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NOTICE OF INTENT TO AMEND RULES

THE GEORGIA BOARD FOR PHYSICIAN WORKFORCE

195-16. ADVANCED PRACTICE REGISTERED NURSES (APRN) LOAN REPAYMENT PROGRAM

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board for Physician Workforce (hereinafter “Board”) proposes amendments to:

Rule 195-16 Advanced Practice Registered Nurses (APRN) Loan Repayment Program (hereinafter “proposed amendments.”)

This notice, together with an exact copy of the rule including the proposed amendments and a synopsis of the proposed amendments, is being forwarded to all persons who have requested, in writing, that they be placed on an interested parties list. A copy of this notice, an exact copy of the rule including the proposed amendments, and a synopsis of the proposed amendments may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Georgia Board for Physician Workforce 2 Peachtree Street NW, Atlanta, GA, 30303. These documents will also be available for review on the Georgia Board for Physician Workforce’s web page at www.gbpw.georgia.gov.

SYNOPSIS OF PROPOSED AMENDMENTS

Purpose of Amendments: The purpose of the rule is to create a chapter for Advanced Practice Registered Nurses (APRN) Loan Repayment Program.

Main Feature: The main feature of these amendments is to establish the requirements, review and application process, award process, contract and compliance requirements, and reporting procedures. for advanced practice nurses to apply for the loan repayment program.

NOTICE OF PUBLIC HEARING

A public hearing is scheduled to begin at **8:30 a.m.** on **October 20, 2016** at **Morehouse School of Medicine; 720 Westview Drive SW Atlanta, GA 30310** to provide the public an opportunity to comment upon and provide input into the proposed amendments. At the public hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to five minutes per person.



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Additional comments should be presented in writing. If you are unable to attend, written comments are welcomed. To ensure their consideration, written comments must be received prior to **September 30, 2016**. Written comments should be addressed to Executive Director of the Georgia Board for Physician Workforce 2 Peachtree Street NW, Atlanta, Georgia 30303. FAX: 404-656-2596. You may email your comments to yspeight@dch.ga.gov.

The proposed rule amendments will be considered by the Georgia Board for Physician Workforce at its meeting scheduled to begin at 8:30 a.m. on October 20, 2016 at Morehouse School of Medicine 720 Westview Drive SW Atlanta, GA 30310. According to the Department of Law, State of Georgia, the Georgia Board for Physician Workforce has the authority to adopt the proposed rule amendments pursuant to authority contained in O.C.G.A § 43-10-3, 31-34-62, 49-10-3, 50-4-3.

For further information, contact the Board office at 404-232-7972. This notice is given in compliance to with O.C.G.A § 50-13-4

Posted:

This 4th day of August 2016

A handwritten signature in black ink that reads "LaSharn Hughes". The signature is written in a cursive style with a long horizontal flourish at the end.

LaSharn Hughes M.B.A
Executive Director
Georgia Board for Physician Workforce

Chapter 195-16. ADVANCED PRACTICE REGISTERED NURSES (APRN) LOAN REPAYMENT PROGRAM

Rule 195-16-.01. General Definitions

(1) "Georgia Board for Physician Workforce (GBPW)" means the organization and its office created under O.C.G.A. 49-10.

(2) "Loan" refers to the service repayable grant awarded by the Georgia Board for Physician Workforce to applicants who are desirous of becoming APRNs practicing nursing in rural areas of Georgia.

(3) "Loan Repayment" refers to repayment of all or a portion of recipient's outstanding nursing education loan debt. Qualifying debt is held by an established lending institution, identifiable as originating from the debt incurred to obtain a nursing education and fully disclosed at the time of application.

(4) "APRN" means a certified nurse midwife, certified nurse anesthetist, certified nurse practitioner providing primary care and/or mental health care.

(5) "Qualified Debt" is any debt incurred to obtain a nursing education, fully disclosed at the time of application, and is currently not in default. Even if a creditor now considers the defaulted loan to be in good standing, such debt shall not be considered Qualified Debt.

(6) "APRN Education Loan Debt" refers to loans incurred by the applicant to finance his/her APRN education that remains unpaid during the contract period.

