**R434. Health and Human Services, Population Health, Primary Care and Rural Health.**

**R434-40. Utah Health Care Workforce Financial Assistance Program.**

**R434-40-1. Authority and Purpose.**

(1) Section 26B-1-202 and Subsections 26B-4-702(1)(c)(ii) and 26B-4-702(3) authorize this rule.

(2) This rule governs the administration of the Utah Health Care Workforce Financial Assistance Program, as created in Section 26B-4-702.

**R434-40-2. Definitions.**

Terms used in this rule are defined in Section 26B-4-702. Additionally:

(1) "Applicant" means an individual who submits a completed application and meets the application requirements established by the department for a loan repayment grant or scholarship grant under Section 26B-4-702.

(2) "Approved site" means a department-reviewed and department-accepted site where a recipient may fulfill a service obligation and that meets the eligibility criteria established in this rule, including:

(a) a site located within an underserved area within the state which:

(i) provides health care; and

(ii) the majority of patients served are medically underserved due to:

(A) a lack of health care insurance;

(B) an unwillingness of existing geriatric professional and health care professionals to accept patients covered by government health programs; or

(C) other economic or language barriers to health care access; or

(b) a Utah nursing school or training institution that:

(i) provides a nursing education course of study to prepare persons for the practice of nursing under Title 58, Chapter 31b, Nurse Practice Act or under Title 58, Chapter 44a, Nurse Midwife Practice Act; and

(ii) has a shortage of nurse educator faculty.

(3) "Clinical-related administrative, management, or other activities" means:

(i) administrative care coordination activities;

(ii) charting;

(iii) training, laboratory follow-up, patient correspondence, attending staff meetings, activities related to maintaining professional licensure, and other non-treatment related activities pertaining to the participant's approved practice; or

(iv) any time spent in a management role.

(4) "Dental hygiene" means the science and practice of recognition, prevention, and treatment of oral diseases and conditions as an integral component of total health.

(5) "Department" means the Department of Health and Human Services.

(6) "Educational expenses" means the cost of education in a health care profession, including books, education equipment, fees, materials, reasonable living expenses, supplies, and tuition.

(7) "Eligible bona fide loan" means a loan used to pay for educational expenses leading to a qualifying recipient's relevant professional degree, including:

(a) a commercial loan made by a bank, credit institution, credit union, insurance company, savings and loan association, or school;

(b) a governmental loan made by a federal, state, county, or city agency; and

(c) a loan made by another person with documentation demonstrating:

(i) a contract with notarization at the time of the making of the loan;

(ii) an arm's length transaction; and

(iii) that the loan offers a similarly competitive term and rate compared with other loans made available to students.

(8) "Employer contribution" means the funding contributed by the recipient's health care facility employer as part of the recipient's total assistance.

(9) "Forensic pathology" means a subspecialty of pathology which investigates non-natural or suspicious deaths, often referred to as reportable deaths.

(10) "Geriatric" means an individual 65 years old and older.

(11) "Geriatric professional" means the same as defined in Section 26B-4-702.

(12) "Grant" means an award of funds under a grant agreement.

(13) "Loan repayment grant" means a grant to pay educational loans in exchange for service for a specified period at an approved site.

(14) "Mental health professional" means a mental health therapist as defined in Subsection 58-60-102(15).

(15) "Nurse educator" means a nurse employed by a Utah school of nursing providing nursing education to individuals leading to licensure or certification as a nurse.

(16) "Postgraduate training" means an internship, practicum, preceptorship, or residency training required for licensure of a geriatric, health care, or mental health professional, and as required by this rule.

(17) "Program" means the Utah Health Care Workforce Financial Assistance Program.

(18) "Publicly funded" means any facility which:

(a) is administered or run by a state, local, or municipal government agency;

(b) is contracted with a government agency to provide services on behalf of the government agency; or

(c) receives a substantial amount of state or federal funding.

