

## **CHAPTER 43-28.1 DENTISTS' LOAN REPAYMENT PROGRAM**

### **43-28.1-01. Loan repayment program - Dentists - Maximum amount of funds.**

Each year the state health council shall select from a pool of applicants no more than three dentists who shall provide dental services to communities in this state. The dentists are eligible to receive funds for the repayment of their education loans. The funds, which are payable over a four-year period, may not exceed eighty thousand dollars per applicant. If the state health council accepts any gifts, grants, or donations under this chapter, the council may select additional dentists for participation in the loan repayment program under this chapter.

#### **43-28.1-01.1. Loan repayment program for dentists in public health and nonprofit dental clinics.**

1. If funds have been appropriated specifically for loan repayment to dentists who practice in a public health setting or a nonprofit dental clinic that uses a sliding fee schedule to bill patients, during the first year of each biennium the health council shall select from a pool of applicants no more than three dentists who provide or will provide dental services in a public health clinic or nonprofit dental clinic that uses a sliding fee schedule to bill patients. A dentist who receives a grant under this section shall use the grant funds to repay the dentist's educational loans. The maximum grant award is sixty thousand dollars per recipient which is paid to the recipient over a two-year period.
2. Unless otherwise provided under this section, sections 43-28.1-02 and 43-28.1-04, subsections 1, 2, and 3 of section 43-28.1-03, and sections 43-28.1-05, 43-28.1-06, 43-28.1-07, 43-28.1-08, and 43-28.1-09 apply to this grant.
3. A recipient who receives a grant under this section shall serve three years as a full-time practicing dentist in the public health setting or a nonprofit clinic that uses a sliding fee schedule to bill patients and must be paid the grant funds during the first two years of this service.

#### **43-28.1-02. Loan repayment program - Dentists - Powers of state health council.**

The state health council may:

1. Determine the eligibility and qualifications of an applicant for loan repayment funds under this chapter.
2. Identify communities that are in need of a dentist and establish a priority ranking for participation in the program by the selected communities.
3. Create and distribute a loan repayment application.
4. Determine the amount of the loan repayment funds for which a dentist is eligible under this chapter and, in making this determination, examine any outstanding education loans incurred by the applicant.
5. Establish conditions regarding the use of the loan repayment funds.
6. Enter a four-year nonrenewable contract with the dentist and the selected community to provide to the dentist funds for the repayment of education loans in exchange for the dentist agreeing to practice in the selected community.
7. Receive and use funds appropriated for the program.
8. Enforce any contract under the program.
9. Cancel a contract for reasonable cause.
10. Participate in federal programs that support the repayment of education loans incurred by dentists and agree to the conditions of the federal programs.
11. Accept property from an entity.
12. Cooperate with the state department of health to effectuate this chapter.

#### **43-28.1-03. Dentist selection criteria - Eligibility for loan repayment.**

1. In establishing the criteria regarding a dentist's eligibility for loan repayment funds under this chapter, the state health council shall include consideration of:

- a. The dentist's training in general dentistry or in a dental specialty and the extent to which such services are needed in a selected community.
  - b. The dentist's commitment to serve in a community that is in need of a dentist.
  - c. The compatibility of the dentist with a selected community.
  - d. The date by which the dentist would be available for service to the selected community.
  - e. The dentist's competence and professional conduct.
  - f. The dentist's willingness to accept medicare and medicaid patients.
2. A dentist who is selected to receive loan repayment funds under this chapter:
    - a. (1) May not have practiced dentistry full time in this state during the three years immediately preceding the application;
    - (2) Must have graduated from an accredited graduate specialty training program in dentistry during the year immediately preceding the application or within one year after the date of the application; or
    - (3) Must be enrolled in an accredited graduate specialty training program in dentistry; and
    - b. Must be licensed to practice dentistry in this state.
  3. Dentists selected shall contract to provide full-time dental services for a minimum of four years in one or more selected communities.
  4. For the purposes of a dentist selected for loan payment who practices within fifteen miles [24.14 kilometers] of the city limits of Bismarck, Fargo, or Grand Forks, to qualify to receive a yearly disbursement under this chapter during that year of obligated service, the dentist must have:
    - a. Received dental medical payments of at least twenty thousand dollars in the form of medical assistance reimbursement; or
    - b. Practiced at least two full workdays per week at a public health clinic or at a nonprofit dental clinic that uses a sliding fee schedule to bill the nonprofit dental clinic's patients.

