

Rules For Loan Repayment Program For Dental Professionals

1.1 Definitions.

- (1) “Board” means the State Board of Health.
- (2) “Dental hygienist provider level I” means:
 - (A) A licensed dental hygienist who provides services to at least twenty (20) underserved patients per month on average; or
 - (B) A licensed dental hygienist who provides services to at least twenty (20) underserved patients per month on average and is employed by a Federally Qualified Health Center; or
 - (C) A licensed dental hygienist who provides service to at least twenty (20) underserved patients per month on average and owns or is employed by a practice that remains open to new clients enrolled in the Medicaid Program or the Children’s Basic Health Plan Program; or
 - (D) A licensed dental hygienist who provides services to at least twenty (20) underserved patients per month on average on a pro bono basis.
- (3) “Dental hygienist provider level II” means:
 - (A) A licensed dental hygienist who provides services to at least ten (10) underserved patients per month on average; or
 - (B) A licensed dental hygienist who provides services to at least ten (10) underserved patients per month on average and is employed by a Federally Qualified Health Center, or
 - (C) A licensed dental hygienist who provides services to at least ten (10) underserved patients per month on average and owns or is employed by a practice that remains open to new clients enrolled in the Medicaid Program, or the Children’s Basic Health Plan Program; or
 - (D) A licensed dental hygienist who provides services to at least ten (10) underserved patients per month on average on a pro bono basis.
- (4) “Dentist provider level I” means:
 - (A) A licensed dentist who provides services to at least forty (40) underserved patients per month on average or devotes at least thirty percent (30%) of a full time dental practice to providing services to underserved populations; or
 - (B) A licensed dentist who provides services to at least forty (40) underserved patients per month on average or devotes at least thirty percent (30%) of a full time dental practice to providing services to underserved populations and is employed by a Federally Qualified Health Center; or
 - (C) A licensed dentist who provides services to at least forty (40) underserved patients per month on average or devotes at least thirty percent (30%) of a full time dental practice to providing services to underserved populations and owns or

is employed by a practice that remains open to new clients enrolled in the Medicaid Program or the Children's Basic Health Plan Program; or

(D) A licensed dentist who provides services to at least forty (40) underserved patients per month on average or devotes at least thirty percent (30%) of a full time dental practice to providing services to underserved populations on a pro bono basis.

(5) "Dentist provider level II" means:

(A) A licensed dentist who provides services to at least twenty-five (25) underserved patients per month on average or devotes at least twenty percent (20%) of a full time dental practice to providing services to underserved populations; or

(B) A licensed dentist who provides services to at least twenty-five (25) underserved patients per month on average or devotes at least twenty percent (20%) of a full time dental practice to providing services to populations and is employed by a Federally Qualified Health Center; or

(C) A licensed dentist who provides services to at least twenty-five (25) underserved patients per month on average or devotes at least twenty percent (20%) of a full time dental practice to providing services to underserved populations and owns or is employed by a practice that remains open to new clients enrolled in the Medicaid Program or the Children's Basic Health Plan Program; or

(D) A licensed dentist who provides services to at least twenty-five (25) underserved patients per month on average or devotes at least twenty percent (20%) of a full time dental practice to providing services to underserved populations on a pro bono basis.

(6) "Dentist provider level III" means:

(A) A licensed dentist in a part time dental practice who provides services to at least ten (10) underserved patients a month on average; or

(B) A licensed dentist in a part time dental practice who provides services to at least ten (10) underserved patients a month on average and is employed by a Federally Qualified Health Center; or

(C) A licensed dentist in a part time dental practice who provides services to at least ten (10) underserved patients a month on average and owns or is employed by a practice that remains open to new clients enrolled in the Medicaid Program or the Children's Basic Health Plan Program.

(D) A licensed dentist in a part time dental practice who provides services to at least ten (10) underserved patients a month on average on a pro bono basis.

(7) "Department" means the Department of Public Health and Environment.

