

ADMINISTRATIVE AGENCY RULE REPORT
75 O.S. Supp. 2000, § 303.1
SUBMITTED TO THE GOVERNOR AND TO THE LEGISLATURE

- 1. Date the Notice of Intended Rulemaking was published in the Oklahoma Register:**
October 1, 2013, Vol. 31, No. 2 Ok Reg 7, Docket No. 13-1189
- 2. Name and address of the Agency:**
Oklahoma State Department of Health
1000 N.E. Tenth Street
Oklahoma City, Oklahoma 73117-1299
- 3. Title and Number of the Rule:**
Title 310. Oklahoma State Department of Health
Chapter 526. Dental Services
- 4. Citation to the Statutory Authority for the Rule:**
Title 63 O.S. Section 1-104; and Title 63 O.S. § 1-2710 et seq. as amended by House Bill 2587, effective November 1, 2012.
- 5. Brief Summary of the Content of the Adopted Rule:**
The proposed action modifies the criteria for selecting the number and types of participants and in the time period for participation in the Dental Loan Repayment Program. The circumstance for the Rule change is compelled by legislation, HB 2587, effective November 1, 2012. The effect will allow the Advisory Committee and Department to select the appropriate number of Program participants based on funding and the appropriate type of participant (Oklahoma University College of Dentistry faculty or non-faculty), and allow the service obligation period to be adjusted.
- 6. Statement explaining the Need for the Adopted Rule:**
The proposal benefits those affected by streamlining Dental Loan Repayment Program operations and amending the Rule as compelled by House Bill 2587. An increased number of Medicaid recipients may be served due to the flexibility in selection of faculty and non-faculty participants. This could improve the dental health and overall health of the Medicaid population.
- 7. Date and Location of the Meeting at which such Rules Were Adopted:**
Adopted January 14, 2014, in the offices of the Oklahoma State Department of Health.
- 8. Summary of the Comments and Explanation of Changes or Lack of any Change Made in the Adopted Rules as a Result of Testimony Received at Public Hearings:**
No comments were received during the comment period or during the public hearing.
- 9. List of Persons or Organizations Who Appeared or Registered For or Against the Adopted Rule at Any Public Hearing Held by the Agency or Those Who Have Commented in Writing Before or After the Hearing:**
None.
- 10. Rule Impact Statement:** Hereto annexed as Exhibit A.
- 11. Incorporation by Reference Statement:** "n/a"

12. Members of the Governing Board of the Agency Adopting the Rules and the Recorded Vote of Each Member:

Murali Krishna, President, M.D. – aye
Ronald Woodson, Vice-President, M.D. – aye
Martha Burger, M.B.A, Secretary-Treasurer – absent
Jenny Alexopoulos, D.O. – aye
Charles W. Grim, D.D.S., M.H.S.A. – aye
Terry Gerard, D.O. – aye
Robert S. Stewart, M.D. – aye
Tim Starkey, M.B.A. – aye
Cris Hart-Wolfe – aye

13. Additional information: Information regarding this rule may be obtained by contacting Susan Potter, Program Manager, Oklahoma Dental Loan Repayment Program, phone (405) 271-5502, email susanp@health.ok.gov.

RULE IMPACT STATEMENT

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

Before the Oklahoma State Board of Health December 10, 2013

1. **DESCRIPTION:**

310:526-3-2(b) The current Rule sets forth the description and operation of the Oklahoma Dental Loan Repayment Program (Program). The proposed action allows flexibility in selecting the number and types of participants and in the time period for participation in the Program. The circumstance for the Rule change is compelled by legislation, HB 2587, effective November 1, 2012. The intended effect is to allow the Advisory Committee and Department to select the appropriate number of participants based on funding and the appropriate type of participant (Oklahoma University College of Dentistry faculty or non-faculty), and allow the service obligation period to be adjusted.

310:526-3-2(d) The current Rule states that each award shall be distributed by a two-party draft made payable to the dentist and the loan agency. The proposed action states that each award shall be distributed in accordance with state law. The circumstance for the Rule change is because state preference is to distribute awards by direct deposit and the intended effect is to streamline administration of the Program.

310:526-3-3(b)(3) and (e)(5) The current Rule sets forth eligibility requirements for participants. The non-faculty participant agrees that Medicaid patients will represent 30% of all treated patients at a minimum. The proposal clarifies the count will be by number of patient visits. The Rule change takes into consideration that dental software used by participants favors this type of reporting and the intent of the Department to facilitate their reporting requirements.

2. **DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:**

The proposal will affect the applicants seeking participation in the Program; the recipients of Medicaid dental benefits; the patients, students, and faculty at the University of Oklahoma College of Dentistry; the Oklahoma Health Care Authority; and the Oklahoma State Department of Health. There is no expected cost impact for the affected parties.

3. **DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:**

The proposal will benefit those affected by streamlining Program operations and amending the Rule as compelled by legislation, HB 2587. An increased number of Medicaid recipients may be served due to the flexibility in selection of faculty and non-faculty participants. This could improve the dental health and overall health of the Medicaid population.

4. **ECONOMIC IMPACT, COST OF COMPLIANCE AND FEE CHANGES:**
Participants may realize reduced cost of compliance by simplifying reporting and accounting processes. An increased number of Medicaid recipients may be served due to the flexibility in selection of faculty and non-faculty participants. This could reduce the need and expense of future dental care for the Medicaid population.
5. **COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY:**
The cost to the Department to implement the amendments will be approximately \$4,000 to cover the costs of rule drafting, adoption, publication, distribution, and education. The proposed rules will be implemented and enforced by existing Department personnel and will have no anticipated effect on state revenues.
6. **IMPACT ON POLITICAL SUBDIVISIONS:**
There will be no impact on political subdivisions and it will not require their cooperation in implementing or enforcing the proposed amendment.
7. **ADVERSE EFFECT ON SMALL BUSINESS:**
There is no known adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.
8. **EFFORTS TO MINIMIZE COSTS OF RULE:**
No less costly or nonregulatory methods have been identified.
9. **EFFECT ON PUBLIC HEALTH AND SAFETY:**
There are no significant risks known from promulgation of this proposed amendment. The proposal supports the core public health function of assurance by enhancing a competent workforce and providing care to vulnerable populations. The proposal contributes to improving the health status of Oklahomans by reducing health inequities and increasing access to dental care.
10. **DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:**
If this proposal is not adopted, the Program Rules will not be in compliance with state law.
11. This rule impact statement was prepared on July 25, 2013.

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

SUBCHAPTER 3. OKLAHOMA DENTAL LOAN REPAYMENT PROGRAM

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) for a number not to exceed twenty-five (25) Oklahoma licensed full time (or full time equivalent, or as designated by Advisory Committee or Department) dentists licensed to practice in Oklahoma 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~~ Dentists entering the Program agree to teach at the University of Oklahoma College of Dentistry if applicable faculty positions are available, or provide dental care and services to Medicaid recipients in a designated dental health professional shortage area (DHPSA).

(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~~ in accordance with state law.

(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.

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.