

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	08/31/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 10/2/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

13B 08 09 .01-.11

3. Name of Promulgating Authority

Maryland Higher Education Commission

4. Name of Regulations Coordinator

Tonya L Johnson

Telephone Number

410-767-3312

Mailing Address

6 N. Liberty St., 10th Floor

City State Zip Code

Baltimore MD 21201

Email

tjohnson@mhec.state.md.us

5. Name of Person to Call About this Document

Mark Blom

Telephone No.

410-767-3311

Email Address

mark.blom@maryland.gov

6. Check applicable items:

- New Regulations

Amendments to Existing Regulations

 Date when existing text was downloaded from COMAR online: .

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes - No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Mark Blom, Assistant Attorney General, (telephone #410-767-3311) on August 31, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Mark Blom

Title

Principal Counsel

Telephone No.

410-767-3311

Date

August 31, 2015

Title 13B
B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 08 FINANCIAL AID

13B.08.09 Maryland Dent-Care Loan Assistance Repayment for Dentists

Authority: Education Article, §§11-105(u), 18-204(c), and 18-2401 et. seq.; Annotated
Code of Maryland

Notice of Proposed Action

[]

The Maryland Higher Education Commission proposes to adopt new regulations .01-.11 under COMAR 13B.08.09 Maryland Dent-Care Loan Assistance Repayment for Dentists.

This action was considered by the Maryland Higher Education Commission at a public meeting held on August 24, 2015.

Statement of Purpose

The purpose of this action is to implement the Maryland Dent-Care Loan Assistance Repayment for Dentists program established under Education Article §§ 18-2401 et. seq.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Donna Thomas, Director Office of Student Financial Assistance, Maryland Higher Education Commission, 6 N. Liberty St, 10th Floor Baltimore, Md 21201, or call 410-767-3109, or email to donnae.thomas@maryland.gov, or fax to 410-332-0250. Comments will be accepted through November 2, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 16

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

General

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

These regulations implement a program already in operation and previously funded.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

These regulations have no impact on small businesses.

G. Small Business Worksheet:

Attached Document:

Title 13B

MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 08 FINANCIAL AID

Chapter 09 Maryland Dent-Care Loan Assistance Repayment for Dentists

.01 PURPOSE.

A. The purpose of the Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) is to increase access to oral health services for Maryland Medical Assistance Program (MMAP) recipients by increasing the number of dentists who treat that population.

B. The MDC-LARP is funded through Maryland General Funds and provides loan repayment for Maryland licensed dentists dependent upon available annual funding.

C. A dentist who receives a MDC-LARP award shall agree to provide oral health services to MMAP recipients.

D. Individuals who participate in this program shall agree to provide oral health care services to a minimum of 30% MMAP recipients as a proportion of their total patient population, document this information, and submit confirming written reports.

.02 ELIGIBILITY.

A. To be eligible for Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) repayment assistance, an individual shall:

(1) Be employed as a full-time dentist in the State;

- (2) Have received a dental degree from a college or university in the State of Maryland or from an accredited U.S. dental school;
- (3) Have a valid unrestricted license to practice dentistry in the State of Maryland at the time the service obligation begins;
- (4) Have not breached an obligation for service to a federal, state, or local government entity;
- (5) Have no unserved obligations for service to a federal, state, or local government, or to another entity, with the exception of the U.S. Department of Health and Human Services' Primary Care Loans, Exceptional Financial Need Scholarships, and Financial Assistance for Disadvantaged Health Professions Students;
- (6) Have outstanding eligible higher education loans; and
- (7) Not be in default on any eligible higher education loan.

B. Service obligations shall be rendered at an eligible practice site, which is any federal, state, local, or private for-profit or nonprofit dental facility (including a solo, group, or incorporated private practice) that treats all persons and agrees that a minimum of 30% of its practice patient population will be Maryland Medical Assistance Program recipients.

C. Loans eligible for repayment assistance are any loans for undergraduate or graduate dental professional study obtained for tuition, educational expenses, or living expenses 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. An MDC-LARP recipient shall provide documentation that commercial loans were used for payment of tuition, educational expenses, or living expenses.

.03 DETERMINATION OF GEOGRAPHIC DENTIST SHORTAGE AREAS.

A. The Maryland Department of Health and Mental Hygiene, Office of Primary Care Services (DHMH) shall be responsible for designating geographic dentist shortage areas in Maryland and reporting the designations annually to the Office for Student Financial Assistance according to a schedule that corresponds to the Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) award cycle.

B. Geographic areas designated by DHMH shall coincide with Maryland's federal Dental Health Professions Shortage Areas (Dental HPSAs). In addition, DHMH may identify other areas based on health status indicators that DHMH deems appropriate.

C. Designated dentist shortage areas shall be provided to the Review Panel as described in regulation.05 for the purpose of reviewing applications and designating underserved areas.

D. A dentist does not have to practice in a Dental HPSA to be considered for an MDC-LARP.

.04 APPLICATION PROCEDURES.