(7) "Eligible and Qualified Applicant" refers to, as minimum qualifications, an APRN with outstanding nursing education loan debt, licensed to practice as an advanced practice registered nurse in the State of Georgia who desires to serve in a Board-approved, rural area of Georgia.

(8) "Nursing School" means an institution of nursing education that received accreditation or provisional accreditation by a national accrediting body in nursing education designed to qualify the graduate for licensure by the Georgia Board of Nursing.

(9) "Recipient" means any person who receives any amount of funding from GBPW for Rural Areas Assistance Program of the Georgia Board for Physician Workforce.

(10) "Service Repayment" means the period of service earned by the APRN, as approved by the Board, toward repayment of the service cancelable loan in professional advanced practice registered nurse's services rendered by the recipient and as required under the provisions of the loan contract.

(11) "Credit" means that amount of time credited to the recipient for services rendered in compliance with the provisions of the contract. Credit is applied one year of funding for each year of service rendered in compliance with the repayment provisions of the contract, but may be prorated at the Board's discretion and determination.

(12) "Rural and Underserved Area" is defined as a Board approved rural county in Georgia of 35,000 population or less according to the United States decennial census or at any hospital or facility operated directly by the Department of Public Health, Department of Community Health, Department of Behavioral Health and Developmental Disabilities, Department of Human Resources, Department of Corrections or the Department of Juvenile Justice. Facilities falling under the direct jurisdiction of the mentioned state agencies must include advanced practice registered nursing employment by approved agency or, in case of contracted employment, the APRN must be treating patients of the approved agency with equal provisions given to that agency's missions.

(13) "Contract Renewal" means the yearly renewal of the loan repayment contract between the recipient and the Board. The contract period shall be renewable on a one-year basis for a period not exceeding four years and a total amount not exceeding \$40,000.00.

(14) "Award Amount" refers to the annual amount obligated to a loan repayment recipient. The award amount shall be determined by the Board. At its annual meeting, the Board may, within its discretion, set the award amount for new loans within the limit of the appropriated funds for the budget year. Said amount shall be set forth in the official minutes of the Board.

(15) "Default" means breach of contract by the recipient in failing to begin or failing to complete the contractual service obligation of the APRN for Rural Areas Assistance Program.

(16) "Ad Damnum or Double Damages" refers to the penalty resulting from a loan repayment recipient defaulting on their contractual obligations. Default requires immediate repayment of double the total principal amount received less any pro-rated amount for repaid service as provided in the contract.

(17) "Cancellation of Contract" refers to the discretionary power of the Georgia Board for Physician Workforce to cancel any contract for cause deemed sufficient by the Board, provided such authority is not exercised unreasonably or arbitrarily.

(18) "Full Time" refers to 40 hours of work required per week to fulfill service obligations. Full time is considered at least 32 clinical hours providing direct patient care during normal clinic hours at the approved practice site. Remaining hours must be spent providing practice-related administrative activities. On-call hours are not considered part of the full time requirement. No more than 7 weeks (35 workdays) per year can be spent away from the practice for vacation, holidays, continuing professional education, illness or any other reason. Absences greater than 7 weeks a year will extend the service commitment. The practice time requirement can be split between two or more counties, provided that none of the practice location counties exceeds the 35,000 population limit.

(19) "Compelling Reasons" refers to conditions such as a life threatening illness or loss of ability to perform the duties of an APRN or to be gainfully employed due to illness or accident. The Board may consent to a lesser measure of damages for compelling reasons.

Authority: O.C.G.A. 49-10-3, 31-34-6(2). History. Original Rule entitled "General Definitions" adopted. F. Dec. 2, 2015; eff. Dec. 22, 2015.

Rule 195-16-.02. Eligibility Criteria and Application Process

(1) **Eligibility Criteria.** Program eligibility is limited to applicants who meet the following criteria:

- a. Be licensed to practice as a certified nurse midwife, certified nurse anesthetist, certified nurse practitioner providing primary care and/or mental health care certified-in Georgia by the Georgia Board of Nursing.
- b. Agree to practice full time (a minimum of forty hours per week) in a Board-approved practice location in a rural community in Georgia designated by the Georgia Board for Physician Workforce.
- c. Must work in a qualifying practice that actively treats Medicaid patients.
- d. Must not have other current contractual service obligations, such as National Health Service Corps Scholarships or Military Service Obligations.
- e. Must meet all other requirements as set forth by the Georgia Board for Physician Workforce.

