

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Loan Repayment Assistance for Dentists
- 2) Code Citation: 77 Ill. Adm. Code 580
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
580.100	Amend
580.110	Amend
580.200	Amend
580.210	Amend
580.220	Amend
580.230	Amend
- 4) Statutory Authority: Loan Repayment Assistance for Dentists Act [110 ILCS 948]
- 5) A Complete Description of the Subjects and Issues Involved: Part 580 provides educational loan repayment assistance to dentists and dental specialists to help increase the number of individuals practicing in designated shortage areas. Amendments to Part 580 are proposed to clarify that applicants receiving educational loan repayment assistance with federal funds are ineligible for assistance from this program. In addition, the Loan Repayment Assistance for Dentists Act [110 ILCS 948] was amended by Public Act 96-757. This amendment includes a definition for dental hygienist and stipulates that this profession is eligible for loan repayment assistance.  
  
The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.  
  
The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield, Illinois 62761

217/782-2043  
e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER g: GRANTS TO DENTAL AND MEDICAL STUDENTS

PART 580  
LOAN REPAYMENT ASSISTANCE FOR DENTISTS

SUBPART A: GENERAL PROVISIONS

- Section
- 580.100 Definitions
- 580.110 Incorporated and Referenced Materials

SUBPART B: EDUCATIONAL LOAN REPAYMENT APPLICATION,  
ELIGIBILITY AND PROGRAM REQUIREMENTS

- Section
- 580.200 Application
- 580.210 Eligibility
- 580.220 Grant Awards
- 580.230 Grant Terms and Obligations
- 580.240 Penalty for Failure to Fulfill Obligation

AUTHORITY: Implementing and authorized by the Loan Repayment Assistance for Dentists Act [110 ILCS 948].

SOURCE: Adopted at 33 Ill. Reg. 7166, effective May 14, 2009; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL PROVISIONS

**Section 580.100 Definitions**

"Act" means the Loan Repayment Assistance for Dentists Act [110 ILCS 948].

"Applicant" means a person who submits an application to the Department to receive a dental loan assistance grant.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

*"Dental Hygienist" means a person who holds a dental hygienist license under the Illinois Dental Practice Act to perform dental services as authorized by Section 18 of the Illinois Dental Practice Act (Section 10 of the Act).*

*"Dental Payments" means compensation provided to dentists and dental specialists for services rendered under Article V of the Illinois Public Aid Code [305 ILCS 5/Art. V], the Covering ALL KIDS Health Insurance Act [215 ILCS 170], or the Children's Health Program Insurance Act [215 ILCS 106] administered by the Illinois Department of Healthcare and Family Services (HFS). (Section 10 of the Act)*

*"Dental Specialist" means a person who has received a license as a dentist in this State and who is trained and qualified to practice in one or more of the following specialties of dentistry: endodontics, oral and maxillofacial surgery, orthodontics, pedodontics, periodontics, and prosthodontics. (Section 10 of the Act)*

*"Dentist" means a person who has received a general license pursuant to Section 11(a) of the Illinois Dental Practice Act [225 ILCS 25/11(a)], who may perform any intraoral and extraoral procedure required in the practice of dentistry, and to whom are reserved the responsibilities specified in Section 17 of the Illinois Dental Practice Act. (Section 10 of the Act)*

*"Department" means the Department of Public Health. (Section 10 of the Act)*

*"Designated Shortage Area" means a dental Health Professional Shortage Area (HPSA) as defined by the United States Department of Health and Human Services (Designation of Health Professional Shortage Areas (42 CFR 5, 51c) and the Public Health Service Act (42 USC 216, 254c)) or as otherwise designated by the Department of Public Health. (Section 10 of the Act)*

*"Educational Loans" means higher education student loans that a person has incurred in attending a registered professional dental education program ~~in this State~~. (Section 10 of the Act)*

*"Full-Time Practice" means a dental practice with a 40-hour work week where at least 32 hours of the 40 hours per week are spent providing clinical services. These services shall be conducted during normally scheduled clinic hours in the ambulatory care setting offices ~~specified in the contract~~. The remaining hours*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

shall be spent providing inpatient care and/or in practice-related administrative activities. The 40 hours per week may be compressed into no fewer than four days per week, with no more than 12 hours of work to be performed in any 24-hour period. Time spent in "on-call" status will not count toward the 40-hour week. Hours worked over the required 40 hours per week will not be applied to any other work week.

"Grantee" refers to a person who is the recipient of a grant for educational loan repayment assistance under the Act and this Part.

"HPSA Score", "HPSA", or "Health Professional Shortage Area" refers to the HPSA shortage severity score calculated by the United States Department of Health and Human Services, Bureau of Health Professionals when an HPSA is federally designated. This severity score provides a relative number of the amount of dental shortage in a geographic area.

"Low Income Person" refers to a person whose income is at or below the 200% poverty level as determined by the most recent U.S. Census Bureau's decennial census information.

