

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. General Provisions

310:526-1-2. Authority [AMENDED]

Subchapter 3. Oklahoma Dental Loan Repayment Program

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

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

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

310:526-3-5. Applicant Contracts [AMENDED]

310:526-3-6. Annual Report [AMENDED]

SUMMARY:

The rules in this Chapter implement the Oklahoma Dental Loan Repayment Act, 63 O.S. § 1-2710, et seq. Requested changes in the rules are non-substantial. Authority was changed from the Board of Health to the Commissioner of Health. This rule change request is a response to the Governor's Executive Order 2020-03 to streamline content by removing unnecessary and duplicative wording.

AUTHORITY:

Commissioner of Health, 63 O.S. § 1-104 and State Department of Health, 63 O.S. § 1-2712.

COMMENT PERIOD:

November 16, 2020, through December 16, 2020, interested persons may informally discuss the proposed rules with the contact person identified below; or may, through December 16, 2020, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on December 16, 2020, via WebEx accessible from the site www.publichearings.health.ok.gov, from 9AM to noon. The alternate date and time in the event of extreme inclement weather is December 18, 2020, via WebEx accessible from the site www.publichearings.health.ok.gov, from 9AM to noon. Those wishing to present oral comments should be registered to speak by 9:15 a.m. Directions for comment registration will be provided on the website. The hearing will close at the conclusion of comments from those registered to speak. Interested persons may attend for the purpose of orally submitting data, views, or concerns about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through December 16, 2020, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

INITIAL RULE IMPACT STATEMENT

(This document may be revised based on comment received during the public comment period.)

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

1. DESCRIPTION:

These rules implement the Oklahoma Dental Loan Repayment Program. Amendments to Sections found in 310:526 are in response to the Governor’s Executive Order 2020-03 to streamline language through a word sweep to remove unnecessary or duplicative language, and to update authority from the Board of Health to the Commissioner of Health. There are no other substantive changes.

2. DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:

Interested parties, applicants, and participants in the Oklahoma Dental Loan Repayment Program may be affected by this change. There is no cost impact.

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

The rule sweep may make rules easier to read for potential applicants and dentists participating in the Oklahoma Dental Loan Repayment Program.

4. ECONOMIC IMPACT, COST OF COMPLIANCE AND FEE CHANGES:

No economic impact is expected.

5. COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY:

There are no costs associated with implementation.

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:

There are no costs to consider in this rule change.

9. EFFECT ON PUBLIC HEALTH AND SAFETY:

No effect on public health is expected as a result of this rule change.

10. DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:

No detrimental effects on public health and safety would be experienced without adoption of this rule.

11. PREPARATION AND MODIFICATION DATES:

This rule impact statement was prepared on October 1, 2020.

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

SUBCHAPTER 1. GENERAL PROVISIONS

310:526-1-2. Authority

Oklahoma State ~~Board~~ Commissioner of Health; 63 O.S. Sections ~~1-105-1-104~~ and 1-2710 et seq.

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~~ administers 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~~ provides 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~~ provides 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 \$50,000 per year for each participating full time equivalent dentist, ~~shall be~~ is 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~~ is 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~~ interferes 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~~ is given to graduates of the University of Oklahoma College of Dentistry.
 - (2) Preference ~~will be~~ is 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~~ is monitored monthly, but the participant ~~will be~~ is 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) The percentage of Medicaid enrollees receiving dental services each year.
 - (B) The ratio of the number of Medicaid enrollees under the age of 21 per Medicaid dental provider.
 - (C) The ratio of the number of Oklahoma residents in the general population under age 21 per Oklahoma licensed general practice or pediatric dentist.
- (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~~ are reviewed by the Advisory Committee. Following this review, the Advisory Committee ~~will forward~~ forwards their recommendations to the Department. Applications ~~will be~~ are 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~~ includes 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 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.

310:526-3-5. Applicant Contracts

(a) Each applicant, before being granted loan repayment assistance under the Program, ~~shall enter~~ enters 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~~ fulfills 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.

310:526-3-6. Annual Report

The Department ~~shall present~~ presents 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.