(2) **Application Process.** Each applicant must:

- a. Submit a completed application form
- b. Submit a full disclosure of all outstanding APRN education debt.
- c. Submit a copy of the contract between the practice entity and the applicant or a signed letter of attestation from the applicant documenting a commitment to full time (40+ hours per week) practice in the rural community where the practice is located.
- d. Attest that the applicant does not have any other current service obligations, such as National Health Service Corps Scholarships or Military Service Obligations.

Authority: O.C.G.A. 49-10-3. History. Original Rule entitled "Eligibility Criteria and Application Process" adopted. F. Dec. 2, 2015; eff. Dec. 22, 2015.

Rule 195-16-.03. Review Process

(1) **Administrative Review.**

A. The Board Staff shall collect and maintain documentation of the following information form APRN for Rural Areas Assistance Program applicants:

1. Application form.
2. Full disclosure of all outstanding nursing education debt.

3. Documentation of the county and city/town population where the practice is located.
4. Documentation that the practice will be located in a rural Georgia community which needs additional APRNs to practice nursing.
5. Copy of the contract between the practice entity and the APRN or attestation from the APRN documenting full time (40+ hours per week) practice in the rural community where the practice is located.
6. Documentation verifying enrollment in the Georgia Medicaid program.
7. Attestation from the applicant that the applicant does not have any other current service obligations.

B. The Board staff shall review application materials to ensure eligibility requirements are met and all required documentation has been submitted.

C. Staff will compile the information and prepare a summary of each applicant for the Board's review.

(2) Board Review, Criteria for Prioritizing Awards and Approval Process.

A. The Board shall receive and act upon all applications for the APRN for Rural Areas Assistance Program made by eligible and qualified APRNs.

B. The Board shall make a careful and full investigation of the ability, character and qualifications of each applicant and determine the applicant's fitness to become the recipient of such loan.

C. The Board may employ such methods of applicant evaluation that it deems proper.

D. The Board shall not discriminate or evaluate applicants on the basis of race, religion, gender or national origin.

E. The Board shall review all documentation submitted by the applicant and by the Board staff to assure that the applicant meets all eligibility requirements for the APRNs for Rural Assistance Program.

F. The Board shall prioritize awards based on the following criteria:

(1) Applicants who have prior life experience in rural communities, rural nursing practice experience, or special areas of expertise of use to rural communities shall be given priority and may be moved up in the rank order list of applicants at the discretion of the Board.

(2) Applicants entering practice in a county with fewer APRNs providers per population may be given priority and may be moved up in the rank order list of applicants at the discretion of the Board.

G. The Board shall establish a final ranking of all qualified applicants from highest priority to lowest priority and shall allocate awards based on availability of funds and the final rank order of the applicants.

H. Action approving the applicant ranking and order of awards shall be made upon majority vote of the Board members present.

I. Action on awards shall be duly recorded in the minutes of the Board meeting.

Authority: O.C.G.A. 49-10-3 et seq. History. Original Rule entitled "Review Process" adopted. F. Dec. 2, 2015; eff. Dec. 22, 2015.

Rule 195-16-.04. Award Process

A. The Board staff shall notify each applicant in writing of the Board's decision within ten (10) days following the decision.

B. The successful applicant will be asked to accept or decline the award of a loan by signing and submitting an *Acceptance Form*.

C. Those applicants who accept the loan award shall receive a contract for participation in the APRNs for Rural Areas Assistance Program. Each recipient will be allowed 10 days in which to review the contract with an attorney as to its contents if they so choose.

D. Loan awards that are rejected by the applicant shall be made available to the next highest ranking applicant based on the discussion and action taken by the Board.

E. The Board staff shall arrange for all valid and approved contracts to be executed by the Executive Director and Board Chairman. Such documents shall be notarized and the official seal affixed.

F. One of two fully executed copies of each loan contract shall be returned to the applicant and one kept in the permanent records of the GBPW.

G. Funds shall be paid directly to the financial institution holding the recipient's advanced practice registered nurse student loan debt unless payment arrangements are otherwise directed in writing by the Board.

