

## ARTICLE 23. GRANTS

### Rule 1. Indiana Medical and Nursing Grant Fund (Repealed)

*(Repealed by Indiana State Department of Health; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3761)*

### Rule 2. Health Care Professional Recruitment and Retention Program

#### 410 IAC 23-2-1 Definitions

Authority: IC 16-46-5-19

Affected: IC 16-46-5

Sec. 1. The definitions in this rule apply throughout this rule. *(Indiana State Department of Health; 410 IAC 23-2-1; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3759; readopted filed Sep 16, 2008, 10:36 a.m.: 20081001-IR-410080550RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA)*

#### 410 IAC 23-2-2 "Department" defined

Authority: IC 16-46-5-19

Affected: IC 16-46-5

Sec. 2. "Department" means the Indiana state department of health. *(Indiana State Department of Health; 410 IAC 23-2-2; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3759; readopted filed Sep 16, 2008, 10:36 a.m.: 20081001-IR-410080550RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA)*

#### 410 IAC 23-2-3 "Fiscal body" defined

Authority: IC 16-46-5-19

Affected: IC 16-46-5

Sec. 3. "Fiscal body" means:

- (1) county council, for a county not having a consolidated city;
- (2) city county council, for a consolidated city or county having a consolidated city;
- (3) common council, for a city other than a consolidated city;
- (4) town council, for a town;
- (5) township board, for a township; or
- (6) governing body or budget approval body, for any other political subdivision.

*(Indiana State Department of Health; 410 IAC 23-2-3; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3759; readopted filed Sep 16, 2008, 10:36 a.m.: 20081001-IR-410080550RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA)*

#### 410 IAC 23-2-4 "Fund" defined

Authority: IC 16-46-5-19

Affected: IC 16-46-5

Sec. 4. "Fund" means the Indiana health care professional recruitment and retention fund. *(Indiana State Department of Health; 410 IAC 23-2-4; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3759; readopted filed Sep 16, 2008, 10:36 a.m.: 20081001-IR-410080550RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA)*

#### 410 IAC 23-2-5 "Lending institution" defined

Authority: IC 16-46-5-19

Affected: IC 16-46-5

Sec. 5. "Lending institution" means an institution that makes or holds education loans. *(Indiana State Department of Health; 410 IAC 23-2-5; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3759; readopted filed Sep 16, 2008, 10:36 a.m.: 20081001-IR-*

410080550RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA)

**410 IAC 23-2-6 "Shortage area" defined**

Authority: IC 16-46-5-19

Affected: IC 16-46-5

Sec. 6. "Shortage area" means a county, city, town, census tract, or township designated by the department as underserved by health care professionals. (*Indiana State Department of Health; 410 IAC 23-2-6; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3759; readopted filed Sep 16, 2008, 10:36 a.m.: 20081001-IR-410080550RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA*)

**410 IAC 23-2-7 "Student loan" defined**

Authority: IC 16-46-5-19

Affected: IC 16-46-5

Sec. 7. "Student loan" means a loan insured or guaranteed under a federal or state program of private insurance that is made to assist a student in obtaining postsecondary education and is:

- (1) made to any Indiana student, or either one (1) or both parents or the legal guardian of the student, for the purpose of attending an Indiana or non-Indiana institution;
- (2) made to any non-Indiana student, or one (1) or both parents or the legal guardian of the student, for the purpose of attending an Indiana institution; or
- (3) made or owned by any lending institution or their affiliate with offices located in Indiana or in a state which an Indiana bank or an Indiana bank holding company is entitled under Indiana law to acquire a bank or holding company.