(19) "Recipient" means an applicant selected to receive a loan repayment grant or scholarship grant under Section 26B-4-702.

(20)(a) "Scholarship grant" means a grant for educational expenses awarded to an individual who agrees to become a nurse educator in exchange for service for a specified period at an approved site.

(b) The approved site for a scholarship grant recipient shall be a Utah nursing school or training institution.

(21) "Service obligation" means professional service provided at an approved site for a minimum of three years in exchange for a loan repayment grant or scholarship grant.

(22) "Total assistance" means the full amount of department-approved loan repayment assistance for a recipient, equal to the sum of the department's loan repayment grant and the employer's contribution.

(23) "Unrestricted license" means an active license not qualified or limited due to disciplinary action as defined in Subsection R156-1-102(26).

**R434-40-3. Loan Repayment Grant Terms and Service.**

(1) The department may provide a loan repayment grant to geriatric, health care, and mental health professionals to repay loans taken for educational expenses in exchange for their agreement to serve for a specified period at an approved site in the state.

(2) The department may only award a loan repayment grant to repay eligible bona fide loans taken by eligible individuals for educational expenses incurred while pursuing an educational degree qualification to practice in the applicant's professional field.

(3) A recipient's total assistance under this rule may not be:

(a) used to satisfy other obligations owed by the recipient under any similar program;

(b) used to repay a loan that is in default at the time of application; or

(c) in an amount greater than the total outstanding balance on any eligible bona fide loan listed in the application, including accrued interest.

(4) A recipient must perform at least 90 days of service at an approved site before the department may disburse any grant money under Section 26B-4-702.

**R434-40-4. Scholarship Grant Terms and Service.**

(1) To increase the number of nurse educators in underserved areas in the state, the department may provide a scholarship grant to individuals seeking to become nurse educators.

(2) The department may provide a scholarship grant to pay educational expenses while an applicant pursues an education at an institution accredited by the National League of Nursing that provides training leading to the award of a final degree qualifying the applicant to become a nurse educator in the state.

(3) Scholarship grants awarded under this rule may not be:

(a) used to satisfy other obligations owed under any similar program; or

(b) in an amount greater than is reasonably necessary to meet educational expenses.

(4) A scholarship grant recipient shall seek a course of education that meets or exceeds the minimum number of course hours per year set by the department and leads to a degree or completion of specified additional course work in a number of years as set by the department.

**R434-40-5. Loan Repayment Grant Administration.**

(1) The department may award a loan repayment grant to repay a recipient's eligible bona fide loans.

(2) As outlined by the department, a loan repayment grant recipient shall provide information reasonably necessary for administration of the program.

(3) The department shall determine the total assistance for a recipient.

(4) The loan repayment grant recipient may not enter into any other similar contract until the recipient satisfies the service obligation described in the grant agreement.

(5) The department may approve payment to a loan repayment grant recipient for increased federal, state, and local taxes caused by receipt of the loan repayment grant.

(6) The department may not approve an award for an educational loan of a loan repayment grant to an applicant who is in default on a loan when submitting an application.

(7) An applicant must enter into a grant agreement with the department that binds the applicant to the terms of the program before the applicant receives a loan repayment grant.

(8) A loan repayment grant recipient shall have and maintain an unrestricted license to practice in the recipient's health care specialty in the state before the recipient's first day of service under the grant agreement.

(9) A loan repayment grant recipient must obtain department approval of a site before beginning the service obligation at that approved site.

(10) A loan repayment grant recipient must obtain department approval before any change of an approved site where the recipient fulfills the service obligation.

**R434-40-6. Scholarship Grant Administration.**

(1) The department may award scholarship grant funds to a recipient for a maximum of four years or until the recipient earns a nursing postgraduate degree.

(2) The department may pay tuition and fees directly to the school or directly to the scholarship grant recipient. The department shall determine the amount and frequency of any such tuition and fee payments.

(3) The scholarship grant recipient may not enter into a scholarship agreement other than with the program established in Section 26B-4-702 until the service obligation in the grant agreement is satisfied.