H. The Board staff shall submit a check request to the Georgia Department of Community Health for payment of loan awards approved by the Board and for which fully executed contract is on file in the Board offices.

I. The Board staff shall maintain appropriate records necessary to account for the expenditure of funds for the Dentists for Rural Areas Assistance Program.

Authority: O.C.G.A. 49-10-3 et seq.

History. Original Rule entitled "Award Process" adopted. F. Dec. 2, 2015; eff. Dec. 22, 2015.

Rule 195-16-.05. Contract Provisions

- A. The term of the APRNs for Rural Areas Assistance Program contract will be one year.
- B. Awards shall be in an amount determined by the Board at the annual meeting of the Board.
- C. Recipients shall provide one year of service in a practice location approved by the Board for each contract.
- D. The contract may be renewed up to three times, for a total of four contract years.
- E. Annual documentation of the APRN's practice location and other information is required to be submitted by the recipient in the form of an annual report to the Board.
- F. Failure to submit the annual report will eliminate eligibility for contract renewal.
- G. Each APRN for Rural Areas Assistance Program recipient is responsible for keeping the Board apprised of his/her current address and telephone number at all times.
- H. The Board has the discretionary power to cancel any contract for cause deemed sufficient by the Board. Upon such cancellation by the Board, two times the total uncredited amount of the loan paid on behalf of the recipient shall at once become due and payable to the Georgia Board for Physician Workforce.
- I. The Georgia Board for Physician Workforce is vested with full and complete authority to bring an action in its own name against any recipient for any balance due the Georgia Board for Physician Workforce on any such contract.

Authority: O.C.G.A. 49-10-3, 31-34-6(2).

History. Original Rule entitled "Contract Provisions" adopted. F. Dec. 2, 2015; eff. Dec. 22, 2015.

Rule 195-16-.06. Contract Default, Penalty and Appeal

(1) Default - a recipient will be considered in default of the contractual obligations of the APRNs for Rural Areas Assistance Program under any of the following situations:

- a. The recipient loses his/her Georgia APRN license or restrictions are placed on the recipient's license rendering him/her ineligible to practice full time nursing in agreement with the terms of the APRNRAA contract;
- b. The recipient fails to begin professional practice in a Board approved practice location in a rural community in Georgia as specified in the contract;
- c. The recipient fails to complete the full term of the contractual service obligation in the practice location specified in the contract;

- d. The recipient fails to maintain a full time practice (40+hours per week) in the Board approved practice location specified in the contract;
- e. The recipient fails to provide Board staff with access to records or other information necessary to monitor the recipient's compliance with contract terms.

(2) Penalty for Default - upon a finding of default by the Board, the recipient shall immediately be liable to the Board for two times the original principal amount of the loan award provided to the recipient.

(3) Reduction of Penalty - the Georgia Board for Physician Workforce may consent or agree to a lesser measure of damages in recognition of service provided or for other compelling reasons.

(4) Appeal Process - a recipient found to be in default may appeal the finding to the Board in writing. The recipient shall also have the right to request a hearing before the Board to appeal a finding of default or enforcement of the penalty provision. If a recipient fails to appear for a scheduled hearing before the Board, the recipient shall forfeit all rights of appeal. The Board shall consider appeals from recipients prior to enforcement of the penalty provision.

(5) Enforcement of Penalty - the penalty provision for default shall be enforced by a letter of demand for payment from the Board to the recipient. If the recipient fails to respond to the letter of demand for payment, collection shall be pursued through the civil courts.

Authority: O.C.G.A. 49-10-3, 31-34-6(2).

History. Original Rule entitled "Contract Default, Penalty, and Appeal" adopted. F. Dec. 2, 2015; eff. Dec. 22, 2015.

Rule 195-16-.07. Monitoring Compliance

- (1) The Board shall monitor compliance primarily through information submitted by the recipient in an annual report, which shall include information about the recipient and about the recipient's practice as it relates to the service obligations of the contract.
- (2) The Board may also monitor compliance through on-site visits by Board staff or contracted compliance officers to the recipient's practice during the contract period. Such on-site visits may be unannounced.
- (3) The Board, at its discretion, may monitor compliance through other appropriate means.

Authority: O.C.G.A. 49-10-3.

