

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

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 3. Oklahoma Dental Loan Repayment Program

310:526-3-2 [AMENDED]

310:526-3-3 [AMENDED]

310:526-3-4 [AMENDED]

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Sections 1-104 and 1-2710 et seq. as amended by Senate Bill 1664, effective November 1, 2014.

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EFFECTIVE:

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SUPERSEDED EMERGENCY ACTIONS:

"n/a"

INCORPORATIONS BY REFERENCE:

"n/a"

ANALYSIS:

310:526-3-2 This rule provides the description and general operation of the Oklahoma Dental Loan Repayment Program (Program). The amended rule expands the locations of practice sites and increases the maximum amount allowed of individual awards from \$25,000 to \$50,000. The circumstance for the rule change is compelled by legislation in SB 1664, effective November 1, 2014. The effect is to increase Program participation, allow a more competitive compensation, and better utilize available funding.

310:526-3-3 This rule describes eligibility requirements to participate in the Program. The amended rule allows an exemption from the requirement to practice in a designated dental health professional shortage area for Pediatric Dentistry Specialists or any dentist practicing in a Federally Qualified Health Center (FQHC), FQHC look-alike, County health department, or City-County health department. The effect is to include participation by specialists trained to treat the younger

Medicaid population and those practicing in specific public health facilities regardless of the practice site location.

310:526-3-4 This rule describes the procedures for administering the Program. The amended rule describes what is monitored to determine the dental health professional shortage areas for purposes of the Oklahoma Dental Loan Repayment Program instead of how the determination is calculated. This change was needed to resolve complicated, technical, and outdated language. The purpose is to improve the understanding of shortage area determinations while upholding the intent of the law. The description of annual shortage area calculations will be maintained in agency files to ensure consistency with the use of current available data, current advisory entities, and topical circumstances associated with Medicaid dental providers and enrollees.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2015:

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 for a number not to exceed twenty-five (25) full time (or full time equivalent, or as designated by Advisory Committee or Department) dentists licensed to practice in Oklahoma. The Program will provide prorated educational loan repayment assistance based upon the percentage of time worked. 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) or exempted facility according to state law.

(c) **Determining individual awards.** The amount of award, not to exceed ~~\$25,000~~50,000 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 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 with the exception that any dentist licensed to practice as a pediatric dentistry specialist as defined by the State Dental Act or any dentist practicing in a Federally Qualified Health Center (FQHC), FQHC look-alike, county health department, or city-county health department may be exempt from the requirement to practice in a 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 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 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.

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~~ The percentage of Medicaid enrollees ~~who should receive~~ receiving dental services each year.

(B) ~~Those counties for which~~ The ratio of 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 ratio of 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~~ 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.