(4) A scholarship grant recipient shall work full-time, as defined by the scholarship grant recipient's employer and as specified in the grant agreement with the department.

(5) A scholarship grant recipient shall serve one year of service obligation for each year the recipient receives a scholarship grant under the program, with a minimum of three years required.

(6) The department may cancel a scholarship grant at any time if:

(a) the department finds that the scholarship grant recipient has voluntarily or involuntarily terminated the recipient's schooling or postgraduate training; or

(b) it appears to be a reasonable certainty that the scholarship grant recipient does not intend to practice as required by statute, rule, and the grant agreement in an underserved area in the state.

(7) Upon completion of schooling and required postgraduate training, the scholarship grant recipient shall find employment at an approved site.

(8) A scholarship grant recipient must obtain department approval before beginning the service obligation at an approved site.

(9) A scholarship grant recipient must obtain department approval before any change of an approved site where the recipient fulfills the service obligation.

(10) If there is no available approved site upon a scholarship grant recipient's graduation, the recipient shall repay the scholarship grant amount as provided by the scholarship grant agreement.

(11) A scholarship grant recipient shall obtain an unrestricted license to practice in the state and begin practicing for the agreed upon period at an approved site within three months of completion of postgraduate training.

**R434-40-7. Full- and Part-Time Equivalency Provisions for Recipients.**

(1) A recipient's total assistance is based on the level of full-time equivalency that the recipient agrees to work.

(2) For full-time recipients providing primary medical care services, each recipient shall work a minimum of 40 hours per week for at least 45 weeks per service year.

(a) A recipient shall spend at least 32 hours per week providing patient care at an approved site.

(i) Of the minimum 32 hours spent providing patient care, a recipient shall spend no more than eight hours per week in a teaching capacity.

(ii) A recipient providing patient care while a student or resident observes shall count that time as patient care, not as time spent in a teaching capacity.

(b) A recipient may spend the remaining eight hours per week providing patient care in an alternative approved site, including:

(i) in a hospital;

(ii) in a nursing home;

(iii) in a shelter; or

(iv) performing clinical-related administrative activities.

(3) For part-time recipients providing primary medical care services, each recipient shall work a minimum of 20 hours per week for at least 45 weeks per service year.

(a) A recipient shall spend at least 16 hours per week providing patient care at an approved service site.

(i) Of the minimum 16 hours spent providing patient care, a recipient shall spend no more than four hours per week in a teaching capacity.

(ii) A recipient providing patient care while a student or resident observes shall count the time as patient care, not as time spent in a teaching capacity.

(b) A recipient may spend the remaining four hours per week providing patient care in an alternative approved site, including:

(i) in a hospital;

(ii) in a nursing home;

(iii) in a shelter; or

(iv) performing clinical-related administrative activities.

(4) For full-time recipients providing mental health services, each recipient shall work a minimum of 40 hours per week for at least 45 weeks per service year.

(a) A recipient shall spend at least 20 hours per week providing patient care at an approved service site.

(i) Of the minimum 20 hours spent providing patient care, a recipient shall spend no more than eight hours per week in a teaching capacity, performing clinical-related administrative activities, or in an alternative approved site, including:

(A) in a hospital;

(B) in a nursing home; and

(C) in a shelter as directed by the approved site.

(ii) A recipient providing patient care while a student or resident observes shall count the time as patient care, not as time spent in a teaching capacity.

(b) A recipient shall spend the remaining 20 hours per week providing patient care at an approved service site or performing service as a behavioral or mental health professional in a school or other community-based setting.

(5) For part-time recipients providing mental health services, each recipient shall work a minimum of 20 hours per week for at least 45 weeks a year.

(a) A recipient shall spend at least 10 hours per week providing patient care at an approved service site.