A. An individual shall complete an application and provide any additional information required by the Office of Student Financial Assistance to be considered for Maryland Dent-Care Loan Assistance Repayment Program repayment assistance.

B. The Office of Student Financial Assistance (OSFA) is responsible for the development and distribution of application forms and materials.

C. An applicant shall provide:

- (1) A completed application;
- (2) Proof of graduation from an accredited U.S. school of dentistry;
- (3) Documentation of the amounts and the holders of the applicant's outstanding eligible higher education loans;
- (4) Letters of recommendation from 3 individuals;
- (5) Proof of a dental license issued by the Maryland State Board of Dental Examiners; and
- (6) If entering a group practice or incorporated practice, a letter of intent from the employer stating that the other members of the practice are aware of the program and the requirements that need to be fulfilled; or
- (7) If in solo practice, proof that the practice exists.

D. Each applicant shall agree to provide any information or documentation requested by OSFA for the purpose of administering this program and, if requested, shall sign an authorization for the release of information to OSFA for the purpose of administering this program. The applicant's failure or refusal to provide requested information or a signed release may result in a determination of ineligibility, the cancellation of an award, or the denial of a deferment, cancellation, suspension, or waiver request.

.05 SELECTION PROCESS.

A. The Office of Student Financial Assistance (OSFA) shall appoint a Review Panel, which includes dentists who have experience treating Medicaid and low-income patients, to assist in the annual selection of Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) recipients.

B. The Review Panel shall be responsible for reviewing the eligible applicants and recommending to OSFA which applicants should receive an award.

C. The OSFA shall make the final selection of MDC-LARP recipients.

D. The Review Panel may consider the following criteria in making its recommendations to OSFA:

- (1) The dental health care needs of the geographic area where the dental practice is located;
- (2) The professional competence and conduct of applicants;

- (3) *The applicant's willingness to serve the 3 year requirement;*
- (4) *The applicant's personal or professional background and whether it demonstrates an understanding of the dental needs that exist in shortage areas or in underserved populations; and*
- (5) *Additional criteria as directed by OSFA to accommodate the goals of the MDC-LARP program.*

.06 MARYLAND DENT-CARE LOAN ASSISTANCE REPAYMENT PROGRAM AWARDS.

A. *The total number of awards made each year shall be determined on an annual basis by the Office of Student Financial Assistance (OSFA) and Maryland Department of Health and Mental Hygiene (DHMH) and shall be based on the amount of funds available.*

B. *The award amount for new Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) awards shall be determined on an annual basis by OSFA and DHMH, and shall be based on the available annual funding, the number of selected recipients, a recipient's total indebtedness from eligible higher education loans at the time of application, and the number of years the recipient agrees to serve in the program.*

C. *An award shall be a for minimum of \$10,000 per year up to a maximum of \$30,000 per year.*

D. *An MDC-LARP award may not exceed the MDC-LARP recipient's total indebtedness from eligible higher education loans.*

E. *The OSFA shall issue checks to selected MDC-LARP recipients within 60 days of completion of one service year. A "service year" is the 365-day period commencing on the date of the first day the MDC-LARP recipient begins to fulfill the service obligation at an eligible practice site. Unless the MDC-LARP recipient does not fulfill the service obligation as scheduled, subsequent service years for that MDC-LARP recipient begin and end on the same dates as the first service year. The amount of the check shall equal the loan repayment amount specified for the service year in the contract between the MDC-LARP recipient and the Commission.*

F. *A loan repayment check shall be made co-payable to the MDC-LARP recipient and the holder of the MDC-LARP recipient's eligible higher education loans. The MDC-LARP recipient shall endorse and forward the check to the loan holder.*

G. *An MDC-LARP recipient shall notify OSFA if there is a change in the holder of a loan.*

I. *An MDC-LARP recipient may receive renewal awards for up to a maximum of 3 years if they continue to meet the eligibility criteria and have outstanding eligible higher education loans, depending upon available funding. Individuals applying for an award renewal are given neither preference nor guaranteed renewal.*

.07 MARYLAND DENT-CARE LOAN ASSISTANCE REPAYMENT PROGRAM RECIPIENT OBLIGATIONS.