**43-28.1-04. Community selection criteria.**

1. The state health council shall apply the following criteria in selecting a community with a defined need for the services of a dentist:
  - a. The size of the community, with rural communities with a population under two thousand five hundred given highest priority, communities with a population between two thousand five hundred and ten thousand given the next highest priority, and communities with a population greater than ten thousand given the lowest priority. In cities with a population greater than ten thousand, first priority must be given to dentists who commit to satellite to underserved areas and then to dental specialists in cities with an identified need for a specialist.
  - b. The number of dentists practicing in the community and the surrounding area.
  - c. The access by residents to dentists practicing in the community and the surrounding area.
  - d. The mix of dental specialties in the community and surrounding area.
  - e. The degree to which residents support the addition of a dentist within the community.
2. The state health council shall give priority for participation to a community that demonstrates a need for a dentist or for an individual who is trained in a dental specialty.
3. In evaluating communities for participation in this program, the state health council may consult with public and private entities and visit the communities.

**43-28.1-05. Eligible loans.**

The state health council may provide for loan repayment funds to a dentist who has received an education loan. The council may not provide funds for the repayment of any loan that is in default at the time of the application. The amount of repayment must be related to the dentist's outstanding education loans. A dentist is eligible to receive loan repayment funds in an

amount equal to the outstanding balance of the dentist's education loans with applicable interest, or eighty thousand dollars, whichever is less. Loan repayment funds may not be used to satisfy other service obligations under similar programs.

#### **43-28.1-06. Breach of loan repayment contract.**

If a dentist who receives loan repayment funds under this chapter breaches the loan repayment program contract by failing to begin or failing to complete the obligated service, the dentist is liable for the total amount of any loan repayment funds received. Any damages the state is entitled to recover under this chapter must be paid to the state health council, within one year from the date of the breach. Any amounts not paid within one year from the date of the breach are subject to the collection process and may be recovered through deductions in medicaid payments. Damages recoverable for a breach of the contract include all interest, costs, and expenses incurred in collection, including attorney's fees. Damages collected under this section by the state health council must be deposited in the state general fund. The state health council may agree to accept a lesser measure of damages for breach of a loan repayment program contract if compelling reasons are demonstrated.

#### **43-28.1-07. Release from contract obligation.**

1. The state health council shall release a dentist from the dentist's loan repayment contract, without penalty, if:
  - a. The dentist has completed the service requirements of the contract;
  - b. The dentist is unable to complete the service requirement of the contract because of a permanent physical disability;
  - c. The dentist demonstrates to the state health council extreme hardship or shows other good cause justifying the release; or
  - d. The dentist dies.
2. A decision by the state health council not to release a dentist from the dentist's loan repayment contract without penalty is reviewable by district court.

#### **43-28.1-08. Payment.**

The state health council may not provide any loan repayment funds to a dentist under this chapter until the dentist has practiced at least six months on a full-time basis in the selected community. Loan repayment funds for a year of obligated service are payable by the state health council no later than the end of the fiscal year in which the dentist completes the year of obligated service.

#### **43-28.1-09. Gifts, grants, and donations - Continuing appropriation.**

The state health council may accept any conditional or unconditional gift, grant, or donation for the purpose of providing funds for the repayment of dentists' educational loans. If any entity desires to provide funds to the council to allow an expansion of the program beyond the three dentists contemplated by this chapter, the entity shall commit to fund fully the expansion for a period of four years. The council may contract with any public or private entity and may expend any moneys available to the council to obtain matching funds for the purposes of this chapter. All money received as gifts, grants, or donations under this section is appropriated as a continuing appropriation to the state health council for the purpose of providing funds for the repayment of additional dentists' educational loans.

#### **43-28.1-10. New practices - Grants.**

1. A dentist who graduated from an accredited dental school within the previous five years and is licensed to practice in North Dakota may submit an application to the state health council for a grant for the purpose of establishing a dental practice in a city in the state which has a population that does not exceed seven thousand five hundred.
2. The state health council may award a maximum of two grants per year and shall establish the criteria for the grant program under subsection 1 which must include:
  - a. A maximum grant award of fifty thousand dollars per applicant;

- b. A requirement that the community must provide a fifty percent dollar or in-kind match for a grant;
- c. A requirement that a dentist who receives a grant under this section must use the funds for buildings, equipment, and operating expenses;
- d. A provision that the grant must be distributed in equal amounts over a five-year period; and
- e. A requirement that a dentist selected for a grant under this section must commit to practice in the community for a minimum of five years.