(i) Of the minimum 10 hours spent providing patient care, a recipient shall spend no more than four hours per week in a teaching capacity, performing clinical-related administrative activities, or in an alternative approved site, including:

(A) a hospital;

(B) a nursing home; and

(C) a shelter as directed by the approved site.

(ii) A recipient providing patient care while a student or resident observes shall count the time as patient care, not as time spent in a teaching capacity.

(b) A recipient shall spend the remaining 10 hours per week providing patient care at an approved site or, when directed by the approved site, performing service as a behavioral or mental health professional in a school or other community-based setting.

(6) A full-time loan repayment grant recipient whose professional responsibilities change such that the recipient no longer meets the criteria for a full-time award may receive part-time award funding for the rest of the service obligation, if the recipient meets the criteria for a part-time award and the recipient's site approves the new funding amount.

(7) A scholarship grant recipient shall work full-time, as defined by the scholarship grant recipient's employer and as specified in the scholarship grant with the department.

(8) The department may approve a full-time equivalency of less than 40 hours per week if the applicant's employer can demonstrate that performing less than 40 hours per week at the approved site combined with other activities, such as on-call service, is equivalent to a 40-hour work week.

**R434-40-8. Approved Site Determination.**

(1) The department shall approve a site based on a site-submitted application.

(2) To determine an approved site that is not a nursing school, the department may use criteria, including:

(a) the percentage of the population with an income under 200% of the federal poverty level;

(b) the percentage of the geriatric population;

(c) the percentage of the population under 18 years of age;

(d) the distance to the nearest geriatric, health care, or mental health professional and any barrier to accessing those services;

(e) the ability of the site to provide support facilities and services required for an applicant to practice in the applicant's specialty;

(f) the financial stability of the site;

(g) the percent of uninsured patients served or the percent of patients publicly insured by government programs, including Medicaid, Medicare, and CHIP;

(h) the site's policy and practice to provide care regardless of a patient's ability to pay; and

(i) any other information provided by the site demonstrating support for the program's purposes as described in Section 26B-4-702.

(3) To determine an approved nursing school site, the department may use criteria, including:

(a) a demonstrated shortage of nursing educator faculty;

(b) the number of degrees sought by students;

(c) the number of students denied for each degree sought;

(d) the residency of students;

(e) the ability of the nursing school to provide support facilities and services to train for the requested position;

(f) the faculty to student ratio, including the ratio of clinical and classroom instructors;

(g) the average class size for each degree offered by the school;

(h) the school's plans to expand enrollment;

(i) the current and projected staffing for the type of instructor requested;

(j) the sources and stability of funding to hire and support the prospective instructor;

(k) the distance to the nearest nursing school; and

(l) any other criteria that the site can provide to demonstrate support to the program as described in Section 26B-4-702.

(4) The department may give preference to sites that provide letters of support from the area served by the prospective employer, including letters from any:

(a) business leader;

(b) citizen;

(c) county or civic leader;

(d) hospital administrator;

(e) local chamber of commerce;

(f) local health department; and

(g) practicing health care professional.

(5) The department may give preference to a site:

(a) located in a service area designated by the United States Health Resources and Services Administration as having a health care professional shortage; and

(b) that requests one of the following medical specialties:

(i) family practice;

(ii) internal medicine;

(iii) obstetrics and gynecology;

(iv) pediatrics;

(v) mental health;

(vi) dental hygiene; or

(vii) forensic pathology.

(6) To be considered for approval, a site must offer a salary and benefit package competitive with salary and benefit packages offered to similar healthcare professionals within the service area.

(7) Each approved site employing a loan repayment grant recipient shall provide education loan repayment assistance to the recipient:

(a) in an amount equal to 20% of the loan repayment grant amount awarded by the department to the recipient; and

(b) in accordance with the schedule provided in the site's written agreement with the recipient.

