicant with an obligation to practice professionally at a specific location is not eligible to receive a loan repayment grant under the Wyoming Healthcare Provider Loan Repayment Program until his existing obligations are fulfilled. An applicant required to practice in Wyoming is not required to practice at a specific location.

(d) The Department shall not pay for an educational loan of a loan repayment grant applicant who is in default at the time of an application.

(e) Before receiving a loan repayment grant, the applicant must enter into a contract agreement with the Department that binds the recipient to the terms of the program.

(f) A loan repayment grant recipient must be licensed, including a temporary license, or be certified to practice in the recipient's healthcare specialty in Wyoming before the recipient's first day of service under the loan repayment grant agreement.

(g) Prior to beginning to fulfill the recipient's service obligation, a loan repayment grant recipient must obtain approval from the Department of the site where the recipient may complete his service obligation.

Section 7. Full-Time Equivalency Provisions for Recipients.

(a) The Department may approve a full-time equivalency that is different than the State of Wyoming's definition if the loan repayment grant recipient can demonstrate that working fewer hours is equivalent to a full-time practice.

(b) The Department may approve a full-time equivalency of less than forty (40)

hours per week if the applicant's employer can demonstrate that performing less than forty (40) hours per week at the work site combined with other activities is equivalent to a forty (40) hour work week.

Section 8. Eligibility Criteria for Loan Repayment Sites.

(a) The Department shall approve loan repayment sites that are located in areas that have a shortage of healthcare services and has been determined to be an underserved area of the state by the Office of Rural Health.

(b) Sites must provide care to persons eligible for Medicare, Medicaid, or Kid Care.

Section 9. Loan Repayment Grant Eligibility and Selection.

(a) Applicant Eligibility.

(i) Applicants must indicate full time employment or an offer for full time employment on their application.

(ii) Applicants must agree to treat Medicaid, Medicare or Kid Care eligible patients.

(iii) Applicants must be licensed or certified in Wyoming, or within one (1) year of licensure in their profession.

(iv) Applicants must be United States citizens or permanent residents.

(b) Applicant Selection.

(i) The Department will prioritize selections on geographic need or healthcare professionals. Certain geographic areas of the state have a greater need for healthcare professionals due to demand exceeding capacity.

(ii) The Department will prioritize selections on need for a given profession. Healthcare professions enhancing access to primary care will be prioritized over other healthcare professions.

(iii) For applicants under W.S. 9-2-119, the Department shall give priority when practical to qualified graduates of the University of Wyoming or a Wyoming Community College.

(iv) The Department may consider other information in the application to further prioritize selections as needed to best meet the needs of Wyoming.

Section 10. Loan Repayment Grant Service Obligation.

- (a) Before receiving an award under the act, the recipient shall enter into a contract agreement with the State agreeing to the conditions upon which the award is to be made.
- (b) The contract agreement shall include necessary conditions to carry out the purposes of the Act.
- (c) In exchange for financial assistance under the act, the recipient shall serve for a minimum of three (3) years at a site approved by the Department.
- (d) The recipient's service at a site approved by the Department retires the amount owed for the award according to the schedule established by the Department at the time of the award.
- (e) Periods of internship, preceptor ship, or other clinical training do not satisfy the service obligation under the act.

Section 11. Loan Repayment Grant Breach, Repayment, and Penalties.

- (a) A loan repayment grant recipient under the act who fails to complete the service obligation shall repay:
 - (i) The total amount of the loan repayment grant according to a schedule established by the contract agreement with the Department; and
 - (ii) Costs and expenses incurred in collection, including attorney fees.
- (b) The amount to be paid back shall be determined from the end of the month in which the loan repayment grant recipient breached the contract agreement as if the recipient had breached at the end of the month.
- (c) Amounts recovered and damages collected under this section shall be deposited as dedicated credits to be used to carry out the provisions of the Act.

Section 12. Release of Recipient from Service Obligation.

- (a) The Department may cancel or release, in full or in part, a recipient from his service obligation under the contract agreement without penalty:
 - (i) If the recipient is unable to fulfill the service obligation due to permanent disability that prevents the recipient from performing any work for remuneration or profit;

- (ii) If the recipient dies; or
 - (iii) For other good cause shown, as determined by the Department.
- (b) Extreme hardship sufficient to release the recipient without penalty includes:
- (i) Inability to fulfill service obligation due to permanent disability that prevents the recipient from performing any work for remuneration or profit; or
 - (ii) A family member for whom the recipient is the principal caregiver has a life threatening chronic illness.
- (c) The Department may allow for a transfer to another approved site that a loan repayment grant recipient may use to fulfill his service obligation if the loan repayment grant recipient is unable to fulfill his current service obligation.

Section 13. Reporting Requirements.

- (a) The Department may require an award recipient to provide information on a periodic basis, as required by the loan repayment agreement.
- (b) The Department may require the approved site to provide information on a periodic basis, as required by the loan repayment site contract agreement.