A. *The recipient of an Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) award shall furnish the Office of Student Financial Assistance (OSFA) with written acceptance of the award and sign a promissory note that stipulates the:*

- (1) *Obligations of an MDC-LARP recipient;*
- (2) *Number of years to which the MDC-LARP recipient commits;*
- (3) *Total and annual amounts of the MDC-LARP award;*
- (4) *Penalties for breaching the promissory note;*
- (5) *Circumstances under which the obligation may be deferred, cancelled, suspended, or waived; and*
- (6) *Other terms OSFA deems necessary.*

B. *A recipient of an MDC-LARP award shall fulfill the following criteria:*

(1) *An MDC-LARP recipient engaged in providing dental care services to Maryland Medical Assistance Program MMAP recipients (at least 30% of their practice) must serve 3 years in a full-time eligible practice site (full-time practice means a minimum of 40 hours per week);*

(2) *An MDC-LARP recipient must provide at least 32 hours of the required 40 hours per week during normally scheduled office hours providing clinical dental services at an eligible practice site; and*

(3) *No more than 35 workdays can be spent away from the practice for holidays, vacation, continuing professional education, illness, or any other reason. Absences greater than 35 workdays in any given 52-week period shall extend the service obligation end date.*

C. *While in practice at an eligible practice site, an MDC-LARP recipient shall:*

- (1) *Sign up to be a Medical Assistance provider with the Maryland Healthy Smiles Program;*
- (2) *Accept and render services to Maryland Medical Assistance Program recipients;*
- (3) *Maintain a valid license to practice dentistry in the State of Maryland throughout the service obligation;*
- (4) *Notify OSFA if the employment arrangement at the eligible practice site is terminated or changed;*
- (5) *Notify OSFA if the repayment of a loan is undertaken by an entity defined in §18-2401(b)(2) of the Education Article of the Annotated Code of Maryland;*

(6) *Keep timely records of services rendered to all Medicaid patients (both Network Provider Recipients and Maryland Medical Assistance Program Recipients) and provide the Department of Health and Mental Hygiene Office of Oral Health with written reports of those services as allowed by federal and state confidentiality statutes and regulations; and*

- (7) *Complete an exit interview at the end of the final service period.*

.08 VERIFICATION.

A. The Office of Student Financial Assistance (OSFA) shall require annual verification that a Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) recipient is fulfilling their award obligations.

B. Prior to issuing an MDC-LARP recipient's check for the first year of service, OSFA shall receive notice from the Maryland Department of Health and Mental Hygiene Office of Oral Health (DHMH) that confirms that the MDC-LARP recipient is providing appropriate service at that site. Prior to issuing a check for a subsequent year of service, OSFA shall receive confirmation from the DHMH that the MDC-LARP recipient provided services in the previous year and continues to practice at the eligible practice site.

.09 BREACH OF A RECIPIENT'S OBLIGATIONS.

A. A Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) recipient breaches the recipient's obligations if:

(1) They do not begin their service obligation at an eligible practice site within 3 months of the close of the fiscal year in which the promissory note is executed; or

(2) The MDC-LARP recipient separates from the eligible practice site prior to fulfilling the service obligation and does not move to a site that complies with the program requirements.

B. An MDC-LARP recipient who breaches their obligation shall be subject to the total of the following financial penalties:

(1) The total amounts paid to, or on behalf of, the recipient for loan repayments for any period of obligated service not served;

(2) An amount equal to the number of months of obligated service not completed multiplied by \$7,500; and

(3) Interest on the above amounts at the maximum legal prevailing rate, as determined by the Treasurer of the United States, from the date of breach.

C. In addition to the penalties in §B of this regulation, the State of Maryland is entitled to recover costs, fees, and expenses associated with the collection of these penalties, including attorney's fees, as prescribed by State law or regulation

D. Amounts not paid within 1 year of the breach shall be subject to garnishment of wages, deductions in Medicaid payments, or other collection methods.

E. The Office of Student Financial Assistance shall report recipients who fail to pay their financial penalties, within one year, to the Maryland State Board of Dental Examiners. Recipients may be subject to disciplinary action by the Board of Dental Examiners.

F. An MDC-LARP recipient's financial obligation for payment of damages may not be released by discharge of bankruptcy under Title 11 of the United State Code.

.10 DEFERMENT, CANCELLATION, SUSPENSION, AND WAIVER OF OBLIGATION.

The Office of Student Financial Assistance (OSFA) may consider deferment, cancellation, suspension, or waiver of the obligation as follows:

A. Deferment for:

(1) Military service for a period not to exceed three years;

(2) Extended illness verified by a physician;

(3) Extenuating family circumstances to be decided on a case-by-case basis; and

(4) Maternity/paternity leave not to exceed six months.

B. Cancellation, suspension, or waiver.

(1) Any service or payment obligation incurred by an Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) recipient is cancelled upon the MDC-LARP recipient's death.

(2) The OSFA may waive or suspend an MDC-LARP recipient's service or payment obligation if, as determined by OSFA, compliance by the MDC-LARP recipient with the terms and conditions of the contract is impossible or would involve extreme hardship.

.11 RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OFFICE OF ORAL HEALTH.

The Maryland Department of Health and Mental Hygiene Office of Oral Health shall be responsible for:

A. Promoting and recruiting the Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) program in conjunction with the Office of Student Financial Assistance (OSFA);

B. Certifying eligible practice sites;

C. Selecting eligible applicants;

D. Notifying OSFA of selected eligible applicants;

E. Confirming that MDC-LARP recipients are fulfilling their requirements;

F. Appointing an individual to serve on the Review Panel; and,

G. Nominating individuals to serve on the Review Panel.