**R434-40-9. Loan Repayment Grant Eligibility and Selection.**

(1) In selecting a recipient for a loan repayment grant award, the department shall evaluate each applicant based on:

(a) the applicant's:

(i) ability and willingness to provide care, regardless of a patient's ability to pay;

(ii) academic standing;

(iii) achieving an early match with an approved site;

(iv) board certification or eligibility;

(v) financial need;

(vi) peer recommendations;

(vii) postgraduate training achievements;

(viii) prior professional or personal experience serving in an underserved area;

(ix) willingness to serve patients who are without insurance or who are insured by government programs, such as Medicaid, Medicare, and CHIP; and

(x) other demonstrable facts that establish the applicant's professional competence or conduct;

(b) the applicant's commitment to serve in an underserved area, demonstrated through:

(i) work or volunteer experience at:

(A) a community or migrant health center;

(B) a geriatric clinic;

(C) a homeless shelter;

(D) a public health department clinic; or

(E) any other service commitment to a medically underserved population;

(ii) work or educational experience with a geriatric or medically underserved population through AmeriCorps VISTA, the Peace Corps, or a similar volunteer agency;

(iii) language skills essential for the provision of health care services to a medically underserved population;

(iv) any other demonstrable fact or experience that establishes the applicant's commitment to serve in an underserved area; and

(v) the availability of the applicant to begin service, with the department giving greater consideration to an applicant available for earlier service dates; and

(c) the approved site's need for a healthcare professional who has training in the applicant's health care specialty;

(2) To be considered eligible for a loan repayment grant, an applicant must:

(a) apply for the grant within 18 months of the start of an applicant's employment at an approved site; and

(b) be a United States citizen or permanent resident.

(3) The applicant shall submit a written commitment from the health care facility employing the applicant that the facility will provide the employer contribution in an amount equal to 20% of the loan repayment grant amount awarded by the department.

(4) The department may give priority to an applicant working at a publicly funded site.

**R434-40-10. Scholarship Grant Eligibility and Selection.**

(1) In selecting a recipient for a scholarship grant, the department shall evaluate each applicant based on:

(a) the applicant's:

(i) academic ability as demonstrated by official transcripts and school admission test scores;

(ii) educational, personal, and professional references demonstrating the applicant's good character and potential to successfully complete school;

(iii) projected educational expenses; and

(iv) scholarship application essay;

(b) the applicant's commitment to serve in an underserved area, as demonstrated through:

(i) work or volunteer service in an underserved area or a service commitment to a medically underserved population;

(ii) work or educational experience with a medically underserved population through AmeriCorps VISTA, the Peace Corps, or a similar volunteer agency;

(iii) language skills that are essential for the provision of health care services to a medically underserved population; and

(iv) any other demonstrable fact or experience that establishes the applicant's commitment to the medically underserved;

(c) evidence that an accredited school has accepted the applicant or that the applicant currently attends an accredited school; and

(d) evidence that the applicant has a license in good standing to practice under:

(i) Title 58, Chapter 31b, Nurse Practice Act; or

(ii) Title 58, Chapter 44a, Nurse Midwife Practice Act.

(2) To be considered eligible for a scholarship grant, an applicant must be a United States citizen or permanent resident.

(3) In selecting a scholarship grant recipient, the department may give preference to an applicant who agrees to serve for a greater length of time.

**R434-40-11. Loan Repayment and Scholarship Grant Service Obligation.**

(1) Before being awarded a grant under Section 26B-4-702, an applicant selected by the department for an award must enter into a grant agreement with the department.

(2) The grant agreement shall include necessary conditions to carry out the purposes of Section 26B-4-702 and this rule.

(3) In exchange for financial assistance under Section 26B-4-702, a recipient shall serve:

(a) in an underserved area at an approved site; and

(b) for a period:

(i) established when the grant is awarded; and

(ii) that is at least three years.

(4) The amount owed for the awarded grant retires upon completion of service at an approved site as required by the grant agreement.

(5) Periods of internship, preceptorship, or other clinical training may not satisfy the service obligation under Section 26B-4-702.

