

DECLARATION OF EMERGENCY

Department of Health Office of Public Health

Health Professional Development Program
(LAC 48:V.Chapter 133)

The Louisiana Department of Health, Office of Public Health, pursuant to the authority granted in R.S. 40:1205.7, hereby adopts the following Emergency Rule. This Rule is being promulgated in accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) generally, and R.S. 49:962 specifically.

The LDH finds it necessary to make additions to the Louisiana Administrative Code as a consequence of funding allocated thru Act No. 167 of the 2022 Regular Session of the Louisiana Legislature, which provided funding related to R.S. 40:1205.1 et seq., Health Professional Development Program. The following changes will provide the LDH the authority and ability to effectively administer the Health Professional Development Program, which is vital to the health of Louisiana's citizens and visitors.

Accordingly, the following Emergency Rule, effective January 23, 2023, shall remain in effect for a maximum of 180 days, or until the final Rule is promulgated, whichever occurs first.

Title 48

PUBLIC HEALTH—GENERAL Part V. Preventive Health Services Subpart 49. Community Based and Rural Health Services

Chapter 133. Funding Eligibility

§13305. Health Professional Development Program

A. The Louisiana Department of Health ("LDH") has developed and shall administer a plan for recruitment and retention of primary health care practitioners to practice in health professional shortage areas or facilities. The plan will provide for identification of shortage areas, prioritize long-term and short-term goals and strategies, provide a special minority component, and provide for public input.

B. The Louisiana Department of Health shall implement the recruitment and retention plan, directly or through contract. Implementation may include advertising and promotion, professional recruitment services, travel, and all other necessary expenses.

C. Contingent upon available funding, the Louisiana Department of Health will establish a Rural Physician Loan Repayment Program, pursuant to R.S. 40:1205.3. The LDH may establish one or more application cycles during any state fiscal year. At the beginning of any application cycle, notice of application will be publicized through electronic methods (email, newsletter, or the LDH website: <https://wellaheadla.com>).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1205.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:

§13307. Rural Physician Loan Repayment Program; Criteria

A. Criteria for Applicants. To be eligible for the loan repayment program, an applicant shall:

1. be licensed and qualified as a doctor of allopathic/osteopathic medicine (MD/DO) to practice in Louisiana;

2. provide primary care services in a federally designated health professional shortage area (family practice, general practice, internal medicine, pediatrics, obstetrics/gynecology, psychiatry);

3. be a United States citizen/national;

4. agree to serve a minimum of five years in a federally designated health professional shortage area (HPSA) appropriate for their discipline;

5. work full-time (40 hours/week), with a minimum of 32 hours per week providing clinical services in an outpatient/ambulatory care setting or providing comprehensive patient care;

6. not have an outstanding contractual obligation to provide a health professional service to the federal government (e.g. an active military obligation, National Health Services Corp (NHSC) Loan Repayment Program, NHSC Scholarship Program), or any other entity unless that service obligation will be completely satisfied before the contract has been signed;

7. not have breached a health professional service contract with the federal, state, or local government, or other entities;

8. not have defaulted on their educational loans at any time, unless corrective actions have been made and loans are now in good standing;

9. not have a lien levied against their property for a debt to the United States government;

10. not be arrears on child support payments; and

B. Criteria for Practice Sites. To be an eligible practice site, the site must:

1. be public, non-profit, or for-profit;

2. be located in federally-designated HPSA;

3. accept reimbursement from Medicare, Medicaid, and the Children's Health Insurance Program, provide discounts for individuals with limited incomes by use of a sliding fee scale, and see all patients regardless of their ability to pay;

4. charge for professional services at the usual and customary prevailing rates except free clinics;

5. have photos of signage located in the lobby/check-out area stating "We offer a sliding fee scale based on family size and income", "We accept all patients regardless of ability to pay" and "This facility does not discriminate based on race, color, sex, national origin, disability, age, religion, sexual orientation, gender identity, or inability to pay."