(8) "Eligible dental professional" means a person who is:

(A) A dentist licensed in Colorado pursuant to article 35 of title 12, C.R.S; or

(B) A dental hygienist licensed in Colorado pursuant to Article 35 of Title 12,

C.R.S.

- (9) “Full time dental practice” means at least thirty-two (32) clinical hours per week.
- (10) “Loan repayment assistance” means financial assistance in paying all or part of the principal, interest, and other related expenses of a loan for professional education in either dentistry or dental hygiene, as applicable.
- (11) “Loan repayment contract” means the agreement, which is signed by the eligible dental professional and the Department, wherein the eligible dental professional agrees to accept loan repayment assistance and to serve in accordance with the requirements in §25-23-101, C.R.S., *et seq* and these rules.
- (12) “Master settlement agreement” means the Master Settlement Agreement, the smokeless tobacco Master Settlement Agreement, and the consent decree approved and entered by the court in the case denominated *STATE OF COLORADO, EX REL. GALE A. NORTON, ATTORNEY GENERAL V. R.J. REYNOLDS TOBACCO CO.; AMERICAN TOBACCO CO., INC.; BROWN & WILLIAMSON TOBACCO CORP.; LIGGETT AND MEYERS INC.; LORILLARD TOBACCO CO., INC.; PHILLIP MORRIS, INC.; UNITED STATES TOBACCO CO.; B.A.T. INDUSTRIES, P.L.C.; THE COUNCIL FOR TOBACCO RESEARCH--U.S.A., INC.; AND TOBACCO INSTITUTE, INC.*, Case No. 97 CV 3432, in the District Court for the City and County of Denver.
- (13) “Part-time dental practice” means a dental practice of less than thirty-two (32) or fewer clinical hours per week.
- (14) “Program” means the loan repayment program for dental professionals created in §25-23-103, C.R.S.
- (15) “Settlement moneys” means the moneys received pursuant to the master settlement agreement, other than attorney fees and costs.
- (16) “Significant level of service” means:
 - (A) Dentist provider level I;
 - (B) Dentist provider level II;
 - (C) Dentist provider level III;
 - (D) Dental hygienist provider level I; or
 - (E) Dental hygienist provider level II;
- (17) “Underserved patient” includes any individual who is a member of an underserved population, as defined in § 1.1(18).
- (18) “Underserved population” includes but is not limited to:
 - (A) Individuals eligible for medical assistance under Article 4 OF Title 26, C.R.S.;
 - (B) Individuals enrolled in the Children's Basic Health Plan pursuant to Article 19 of Title 26, C.R.S.;
 - (C) Individuals eligible for medical services pursuant to the program for the medically indigent set forth in Article 15 of Title 26, C.R.S.;

- (D) Individuals who are provided services by a dental professional and who are charged fees on a sliding scale based upon income or who are served without charge.

1.2 Eligibility criteria

- (1) A dental professional is eligible for loan repayment assistance if the dental professional enters into a loan repayment contract with the Department on or after April 1, 2002, and meets at least one of the following criteria:
 - (A) The dental professional is employed by a federally qualified health center as defined by 42 U.S.C. § 1396(d)(1)(2)(B);
 - (B) The dental professional owns or is employed by a practice that remains open to new clients enrolled in the Medicaid Program or the Children's Basic Health Plan Program;
 - (C) The dental professional owns or is employed by a practice that provides a significant level of service to underserved populations as defined in §1.1(16); or
 - (D) The dental professional provides, on a pro bono basis, a significant level of service to underserved populations as defined in §1.1(16).

