

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 526. DENTAL SERVICES**

"Unofficial Version"

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[**Authority:** Oklahoma State Board of Health; 63 O.S. Sections 1-105 and 1-2710 et seq.]

[**Source:** Codified June 25, 2007]

SUBCHAPTER 1. GENERAL PROVISIONS

Section

- 310:526-1-1. Purpose
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310:526-1-1. Purpose

This chapter identifies the authority and provides definitions for dental services provided to individuals by the Department.

[**Source:** Added at 24 Ok Reg 203, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1983, eff 6-25-2007]

310:526-1-2. Authority

Oklahoma State Board of Health; 63 O.S. Sections 1-105 and 1-2710 et seq.

[**Source:** Added at 24 Ok Reg 203, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1983, eff 6-25-2007]

310:526-1-3. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Advisory Committee" means a committee utilized during an Oklahoma Dental Loan Repayment Program (ODLRP) selection process whose responsibilities and makeup are described in these Rules.

"Commissioner" means the Commissioner of Health of the Oklahoma State Department of Health or his/her designee.

"Contract" means a written agreement between the participating dentist and the Oklahoma State Department of Health upon the dentist's acceptance into the Oklahoma Dental Loan Repayment Program (ODLRP.)

"Dental Health Professional Shortage Area" or **"DHPSA"** means a location in Oklahoma that has been officially designated, on or about January 1 of each year, as experiencing special dental health problems and dentist practice patterns that limit access to dental care.

"Dental Service" means the Dental Program of the Oklahoma State Department of Health.

"Dental services" means the provision of diagnostic, preventive, restorative, emergency and palliative services provided by licensed general or pediatric dentists. The provision of dental services includes a reasonable amount of time for performing tasks related to the service, such as record-keeping.

"Dentist" means a person who is licensed to practice dentistry by the Oklahoma Board of Dentistry.

"Dentistry" means the practice of dentistry by a dentist as defined in the latest editions of the Oklahoma State Dental Act and the Oklahoma Board of Dentistry Rules and Regulations.

"Department" means the Oklahoma State Department of Health.

"Educational expenses" means all or part of the principal and interest of an educational loan which has been taken out by an individual that meets eligibility criteria for the Program.

"Medicaid dental provider" means a dentist who has fulfilled the Oklahoma Health Care Authority requirements to be reimbursed fees for services provided to the Title XIX Medicaid population.

"Medicaid patient" means a patient enrolled, at the time of dental treatment, in the State Title XIX Medicaid Program as administered by the Oklahoma Health Care Authority.

"New dental school graduate" means a dentist who has graduated from an accredited U.S. dental school during the last five years prior to the effective funding cycle for which applicant is submitting an application for the ODLRA Program.

"ODLRA" means the Oklahoma Dental Loan Repayment Act.

"ODLRP" means the Oklahoma Dental Loan Repayment Program.

"Oklahoma Health Care Authority" or **"OHCA"** means the state agency responsible for the Title XIX Medicaid Program in Oklahoma.

"Participating dentist" or **"participant"** means a dentist selected to participate in the Program and who has an effective ODLRP contract with the Department.

"Patient" means the individuals treated at an approved practice site.

"Program" means the Oklahoma Dental Loan Repayment Program.

"Service obligation" means the terms established by the contract as defined by the Department and may include options to renew for up to a total participation in the Program of five (5) years.

[**Source:** Added at 24 Ok Reg 203, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1983, eff 6-25-2007; Amended at 25 Ok Reg 1151, eff 5-25-2008; Amended at 27 Ok Reg 2525, eff 7-25-2010]

SUBCHAPTER 3. OKLAHOMA DENTAL LOAN REPAYMENT PROGRAM

Section

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- 310:526-3-2. Description and operation of the Program
- 310:526-3-3. Eligibility to participate in the Program
- 310:526-3-4. Procedures for administering the Program
- 310:526-3-5. Applicant Contracts
- 310:526-3-6. Annual Report

310:526-3-1. Purpose

The rules in this subchapter implement the Oklahoma Dental Loan Repayment Act, 63 O.S. Section 1-2710 et seq. The purpose of this rule is to create a program designed to increase the number of dentists serving and caring for those dependent upon the state for dental care and to make dental care accessible to underserved metropolitan and rural areas by providing educational loan repayment assistance to qualified service providers.