History. Original Rule entitled "Monitoring Compliance" adopted. F. Dec. 2, 2015; eff. Dec. 22, 2015.

Rule 195-16-.08. Allocation of Funds

(1) Funds for all awards granted through the Georgia Board for Physician Workforce shall be allocated from funding appropriated to the Board by the Georgia General Assembly for that purpose.

Authority: O.C.G.A. 49-10-3.

History. Original Rule entitled "Allocation of Funds" adopted. F. Dec. 2, 2015; eff. Dec. 22, 2015.

Rule 195-16-.09. Accounting Procedures and Reporting Requirements

(1) The Georgia Department of Community Health shall maintain appropriate records in accordance with the provisions of the Georgia Administrative Attachment Statute, O.C.G.A. 50-4-3.

Authority: O.C.G.A. 50-4-3. History. Original Rule entitled "Accounting Procedures and Reporting Requirements" adopted. F. Dec. 2, 2015; eff. Dec. 22, 2015.

Rule 195-16-.10. Due Process and Collection Provisions in the Event of Default

A. Intent and General Approach.

It is the intention of the Georgia Board for Physician Workforce to recruit APRNs in rural Georgia.

B. Assessment of Default.

Board staff shall investigate potential default situations, obtain information from recipients pertaining to the potential default report to the Board.

C. Notification and Due Process Procedures.

In the event the Board determines a recipient to be in default, the following steps shall be taken:

(1) Notification of Default.

The Executive Director of the Board shall notify the recipient by certified mail of the Board's finding that the recipient is in default. The letter of notification shall include the facts upon which the Board made its finding of default. The letter of notification shall provide information on the penalty provisions of the contract, including the total penalty due and payable, the Board's procedures for enforcement of the penalty provisions, and the opportunity for the recipient to obtain a hearing before the Board to appeal the finding of default.

(2) Opportunity for a Hearing prior to enforcement of penalty provisions.

Upon receipt of a notice of default, the recipient will be allowed thirty (30) days from the mailing date of the default notice to request a hearing before the Board to dispute the finding of default or to provide information to the Board as to why the penalty provisions of the contract should not be enforced. Said hearing shall take place at the next official meeting of the Board upon receipt of a clearly written request for a hearing.

(3) Hearing.

- a. The Board Chair shall serve as the presiding officer for the hearing. In the absence of the Chair, the Board Vice-Chair shall preside.
- b. The recipient shall have a reasonable amount of time during the hearing to present information relevant to the issue of default to the Board. The presiding officer of the hearing shall determine the length of the hearing and shall have the sole authority to bring the hearing to closure.
- c. Testimony of individuals with knowledge relevant to the recipient's case is requested to be submitted in writing to the Board at least one week prior to the date of the hearing.
- d. The presiding officer of the hearing may permit live testimony if, in the sole opinion of the presiding officer, the information to be presented by witnesses is relevant and useful to assist the Board in making an appropriate decision.
- e. Neither the Board nor the recipient shall be represented by legal counsel at the hearing.
- f. At the conclusion of the hearing, action to accept or reject the recipient's appeal shall be made by majority vote of the Board members present. The decision of the Board shall be final.
- g. The recipient shall be notified in writing of the Board's decision within ten (10) days of the date of the hearing.
- h. If the recipient declines the offer of a hearing before the Board or fails to appear as scheduled, the penalty provisions of the contract shall be enforced immediately.

D. Enforcement of Penalty Provisions.

(1) In the event of default, and following implementation of the notification and due process procedures, the penalty provisions of the contract shall be enforced through the civil courts.

(2) In the event legal action is instituted to collect any amount under the contract, the recipient shall pay attorney's fees incurred in the collection in an amount equal to fifteen percent (15%) of the unpaid balance of principal and interest.

(3) Principal and penalties collected through the courts shall be used to pay the balance of any costs of collection, with the balance returned to the State of Georgia treasury.

(4) Penalty payments made to the State Treasury shall be duly recorded by the Georgia Board for Physician Workforce and a record of payment maintained in the recipient's permanent file.

Authority: O.C.G.A. 49-10-3, 31-34-6(2). History. Original Rule entitled "Due Process and Collection Provisions in the Event of Default"

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