(*Indiana State Department of Health; 410 IAC 23-2-7; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3760; readopted filed Sep 16, 2008, 10:36 a.m.: 20081001-IR-410080550RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA*)

**410 IAC 23-2-8 Federal designation**

Authority: IC 16-46-5-19

Affected: IC 16-46-5

Sec. 8. The department shall annually adopt the federal designation of the counties, towns, census tracts, and townships in Indiana that are underserved by specific types of health professionals as determined by the department. The department shall rank these areas according to the degree each is underserved by health care professionals. (*Indiana State Department of Health; 410 IAC 23-2-8; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3760; readopted filed Sep 16, 2008, 10:36 a.m.: 20081001-IR-410080550RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA*)

**410 IAC 23-2-9 Fund established**

Authority: IC 16-46-5-19

Affected: IC 16-46-5

Sec. 9. (a) The Indiana health care professional recruitment and retention fund is established. The purpose of this fund is to provide loan repayment for student loans incurred by health care professionals to encourage full-time delivery of health care in shortage areas. The department shall administer the fund.

(b) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Repayments by loan recipients from the Indiana medical and nursing distribution loan fund under IC 25-22.5-9.
- (3) Gifts to the fund.
- (4) Grants from public or private sources.
- (c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund.

(d) Money in the fund does not revert to the state general fund.

(e) The fund shall be used for loan repayment under this document. (*Indiana State Department of Health; 410 IAC 23-2-9; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3760; readopted filed Sep 16, 2008, 10:36 a.m.: 20081001-IR-410080550RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA*)

#### **410 IAC 23-2-10 Applicants**

Authority: IC 16-46-5-19

Affected: IC 16-46-5

Sec. 10. (a) Applicants may choose only from those areas appearing on the department's annual list.

(b) A health care professional must apply for a loan repayment on an application form supplied by the department.

(c) Health care professionals participating in the student loan repayment program must meet the following conditions:

(1) Be a U.S. citizen.

(2) Have no outstanding contractual obligation for health professional service to the U.S. government, or a state or other entity, unless the service obligation will be completely satisfied before the contract has been signed. Be aware that certain bonus clauses in employment contracts may impose a service obligation.

(3) Not be in breach of a health professional service contract to the U.S. government, state or local government, or other entity.

(4) Not have a judgment lien against their property for a debt to the United States.

(5) Perform their service obligation at a site designated as eligible by the department.

(6) Provide primary health care service either full-time or part-time as provided for by Section 338B of the Public Health Service Act (42 U.S.C. 254l-1), as amended, Section 331(i) of the Public Health Service Act (42 U.S.C. 254d(i)), as amended, and as future changes in the governing statute may dictate, including the following:

(A) Full-time services are defined as a minimum of forty (40) hours per week for at least forty-five (45) weeks per year at an eligible site. At least thirty-two (32) of the forty (40) hours per week must be spent providing clinical service.

Full-time services are subject to the following:

(i) These services must be conducted during normally scheduled clinic hours in the ambulatory care setting office or offices, with the remaining hours spent providing inpatient care to patients of the eligible site or in practice related administrative activities, or both, with administrative activities not to exceed twenty percent (20%) of their full-time service requirement.

(ii) Time spent "on-call" is not considered part of the full-time service requirement.

(iii) Obstetrician/gynecologists and certified nurse midwives are expected to spend not less than twenty-one (21) hours per week providing ambulatory care services during normally scheduled office hours, with the remaining hours spent providing inpatient care to patients of the eligible site or in practice related administrative activities, or both, with administrative activities not to exceed twenty percent (20%) of their full-time service requirement.

(B) Part-time services are defined as a minimum of twenty (20) hours per week, not to exceed thirty-nine (39) hours per week, for a minimum of forty-five (45) weeks per year. Part-time services are subject to the following:

(i) The twenty (20) hours per week may be compressed into not less than two (2) work days per week, with not more than twelve (12) hours of work to be performed in any twenty-four (24) hour period.

(ii) Participants do not receive service credit for hours worked over the required twenty (20) hours per week, and excess hours cannot be applied to any other work week.

(iii) Full-time work done by a half-time participant will not change the participant's half-time status. Time spent "on call" will not count towards the service requirement, except to the extent the provider is directly serving patients during that period.

