

CHAPTER 43-12.2 MEDICAL PERSONNEL LOAN REPAYMENT PROGRAM

43-12.2-01. State-community matching loan repayment program for nurse practitioners, physician assistants, and certified nurse midwives.

1. The North Dakota state-community matching loan repayment program for nurse practitioners, physician assistants, and certified nurse midwives is established as provided by this chapter.
2. The purpose of the program is to increase the number of nurse practitioners, physician assistants, and certified nurse midwives practicing in North Dakota communities with defined health professional need.
3. Under the program, loan repayments may be made to a recipient for educational expenses incurred while the recipient was attending an accredited program, located in the United States or Canada, for the preparation of nurse practitioners, physician assistants, or certified nurse midwives.
4. Loan repayment funds consist of a fifty percent match from the state and a fifty percent match from the selected community.
5. Each recipient is limited to a thirty thousand dollar maximum loan repayment to be paid over two years.
6. The state health council may select any number of recipients and communities each year as participants in the program subject to the availability of funding.

43-12.2-02. Powers of state health council. The state health council may:

1. Determine eligibility and qualifications of an applicant to receive loan repayment according to section 43-12.2-03.
2. Identify communities with health professional need and establish a priority ranking for program participation of the selected communities.
3. Determine the amount of the loan repayment an applicant may receive within the parameters of this chapter. This determination must include an investigation of the outstanding education loans incurred by the applicant.
4. Determine the condition of loan repayment to an applicant.
5. Enter into a two-year nonrenewable loan repayment program contract with the applicant and the selected community to provide repayment of education loans in exchange for the nurse practitioner, physician assistant, or certified nurse midwife agreeing to practice in the selected community.
6. Receive and use funds appropriated for the program.
7. Receive and use funds paid by the selected communities for repayment of education loans for nurse practitioners, physician assistants, or certified nurse midwives who apply and qualify for assistance under the program.
8. Enforce any contract under the program.
9. Cancel a contract for reasonable cause.

10. Participate in federal programs supporting repayment of loans to eligible participants, and agree to the conditions of the federal programs.
11. Create a loan repayment application packet.
12. Accept property from any entity.
13. Work with the university of North Dakota's center for rural health in implementing this chapter.

43-12.2-03. Nurse practitioner, physician assistant, and certified nurse midwife selection criteria - Eligibility for loan repayment.

1. The state health council shall establish criteria to apply to an applicant for a loan repayment. The criteria must include:
 - a. The extent to which an applicant's training is needed in a selected community as determined by the state health council.
 - b. The applicant's commitment to serve in a community with defined health professional need.
 - c. The applicant's achieving a match with a selected community.
 - d. The availability of the applicant for service, with the highest consideration being given to an applicant who is available for service at the earliest date.
 - e. The applicant's professional competence and conduct.
 - f. The willingness of the applicant's employing or supervising physician to accept medicare and medicaid assignment.
2. The state health council shall give priority for program participation to an applicant who:
 - a. Is enrolled in or has graduated from an accredited program located in this state; or
 - b. Is a North Dakota resident who is enrolled in or has graduated from an accredited program in another state or Canada.
3. A nurse practitioner, physician assistant, or certified nurse midwife who receives loan repayment under this chapter:
 - a. Must be a graduate of an accredited program, located in the United States or Canada, for the preparation of nurse practitioners, physician assistants, or certified nurse midwives;
 - b. Must be enrolled in or have graduated from an accredited training program for nurse practitioners, physician assistants, or certified nurse midwives prior to or within one year after submitting an application to participate in the loan repayment program and may not have practiced full time as a nurse practitioner, physician assistant, or certified nurse midwife in this state for more than one year before the date of the application;
 - c. Must be licensed or registered to practice as a nurse practitioner, physician assistant, or certified nurse midwife in this state;
 - d. Shall submit an application to participate in the loan repayment program; and

- e. Must have entered into an agreement with a selected community to provide full-time services for a minimum of two years at the selected community if the applicant receives a loan repayment program contract.

43-12.2-04. Community selection criteria.

1. The state health council shall apply at least the following criteria for selecting a community with defined health professional need:
 - a. The ratio of physicians and mid-level health care practitioners to population in the community.
 - b. Access by the residents of the community to health care within the community and in the surrounding area.
 - c. Assessment of the expected number of clinic visits within the community per year.
 - d. The mix of health care providers within the community.
 - e. Indications of community support for mid-level health care practitioner utilization within the community.
2. The state health council shall give priority for participation to a community that:
 - a. Demonstrates a need for primary health care; or
 - b. Has a population of not more than fifteen thousand persons.
3. In selecting a community with health professional need, the state health council may consult public and private associations and organizations and make an onsite visit to a community for assessment.

43-12.2-05. Eligible loans. The state health council may provide for loan repayment to a recipient of any education loan. The council may not provide for repayment of any loan that is in default at the time of the application. The amount of repayment must be related to the applicant's outstanding education loans. No applicant may receive repayment in an amount greater than the total outstanding balance on the applicant's education loans together with applicable interest. Loan payments may not be used to satisfy other service obligations under similar programs.

43-12.2-06. Breach of loan repayment contract. A recipient of loan repayment under this chapter who breaches the loan repayment program contract by failing to begin or complete the obligated service is liable for twice the total uncredited amount of all loan repayment that was contracted on a prorated monthly basis. The recipient who breached the loan repayment program contract shall pay the health council, within one year from the date of the breach of the loan repayment program contract, damages the state is entitled to recover. Damages recoverable for breach of contract include all interest, costs, and expenses incurred in collection, including attorney's fees. Damages collected under this section must be prorated among the state and the involved community. The state share must be deposited in the general fund. For compelling reasons, the health council may agree to and accept a lesser measure of damages for breach of a loan repayment program contract.

43-12.2-07. Release from contract obligation. An applicant is released from the applicant's obligated service, without penalty, if the obligated service has been completed; the applicant is unable to complete the term of the contract because of permanent physical disability; the applicant dies; or the applicant proves extreme hardship or other good cause, to be determined by the council. A decision by the health council not to release an applicant from the applicant's obligated service without penalty is reviewable by the district court.

43-12.2-08. Term of obligated service. The length of the term of obligated service of a recipient of a loan repayment under this chapter is two years.

43-12.2-09. Payment. No payment may be made under this chapter until the nurse practitioner, physician assistant, or certified nurse midwife has practiced at least three months on a full-time basis in a selected community with health professional need. Any arrangement made by the state health council for loan repayment in accordance with this chapter must provide that any loan repayment for a year of obligated service be made no later than the end of the fiscal year in which the nurse practitioner, physician assistant, or certified nurse midwife completes the year of obligated service.