

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

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 1. General Provisions

310:526-1-2. [AMENDED]

Subchapter 3. Oklahoma Dental Loan Repayment Program

310:526-3-2. [AMENDED]

310:526-3-3. [AMENDED]

310:526-3-4. [AMENDED]

310:526-3-5. [AMENDED]

310:526-3-6. [AMENDED]

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Commissioner of the Oklahoma State Department of Health; 63 O.S. § 1-104

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n/a

GIST/ANALYSIS:

The rules in this subchapter implement the Oklahoma Dental Loan Repayment Act, 63 O.S. § 1-2710, et seq. The changes in the rules are not substantive. Authority was changed from the Board of Health to the Commissioner of Health. This rule change is a response to the Governor's Executive Order 2020-03 to streamline content by removing unnecessary and duplicative wording.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, 405-426-8563. AudreyT@health.ok.gov.

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, 2021:

SUBCHAPTER 1. GENERAL PROVISIONS

310:526-1-2. Authority

Oklahoma State ~~Board~~ Commissioner of Health; 63 O.S. Sections ~~4-105~~ 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.