(7) Charge for their professional services at the usual and customary prevailing rates in the area in which such services are provided, except that if a person is unable to pay such charge, the person shall be charged at a reduced rate or not charged any fee.

(8) Agree to provide primary health services to any individual seeking care. The program participants must agree not to discriminate on the basis of the patient's ability to pay for such care on the basis that payment for such care will be made

pursuant to Medicare or Medicaid.

(9) Agree that they will:

(A) accept assignment under Medicare (Section 1842(b)(3)(B)(ii) of the Social Security Act) for all services for which payment under Part B of Title XVIII; and

(B) enter into an appropriate agreement with the state agency that administers the state plan for medical assistance under Title XIX to provide services to individuals entitled to medical assistance under the plan.

(10) Pay the amount specified in the program contract default provisions for failure to complete their service obligation for any reason.

(d) To be eligible for loan repayment for student loans, a health care professional must meet all of the following conditions:

(1) Hold an unlimited license to practice a health care profession in Indiana that has been declared by the department to be eligible for loan repayment in a specified fiscal year.

(2) Either:

(A) enter into an agreement with the state department; or

(B) provide the state department with a copy of an agreement that the health professional has entered into with a health services provider in a health professional shortage area to practice in the shortage area for at least two (2) years.

(3) Practice in a health care profession that has been declared eligible by the department for loan repayment in a specified fiscal year.

*(Indiana State Department of Health; 410 IAC 23-2-10; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3760; readopted filed Sep 16, 2008, 10:36 a.m.: 20081001-IR-410080550RFA; filed Apr 30, 2013, 2:41 p.m.: 20130529-IR-410120501FRA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA)*

#### **410 IAC 23-2-11 Eligibility**

Authority: IC 16-46-5-19

Affected: IC 16-46-5-7

Sec. 11. The department shall consider each application and determine the eligibility of the applicant for the program under which the application is submitted and the extent to which the shortage area or eligible entity located in a shortage area is underserved, according to the rank given the shortage area under IC 16-46-5-7. *(Indiana State Department of Health; 410 IAC 23-2-11; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3761; readopted filed Sep 16, 2008, 10:36 a.m.: 20081001-IR-410080550RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA)*

#### **410 IAC 23-2-12 Amount awarded**

Authority: IC 16-46-5-19

Affected: IC 16-46-5

Sec. 12. Amounts awarded may not exceed the documented amount of the student loans incurred by the health care professional. *(Indiana State Department of Health; 410 IAC 23-2-12; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3761; readopted filed Sep 16, 2008, 10:36 a.m.: 20081001-IR-410080550RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA)*

#### **410 IAC 23-2-13 Annual report**

Authority: IC 16-46-5-19

Affected: IC 16-46-5

Sec. 13. The department shall file an annual report with the governor and the general assembly on the following:

(1) The receipt, disbursement, and use of funds.

(2) The identification of shortage areas.

(3) The number of applications for loan repayments by the following categories:

(A) Profession.

(B) Specialty.

(C) Underserved are to be served.

(4) The number and amount of loan repayments provided by the department.

*(Indiana State Department of Health; 410 IAC 23-2-13; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3761; readopted filed Sep 16, 2008, 10:36 a.m.: 20081001-IR-410080550RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA)*

**410 IAC 23-2-14 Compliance with federal law**

Authority: IC 16-46-5-19

Affected: IC 16-46-5

Sec. 14. All provisions in this rule must be equal to or less than the provisions established by federal law as found in Section 338B of the Public Health Service Act (42 U.S.C. 2541-1), as amended, Section 331(i) of the Public Health Service Act (42 U.S.C. 254d(i)), as amended, and with future changes in the governing statute. *(Indiana State Department of Health; 410 IAC 23-2-14; filed Apr 30, 2013, 2:41 p.m.: 20130529-IR-410120501FRA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA)*

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