[**Source:** Added at 24 Ok Reg 203, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1983, eff 6-25-2007]

310:526-3-2. Description and operation of the Program

(a) **Department's equal opportunity policies applicable.** The Department's Dental Service will administer the Oklahoma Dental Loan Repayment Program in accordance with the Department's policies governing equal opportunity and access to programs, services and activities.

(b) **General operation of the Program.** The Program will provide educational loan repayment assistance to as many as five (5) Oklahoma licensed full time (or full time equivalent, or as designated by Advisory Committee or Department) dentists per year for a 2 to 5 year period per dentist. The Program will provide prorated educational loan repayment assistance based upon the percentage of time worked up to four full time equivalent dentists working in a designated dental health professional shortage area and one dentist full time equivalent entering or participating in the Program each year agreeing to teach at the University of Oklahoma College of Dentistry if applicable faculty positions are available.

(c) **Determining individual awards.** The amount of award, not to exceed \$25,000 per year for each participating full time equivalent dentist, shall be determined by the Department annually based upon the amount of funds appropriated to the Department. If the participating dentist's eligible loans are less than the cumulative repayment assistance total available over 5 years, that participating dentist shall be in the Program no longer than required to pay off the total eligible loans and shall not receive more funding assistance than the total eligible indebtedness.

(d) **Distributing the awards.** Each award shall be distributed to the participating dentist by two-party drafts made payable to the dentist and the appropriate loan agency in equal monthly disbursements throughout the service obligation.

(e) **Default.** If the participating dentist does not fulfill the terms of the service obligation, the Department may collect from the participant the entire amount of loan repayment assistance extended to the participant under the Program, plus interest.

[**Source:** Added at 24 Ok Reg 203, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1983, eff 6-25-2007; Amended at 27 Ok Reg 2525, eff 7-25-2010]

310:526-3-3. Eligibility to participate in the Program

(a) **Eligibility requirements common to both non-faculty and faculty participants.** Eligibility for repayment assistance for non-faculty and faculty participants requires compliance with the following requirements:

- (1) receipt or award of a dental degree from an accredited United States dental school within the previous five (5) years;
- (2) completion of all requirements to receive or be awarded an active unrestricted license to practice dentistry in the State of Oklahoma at the time the service obligation begins; and,
- (3) a financial need with outstanding eligible dental school loans.

(b) **Additional eligibility requirements for non-faculty participants.** Eligibility for repayment assistance for non-faculty participants requires compliance with the following additional requirements:

- (1) an established general or pediatric dental practice, or the commitment to establish such a practice, located in an Oklahoma DHPSA;

(2) fulfillment of all applicable requirements of the Oklahoma Health Care Authority to qualify as a Medicaid Dental Provider at the time the service obligation begins; and,

(3) agree that during the service obligation/contract period, a minimum 30% of patients treated are Medicaid recipients at the time of treatment, or 30% of patient visits are by Medicaid recipients.

(c) **Additional eligibility requirements for faculty participants.** Eligibility for repayment assistance for faculty participants requires compliance with the additional requirement of abiding by the rules and regulations for a faculty member, and the job duties assigned by the Dean of the University of Oklahoma College of Dentistry.

(d) **Limitations upon eligibility common to both non-faculty and faculty participants.** A non-faculty or faculty participant's eligibility may be rescinded or terminated if any of the following conditions occur:

(1) a breach of an obligation for service to a federal, state, or local government entity;

(2) an obligation for service to a federal, state, or local government entity that will interfere with the fulfillment of the requirements of the Program that remains unsatisfied; or,

(3) default or material breach of an agreement to repay a higher education loan or borrowing agreement.

(e) **Additional considerations.**

(1) Preference will be given to graduates of the University of Oklahoma College of Dentistry.

(2) Preference will be given to eligible practice sites that are not Medicaid/SoonerCare specific.

(3) Geographic diversity of the participants is an objective of the Program.