"Low Income Patients" refers to the patients in the dental practice whose income is at or below the 200% poverty level as determined by the most recent U.S. Census Bureau's decennial census information.

"Medical Assistance" means services for medical and dental assistance provided under Article V of the Illinois Public Aid Code.

"Medical Assistance Reimbursement Documentation" refers to the documentation of medical assistance reimbursement dollars that dentists receive from the Illinois Department of Healthcare and Family Services for dental services provided to medical assistance recipients. The Department of Healthcare and Family Services periodically provides this data to the Department.

"Metropolitan Statistical Area" means one or more adjacent counties that have at least one urban core area of at least 50,000 in population, plus adjacent territory that has a high degree of social and economic integration with the core as measured by commuting ties.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Program" means the educational loan repayment assistance program for dentists and dental specialists or dental hygienists established by the Department under the Act. (Section 10 of the Act)

"Registered Professional Dental Education Program" means a dental school ~~located in Illinois and~~ accredited by the American Dental Association Commission on Dental Accreditation (CODA).

"Rural" means any geographic area not located in a U.S. Census Bureau Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less; or a geographic area located within a Metropolitan Statistical Area but having a population of 2,500 or less.

"Service Area" refers to the geographic area of the HPSA.

"Service Term" refers to the length of time that the dentist or dental hygienist will receive loan repayment funds from the Department while serving a dental HPSA.

"Urban" means any geographic area that does not meet the rural geographic area definition in this Part.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 580.110 Incorporated and Referenced Materials**

- a) The following Illinois statutes are referenced in this Part:
- 1) Loan Repayment Assistance for Dentists Act [110 ILCS 948]
  - 2) Illinois Public Aid Code [305 ILCS 5]
  - 3) Illinois Dental Practice Act [225 ILCS 25]
  - 4) Children's Health Insurance Program Act [215 ILCS 106]
  - 5) Covering ALL KIDS Health Insurance Act [215 ILCS 170]
- b) The following federal ~~statute is~~statutes are referenced in this Part:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Public Health Service Act [42 USC 216, 254b and 254e]

- c) The following federal ~~regulation is~~ ~~regulations are~~ incorporated in this Part:  
Designation of Health Professional Shortage Areas (42 CFR 5, 51c) (October 1, 2007)
- d) Incorporations by reference of federal regulations refer to the regulations on the date specified and do not include any later amendments or editions.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART B: EDUCATIONAL LOAN REPAYMENT APPLICATION,  
ELIGIBILITY AND PROGRAM REQUIREMENTS

**Section 580.200 Application**

- a) *The Department shall, each year, consider 4 applications for assistance under the program.* (Section 20 of the Act) The Department will review all applications received.
- b) Applicants shall complete an application on forms available from the Department. The applicant shall indicate the location of the dental practice in a designated shortage area where service will be performed.
- c) Applicants shall document currently existing educational loan indebtedness to a governmental or commercial lending institution incurred for educational expenses in pursuit of the applicant's dental ~~or dental hygienist~~ ~~degree in Illinois~~. The documentation of indebtedness shall include a photocopy or original copy of promissory notes or other evidence of indebtedness with disclosure of the lending institution or agency, loan amount, loan period, and interest rate.
- d) Applicants shall demonstrate that the applicant meets all eligibility criteria in Section 580.210.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

**Section 580.210 Eligibility**

- a) Individuals who receive educational loan repayment assistance with federal funds are ineligible for assistance from this program.
- b) *To be eligible for assistance under the program, an applicant must meet all of the following qualifications: ~~(Section 25 of the Act)~~*
- 1)a) *He or she must be a citizen or permanent resident of the United States.*
- 2)b) *He or she must be a resident of this State.*
- 3)e) *He or she must be practicing full time in this State as a dentist, ~~or~~ dental specialist, or dental hygienist.*
- 4)d) *He or she must currently be repaying educational loans.*
- 5)e) *He or she must accept dental payments as defined in the Act.*
- 6)f) *He or she must ~~continue full time practice~~ or commit to practice full time in this State in a designated shortage area ~~for 2 years.~~ ~~(Section 25 of the Act)~~*
- 7) He or she must allocate at least 20% of all patient appointments to patients covered by Article V of the Illinois Public Aid Code, the Covering ALL KIDS Health Insurance Act, or the Children's Health Insurance Program Act. (Section 25 of the Act)

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 580.220 Grant Awards**

- a) *For each year that a qualified applicant who is selected as a recipient practices full time in this State in a designated shortage area as a dentist or dental specialist, the Department shall, subject to appropriation, award a grant to that person in an amount equal to the amount in educational loans that the person must repay that year. However, the total amount in grants that a person may be awarded under the program must not exceed \$25,000 per year for a 4-year*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

*period. The Department shall require recipients to use the grants to pay off their educational loans. (Section 30 of the Act)*