C. Examples of eligible practice sites types include but are not limited to:

1. Federally Qualified Health Centers (FQHCs);

2. FQHC look-a-likes;

3. Centers for Medicare and Medicaid Services certified rural health clinics;

4. community mental health facilities;

5. state and county health department clinics;

6. Immigration and Customs Enforcement Health Service Corps;

7. free clinics offering comprehensive primary care services;

8. mobile units (must be associated with a brick-and-mortar facility);

9. school-based health clinics;

10. critical access hospitals affiliated with a qualified outpatient clinic;

11. long-term care facilities;

12. state mental health facilities;

13. Indian Health Service Facilities, Tribally-Operated 638 Health Programs, and Urban Indian Health Programs;

14. correctional or detention facilities; or

15. private medical practices (solo or group).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1205.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:

§13309. Award Amounts

A. Award amounts are contingent upon available funding and the amount of qualifying student loan debt.

B. LDH will contract directly with the award recipient.

C. Award amount may be up to \$150,000 for a five-year contract (or the amount of the principle balance of the educational loan if less than the total eligible to receive).

D. Participants who complete their original five-year commitment in compliance, remain in an eligible site in a HPSA, and still have educational loans to repay, may be able to extend their commitment with a two-year renewal to receive up to \$15,000 annually.

E. Disbursement of funds will occur quarterly upon receipt of loan verification of payment (LPV) for the funds paid the prior quarter.

F. If the contractor breaches their obligation, the contractor will be subject to pay an amount equal to the sum of the following:

1. the total amount paid by the LDH to, or on behalf of, the participant for loan repayment 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 judicial interest rate pursuant to R.S. 13:4202, from the date of breach.

NOTE: The minimum amount that LDH is entitled to recover will not be less than \$31,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1205.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:

§13311. Application

A. Program guidance and required forms will be updated as necessary on an annual basis and posted on the LDH website. Applications and other required documents shall be submitted directly to the Louisiana Department of Health at the address or using the electronic upload method noted in the program guidance. All applications (hard copy or on-online application) must include the following:

1. copy of executed employment contract for the length of years participating in this program or a letter verifying employment, if an employment contract is not available;

2. resume;

3. copy of current professional license;

4. documentation of the current principle balance of the applicant's certified educational debt, including name and account number for each loan;

5. signed practice site information form for all sites at which the applicant provides services, completed by employer;

6. signed practice site agreement form for all participating sites, completed by employer;

7. signed attestation of no other obligation form;

8. signed certification regarding environmental tobacco smoke form;

9. signed release from liability form;

10. signed consent for release of information waiver of confidentiality form;

11. copy of employer's sliding fee scale/discount fee policy;

12. copy of employer's sliding fee scale/discount fee schedule-actual scale;

13. photos of signs in a conspicuous place in the waiting room of the practice that states:

a. "We offer a sliding fee scale based on family size and income.";

b. "We accept all patients regardless of ability to pay."; and

c. "This facility does not discriminate based on race, color, sex, national origin, disability, age, religion, sexual orientation, gender identity, or inability to pay.";

14. copy of current Louisiana Medicaid Provide ID Number or a copy or application for this number (if provider does not have individual number, the facility number is acceptable);

15. completed IRS Form W-9 Request for Taxpayer ID Number that matches applicant address;

16. completed Electronic Funds Transfer Form with voided blank check or direct deposit form from a financial institution. The bottom of this form should be completed by your financial institution. Please make sure the box on the middle left page is checked;

17. if applicable, proof of site's non-profit and/or public status (IRS Form 501c3 or board resolution); and

18. for public employee(s), a letter of agreement with the governmental agency and verification of employment will be accepted in lieu of an employment contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1205.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:

§13313. Selection Criteria

A. This program utilizes the criteria described in Subsection C of this Section to determine how individuals are selected to participate in the program. A point-based system is used to review/select recipients. All applications and scores will be compiled and presented to program leadership.

B. Upon receipt of applications and scores, program leadership will have five business days to make final selection. All who applied will be notified of acceptance or denial within five business days of final selection. Submitting an application does not guarantee selection. Support may be provided for up to two physicians per site per year. At the end of the application period, if there are remaining funds then additional physicians may be supported per site. In the event of a tie, additional points will be provided if:

1. Primary Service Site HSPA Score 20 or higher = 1 point;

2. Medicaid at Primary Site 75 percent or higher = 2 points;

3. Applicant previously applied (past 3 years) to the state loan repayment program and was not selected = 1 point.

C. The following criteria will be used to score applicants:

1. Applicant completed the Rural Health Scholars Program (RHSP)

a. Completed the RHSP = 2 points.