(4) An eligible practice site is a solo, group, or incorporated private practice, and any federal, state, local, or private for-profit or nonprofit dental facility.

(5) To qualify for the 30% minimum Medicaid recipient requirement the participant must use an unduplicated count of the patients treated or a count of patient visits during the service obligation. The 30% requirement will be monitored monthly, but the participant will be deemed to be compliant if the yearly average is 30% or greater.

(f) **Eligible loans.** Loans eligible for repayment assistance are any loans for educational expenses while attending dental school from a college, university, government, commercial source, or an organization, institution, association, society, or corporation that is exempt from taxation under 501(c)(3) or (4) of the Internal Revenue Code of 1986. The ODLRP participant must be

able to provide, upon request, documentation that commercial loans were used for payment of educational expenses.

[**Source:** Added at 24 Ok Reg 203, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1983, eff 6-25-2007; Amended at 25 Ok Reg 1151, eff 5-25-2008]

310:526-3-4. Procedures for administering the Program

The Program shall develop dental loan repayment procedures as may be necessary to carry out the administration of the Program. The Program shall delineate the following procedures:

(1) **Dental Health Professional Shortage Areas (DHPSA).** Dental health professional shortage areas for Oklahoma shall be established by the Commissioner using the following criteria.

(A) Those counties with less than the federally recommended target for the percentage of Medicaid enrollees who should receive dental services each year.

(B) Those counties for which the number of Medicaid enrollees under the age of 21 per Medicaid dental provider multiplied by the federally recommended target is equal to or greater than 30% of the average number of unduplicated patients in a general dentistry practice.

(C) Effective January 1, 2008, those counties for which the number of Oklahoma residents in the general population under age 21 per Oklahoma licensed general practice or pediatric dentist, multiplied by the federally recommended target, is equal to or greater than the number of patients under age 21 in an average dental practice.

(2) **Applications.** All interested new dental school graduates shall file an application with the Department. This application can be submitted at any time during the year. Applications may be printed from the internet or are available in the Dental Service office of the Oklahoma State Department of Health.

(3) **Approval by the Department.** Applications shall be reviewed by the Advisory Committee. Following this review, the Advisory Committee will forward their recommendations to the Department. Applications will be approved or declined as determined by the Department.

(4) **Renewal of loan repayment contracts.** The original loan repayment contract may be renewed for up to a total participation in the Program of five (5) years, contingent upon funding from the Legislature and continued approval of the Department based upon the dentist's performance and recommendations of the Advisory Committee if requested.

(5) **Advisory Committee.** The Department will appoint and convene an Advisory Committee to assist in the dental loan repayment process. The Advisory Committee shall include five (5) members with representation from the Oklahoma Dental Association, the University of Oklahoma College of Dentistry, the Oklahoma Health Care Authority, the Oklahoma Board of Dentistry, and the Oklahoma Children's Oral Health Coalition. The Advisory Committee is responsible for reviewing the eligible applicants, as determined by the Department, and making recommendations to the Department. The Department makes the final selection of Program participants.

[**Source:** Added at 24 Ok Reg 203, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1983, eff 6-25-2007]

310:526-3-5. Applicant Contracts

(a) Each applicant, before being granted loan repayment assistance under the Program, shall enter into a contract with the Department agreeing to the terms and conditions upon which the aforementioned assistance shall be granted to the applicant.

(b) The participant shall fulfill all contractual obligations outlined, referenced or described in the contract.

(c) The contract shall be signed by the Commissioner, or the Commissioner's designee, on behalf of the Department, and by the applicant.

(d) The Department may file suit against any participant for any balance due the Department for any contract, or portion thereof, that is unfulfilled or breached by the participant. The Department may cancel or amend any contract made between it and the participant upon cause deemed sufficient by the Department.

[**Source:** Added at 24 Ok Reg 203, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1983, eff 6-25-2007]

310:526-3-6. Annual Report

The Department shall present a report on the Program to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate within one month of the beginning of each regular session of the Legislature.

[**Source:** Added at 24 Ok Reg 203, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1983, eff 6-25-2007]