- b) The initial grant awarded to a dentist or dental specialist under the Act shall be for a 2-year period. Based on the successful completion of the initial 2-year grant, the grantees may be awarded up to 2 subsequent one-year grants. Grantees are eligible to receive grant funds for no more than a 4-year period. Previous grant recipients shall be given priority for years 3 and 4 grant funding, provided that the grantee continues to meet the eligibility requirements set forth in Section 25 of the Act. Grantees shall practice full time in a designated shortage area for the period of each grant awarded. (Section 30(c) of the Act)*
- c) The Department shall award grants to otherwise eligible dental applicants by using the following criteria:*
- 1) Dental specialist willing to practice in any designated shortage area.*
  - 2) Dentist willing to practice in a designated shortage area with the highest Health Professional Shortage Area (HPSA) score.*
  - 3) Dentist willing to practice in a designated shortage area with the highest HPSA score and agreeing to allocate the highest percentage of patient appointments to those that are covered by Article V of the Illinois Public Aid Code, the Covering ALL KIDS Health Insurance Act, or the Children's Health Insurance Program Act. (Section 30(e) of the Act)*
- d) Grants will be awarded in the order listed in subsection (c) of this Section. Dental specialists shall be the first group to receive funding. Once dental specialists are funded (or if no dental specialists apply) and if remaining funds allow, dentists will receive funding who fulfill the requirements of subsection (c)(2) of this Section. If there are more dentists applying for assistance than available funds, the Department shall award funding to dentists who fulfill the requirements of subsection (c)(3) of this Section.*
- e) For each year that a qualified applicant who is selected as a recipient practices full time in this State in a designated shortage area as a dental hygienist, the Department shall, subject to appropriation, award a grant to that person in an amount equal to the amount in educational loans that the person must repay that*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

year. However, the total amount in grants that a dental hygienist may be awarded under the program must not exceed \$25,000 per year for a two-year period. The Department shall require a recipient to use the grants to pay off his or her educational loans. (Section 30(c) of the Act)

- ~~f)b)~~ Payments ~~shall~~must be used for the repayment of educational loans, including principal, interest and related expenses of government and commercial loans, received by the individual and used for tuition expenses while attending a registered professional dental education program ~~in this State~~.
- ~~e)~~ ~~When qualified applicants are available in both the dentists and dental specialists groups, the Department will award at least one grant to an individual in each group. Applicants will be selected with the following scoring system:~~
- ~~1)~~ ~~All eligible applications will be divided into two groups:~~
    - ~~A)~~ ~~Dentists~~
    - ~~B)~~ ~~Dental Specialists~~
  - ~~2)~~ ~~Applicants in each group will be ranked by HPSA score from highest need to lowest need with highest need being awarded first.~~
  - ~~3)~~ ~~When qualified applicants are available, 50 percent of awards in each group will be made to urban dentists or dental specialists and 50 percent to rural dentists or dental specialists. When there are fewer than four eligible applications, the highest HPSA score not awarded from all groups will be the award recipient.~~
- ~~g)d)~~ The Department will accept applications for funding between July 1 and September 30 of each year, ~~except for 2009 when applications will be accepted between May 15 and June 1 and awarded by June 25~~. If enough eligible applications are received, all awards will be made. However, if funds remain available, subsequent applications will be evaluated individually as received.
- ~~h)e)~~ Payments shall be made on a quarterly basis to grant recipients following the completion of each three-month period of compliance with the terms of the grant agreement.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 580.230 Grant Terms and Obligations**

- a) Each dentist, ~~or dental specialist,~~ or dental hygienist selected for educational loan repayment shall enter into a written grant agreement with the Department.
- b) Grantees shall complete ~~two years of~~ service in the underserved area designated in their application. Grantees who wish to move their practice from the location described in the ~~grantee's recipient's~~ original application and retain status as a recipient shall receive written approval from the Department prior to relocating and shall relocate to an area that qualifies for the same or a higher HPSA score.
- c) Mandatory reporting requirements every six months include:
  - 1) The grantee shall provide documentation of the percentage of low income patients served in his or her practice. Medical assistance reimbursement documentation and practice documentation will be accepted for this purpose.
  - 2) The grantee shall provide documentation that the amount of money paid for educational loan debt is greater than or equal to the amount of money paid by the Department under this program. Cancelled checks or documentation from the lending institution will be accepted for this purpose.
- d) For dentists and dental specialists, the grant program administered under this Part will allow for an initial two-year grant and two additional one-year grants. Grantees are eligible to receive grant funds for no more than a four-year period. Previous grantees shall receive priority for years three and four of grant funding, provided that:
  - 1) The grantee successfully completes the initial two-year grant; and
  - 2) The grantee continues to meet the eligibility requirements stipulated in Section 25 of the Act.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- e) *The grant award for a dental hygienist shall be for a maximum of 2 years.*  
(Section 30(c) of the Act)
- d) ~~The grant program administered under this Part will allow for an initial two-year grant and one additional two-year grant. Grant recipients will be given priority for the second two-year grant funding so long as they continue to meet the eligibility requirements described in Section 25 of the Act.~~

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)