1.3 Loan repayment prioritization

- (1) In the event that there are insufficient funds in the state dental loan repayment fund to meet the loan repayment assistance needs of eligible dental professionals in any given year, the Department will use the criteria set forth in §1.3(2) through (5) to allocate the available funds. In addition, the Department may, in its discretion, limit the number of program participants based on the available funds and other legitimate criteria, e.g., geographical disbursement of program participants to meet identified needs of underserved populations, when applying the following criteria.
- (2) First priority will be given to Dentist provider level I and Dental hygienist provider level I that:
 - (A) Have satisfactorily completed a two-year service commitment to the underserved population in excess of the amounts set forth in §1.1(4) and (2), respectively; or
 - (B) Agree to provide services to the underserved population in excess of the amounts set forth in §1.1(4) and (2), respectively.
- (3) Second priority will be given to Dentist provider level I and Dental hygienist provider level I.
- (4) Third priority will be given to Dentist provider level II.

- (5) Fourth priority will be given to Dentist provider level III and Dental hygienist level II.

1.4 Loan repayment

- (1) Except as provided in §1.4(2), for each year an eligible dental professional provides care to underserved populations in accordance with the terms of a loan repayment contract, the loan repayment assistance provided by the Department shall not exceed, subject to available appropriations, in the aggregate:
 - (a) \$25,000 for a Dentist provider level I;
 - (B) \$20,000 for a Dentist provider level II;
 - (C) \$10,000 for a Dentist provider level III;
 - (D) \$6,000 for a Dental hygienist provider level I;
 - (E) \$3,000 for a Dental hygienist provider level II.
- (2) In the event that the total dollars available for loan repayment assistance for the current year exceeds the amount specified in §1.4(1) for the number of eligible dental professionals that have entered into loan repayment contracts, the Department may increase the amount of loan repayment assistance that an eligible dental professional may receive for the year.
- (3) The loan repayment will not exceed the total amount of the educational loan plus any accrued interest and related expenses.
- (4) Loan repayment will be considered ordinary income.

1.5 Application requirements

- (1) An eligible dental professional desiring to participate in the program shall complete and submit to the Department the program application form required by the Department in accordance with the application deadlines set by the Department. The application shall not be considered complete unless accompanied by the following information:
 - (A) A copy of his or her current Colorado dentist or dental hygienist license;
 - (B) Evidence of having met one or more of the eligibility requirements in §1.2(1);
 - (c) Evidence of having met a level of significant service to be eligible for loan repayment if applicable;
 - (d) A statement from the lending institution dated within the last three months that shows the loan balance and verifies that the dentist or dental hygienist is current with respect to payments on the loan. The information provided by the lending institution must include the total amount of the outstanding loan as of January first of the first year for which the loan repayment is requested;

- (E) The dental professional must include a statement that identifies all other loan repayment and tax credit programs that assist in repayment of professional education loans in which he or she has participated or is participating, and the total amount of repayment/credit granted under each program.
- (F) A statement from the lender, or a signed statement from the applicant, must clearly show that the loan was used to finance higher education opportunities resulting in a dentist or dental hygiene degree.
- (2) A successful applicant for participation in the program shall sign a contract with the Department. The terms of the loan repayment contract shall be determined by the Department and shall include, but need not be limited to, the following:
 - (A) The total annual amount of loan repayment assistance available to the eligible dental professional;
 - (B) The eligible dental professional's agreement to provide care to underserved populations for a minimum of two (2) years and the level of such services to be provided (as set forth in §§ 1.1(2) through (6));
 - (C) The eligible dental professional's agreement to promptly notify the Department in writing if the participant (i) decreases the level of served provided to underserved populations from that required under the contract, (ii) ceases to serve underserved populations, or (iii) otherwise fails or ceases to meet program eligibility requirements; and
 - (D) Reasonable penalties and other enforcement remedies available to the Department in the event the eligible dental professional breaches the contract.
 - (E) The eligible dental professional's agreement to submit quarterly reports to the Department quantifying the number of underserved patients served.

1.6 Application deadlines

The Department may solicit applications up to three times each fiscal year on dates to be determined by the Program and subject to the availability of funds. The completed application, including all required attachments, must be received by the Department by the announced deadlines for the dental professional to be considered for participation in the program.