(6) A scholarship grant recipient shall:

(a) be a full-time matriculated student and meet the school's requirements to continue in the program and receive an advanced degree within the time specified in the scholarship grant agreement, unless extended pursuant to Section R434-40-14;

(b) provide to the department documented evidence of an approved site's intent to hire the recipient within three months before and one month after graduation or completion of postgraduate training;

(c) upon completion of schooling or postgraduate training, find employment at an approved site;

(d) obtain an unrestricted license to practice in Utah before beginning to fulfill the service obligation at the approved site;

(e) obtain approval from the department before beginning to fulfill the recipient's service obligation at an approved site;

(f) begin employment at the approved site within three months of graduation or completion of postgraduate training; and

(g) obtain department approval before any change to the approved site where the recipient fulfills the service obligation.

**R434-40-12. Loan Repayment Grant Breach, Repayment, and Penalties.**

The loan repayment grant agreement shall explain the repayment requirements and penalties for a recipient who fails to complete the service obligation.

**R434-40-13. Scholarship Grant Breach, Repayment, and Penalties.**

The scholarship grant agreement shall explain the repayment requirements and penalties for a recipient who fails to complete the service obligation.

**R434-40-14. Extension of Loan Repayment and Scholarship Grants.**

(1) The department may extend the period within which the loan repayment grant recipient shall complete the service obligation at an approved site.

(a) A loan repayment grant recipient may apply to extend the grant agreement by one year if the recipient:

(i) has signed a grant agreement for three years; and

(ii) has started working at the approved site to fulfill the service obligation.

(b) A loan repayment grant recipient who wants to extend the loan repayment grant period shall:

(i) inform the department in writing of the recipient's interest in extending the grant agreement at least six months before the end of the current service obligation; and

(ii) submit a written commitment from the health care facility employing the recipient that the facility will provide the employer contribution in an amount equal to 20% of the loan repayment grant amount awarded by the department to the recipient for the extension period.

(2) The department may extend the period within which the scholarship grant recipient shall complete the recipient's education at an approved site:

(a) if the scholarship grant recipient has a serious illness;

(b) if the military activates the scholarship grant recipient; or

(c) for other good cause shown, as determined by the department.

**R434-40-15. Release of Recipient from Service Obligation.**

(1) The department may cancel or release, partially or fully, a recipient from the service obligation under the grant agreement without penalty:

(a) if the recipient fulfills the service obligation;

(b) if the recipient fails to meet the conditions of the award or if it reasonably appears the recipient will not meet the loan repayment or scholarship grant conditions;

(c) if, due to permanent disability that prevents the recipient from performing any work for remuneration or profit, the recipient cannot:

(i) fulfill the service obligation; or

(ii) complete the required schooling;

(d) if the recipient dies;

(e) if the recipient experiences extreme hardship, including if a family member for which the recipient is the principal caregiver has a life-threatening chronic illness;

(f) if there are no funds appropriated by the Legislature or by the federal government for the program; or

(g) for other good cause shown, as solely determined by the department.

(2) The department may develop alternative service obligation criteria that a loan repayment grant or scholarship grant recipient may use to fulfill the service obligation if the recipient cannot fulfill the service obligation at an approved site due to reasons beyond the recipient's control.

**R434-40-16. Reporting Requirements of Recipients.**

The department may require a recipient to provide information regarding:

(1) academic performance;

(2) commitment to underserved areas;

(3) continuing financial need;

(4) service obligation fulfillment; or

(5) other information reasonably necessary for the administration of the program while the recipient is:

(a) in school;

(b) in postgraduate training; or

(c) completing the service obligation.

**R434-40-17. Reporting Requirements of Approved Sites.**

The department may require the approved site to provide information regarding:

(1) an award recipient's performance;

(2) commitment to underserved areas;

(3) service obligation fulfillment; and

(4) other information reasonably necessary for the administration of the program during the award recipient's service obligation.

**KEY: medically underserved, grants, scholarships, Utah Health Care Workforce Advisory Committee**

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