2. Applicant's primary service site serves a high percentage of underserved patients, including those who have a Medicaid managed health plans and Medicare, those who are uninsured and indigent or underinsured and unable to find treatment.

a. Primary Service Site is a School Based Health Clinic or Correctional Facility = 2 points.

b. Medicaid at Primary Site 51 percent or higher = 2 points.

c. Medicaid at Primary Site 15 percent to 50 percent = 1 point.

d. Medicare at Primary Site 15 percent or higher = 1 point.

e. Uninsured and indigent or underinsured at Primary Site 15 percent or higher = 1 point.

3. Applicant's primary service site is in a HPSAs with the highest degree of shortage, rural, and whose service will have the greatest impact on underserved populations in these high-needs parishes (see maps of Louisiana HPSAs).

a. Primary Service Site HSPA Score 10 or higher = 1 point.

b. Primary Service Site is in a High Needs HPSA = 1 point.

4. Applicant's primary service site serves Louisiana's targeted populations. (see maps of Louisiana HPSAs or targeted populations).

a. Primary Service Site has 25 percent or higher of HIV/AIDS patients = 2 points.

b. Primary Service Site's "SUD Population" is greater than 25 percent = 2 point.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1205.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:

§13315. Rural Health Scholars Program

A. Contingent upon available funding, the Louisiana Department of Health may establish a Rural Health Scholars Program pursuant to R.S. 40:1205.3. The Rural Health Scholars Program encourages health professions students to practice in Louisiana's Health Professional Shortage Areas (HPSAs) by building partnerships between rural and underserved healthcare facilities and colleges and universities. The program will pay stipends to eligible and selected students and their eligible schools as set forth in this Section. LDH may establish one or more application cycles at any state fiscal year. At the beginning of any application cycle, notice of application cycle will be publicized through electronic methods (email, newsletter, or on the LDH website: <https://wellaheadla.com>).

B. Eligibility Criteria for Students. Students are eligible for the program if they are currently enrolled in one of the following healthcare profession programs:

1. MD/DO physicians (family or general practice, internal medicine, obstetrics/gynecology and pediatrics);

2. DDS/DMD: general and pediatric dentistry;

3. NP: nurse practitioner;

4. PA: physician assistant; or

5. RDH: registered dental hygienist.

C. Student service requirements are as follows:

1. must complete, during the term of the written agreement required by this Section, a 180-hour rotation in a rural healthcare facility that meets the eligible practice site criteria set forth in this Section;

2. must participate in an on-line seminar (assigned by LDH) that details health disparities, discusses health equity, and provide information on chronic disease prevention efforts in rural Louisiana;

3. must submit an experience essay detailing their experience in the healthcare facility;

4. must participate in a pre and post survey following the completion of the program.

D. Criteria for eligible practice sites. Eligible practice sites must:

1. be located in a federally designated HPSA;

2. accept reimbursement from Medicare, Medicaid, and the Children's Health Insurance Program (CHIP), utilize a sliding fee scale, and see all patients regardless of their ability to pay; and

3. must provide discounts for individuals with limited incomes (i.e. use a sliding fee scale).

E. Criteria for eligible university/schools of higher education:

1. accredited medical program at an in-state university or school of higher education;

2. ability to provide healthcare facilities with preceptor roles, responsibilities, and mandatory qualifications;

3. ability to mentor/work directly with students;

4. ensure that students meet standards for immunization, CPR, liability insurance, background, drug testing, etc. prior to beginning their rotations;

5. facilitate open communication between the college/university and each healthcare facility; and

6. ensure that the student's clinical rotation aligns with college/university goals.

F. Award Amounts. LDH shall enter into mandatory written agreements with the chosen healthcare facility, university/school of higher education, and student. Students who fulfill all requirements of this Section will receive a stipend not to exceed \$6,000 and an additional \$2,000 toward living expenses for a total of \$8,000 for the entirety of the agreement. The hosting healthcare facility will receive a maximum of \$5,000 per each student participant hosted. Each university/school of higher education will receive \$5,000 for program participation. Number of students selected and stipend amounts may vary depending on funding.

G. Student Application/Selection. All applications and scores will be compiled and presented to program leadership. Program leadership will have five business days to make a final selection. Applicants who apply will be notified of acceptance or denial within five business days of final selection. In the event of a tie, equal distribution of students from universities will be made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1205.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:

Interested persons may submit written comments to Nicole Coarsey, State Office of Rural Health Officer, Well Ahead Louisiana, Office of Public Health, Louisiana Department of Health, P.O. Box 4489, Baton Rouge, LA 70821-4489. She is responsible for responding to inquiries regarding this Emergency Rule.

Dr. Courtney N. Phillips
Secretary

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