

Senator Peter C. Knudson proposes the following substitute bill:

1                                   **HEALTH CARE WORKFORCE LOAN**

2                                   **REPAYMENT ASSISTANCE**

3                                   2002 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: Peter C. Knudson**

6   **This act modifies the Utah Health Code. This act replaces three financial assistance**  
7   **programs--the Physicians and Physicians Assistants Grant and Scholarship Program, the**  
8   **Nurse Education Financial Assistance Program, and the Special Population Health Care**  
9   **Provider Financial Assistance Program with a new Utah Health Care Workforce Financial**  
10   **Assistance Program. This act specifies the duties of the Department of Health in**  
11   **administering the new program and creates a committee to advise the department on the**  
12   **development and modification of rules for the program. This act provides for continuity**  
13   **between the old programs and the new program. This act provides a repeal date and an**  
14   **effective date.**

15   This act affects sections of Utah Code Annotated 1953 as follows:

16   AMENDS:

17           **26-1-7**, as last amended by Chapter 345, Laws of Utah 1996

18           **63-55b-126**, as enacted by Chapter 318, Laws of Utah 2001

19   ENACTS:

20           **26-45-101**, Utah Code Annotated 1953

21           **26-45-102**, Utah Code Annotated 1953

22           **26-45-103**, Utah Code Annotated 1953

23           **26-45-104**, Utah Code Annotated 1953

24   REPEALS:

25           **26-9-201**, as enacted by Chapter 44, Laws of Utah 1993



- 26           **26-9-202**, as last amended by Chapter 21, Laws of Utah 1999
- 27           **26-9-203**, as last amended by Chapters 194 and 243, Laws of Utah 1996
- 28           **26-9-204**, as enacted by Chapter 44, Laws of Utah 1993
- 29           **26-9-205**, as enacted by Chapter 44, Laws of Utah 1993
- 30           **26-9-206**, as enacted by Chapter 44, Laws of Utah 1993
- 31           **26-9-207**, as enacted by Chapter 44, Laws of Utah 1993
- 32           **26-9-208**, as last amended by Chapter 59, Laws of Utah 1995
- 33           **26-9-209**, as last amended by Chapter 59, Laws of Utah 1995
- 34           **26-9-210**, as last amended by Chapter 79, Laws of Utah 1996
- 35           **26-9-211**, as last amended by Chapter 59, Laws of Utah 1995
- 36           **26-9-212**, as last amended by Chapter 13, Laws of Utah 1998
- 37           **26-9-213**, as enacted by Chapter 44, Laws of Utah 1993
- 38           **26-9d-1**, as last amended by Chapter 21, Laws of Utah 1999
- 39           **26-9d-2**, as last amended by Chapters 194 and 243, Laws of Utah 1996
- 40           **26-9d-3**, as enacted by Chapter 252, Laws of Utah 1992
- 41           **26-9d-4**, as enacted by Chapter 252, Laws of Utah 1992
- 42           **26-9d-5**, as last amended by Chapter 21, Laws of Utah 1999
- 43           **26-9d-6**, as enacted by Chapter 252, Laws of Utah 1992
- 44           **26-9d-7**, as enacted by Chapter 252, Laws of Utah 1992
- 45           **26-9d-8**, as enacted by Chapter 252, Laws of Utah 1992
- 46           **26-9d-9**, as enacted by Chapter 252, Laws of Utah 1992
- 47           **26-9d-10**, as last amended by Chapter 13, Laws of Utah 1998
- 48           **26-9e-1**, as enacted by Chapter 345, Laws of Utah 1996
- 49           **26-9e-2**, as last amended by Chapter 97, Laws of Utah 1998
- 50           **26-9e-3**, as enacted by Chapter 345, Laws of Utah 1996
- 51           **26-9e-4**, as last amended by Chapter 97, Laws of Utah 1998
- 52           **26-9e-5**, as last amended by Chapter 97, Laws of Utah 1998
- 53           **26-9e-6**, as enacted by Chapter 345, Laws of Utah 1996
- 54           **26-9e-7**, as last amended by Chapter 97, Laws of Utah 1998
- 55           **26-9e-8**, as last amended by Chapter 97, Laws of Utah 1998
- 56           **26-9e-9**, as last amended by Chapter 97, Laws of Utah 1998

57 **26-9e-10**, as last amended by Chapter 97, Laws of Utah 1998

58 **26-9e-11**, as last amended by Chapters 13 and 97, Laws of Utah 1998

59 *Be it enacted by the Legislature of the state of Utah:*

60 Section 1. Section **26-1-7** is amended to read:

61 **26-1-7. Committees within department.**

62 There are created within the department the following committees:

63 (1) Health Facility Committee;

64 (2) State Emergency Medical Services Committee;

65 [~~(3) Rural Medical Financial Assistance Committee;~~]

66 [~~(4) Nurse Financial Assistance Committee;~~]

67 [~~(5)~~] (3) Health Data Committee; and

68 [~~(6) Special Population Health Care Provider Financial Assistance Committee.;~~]

69 (4) Utah Health Care Workforce Financial Assistance Program Advisory Committee.

70 Section 2. Section **26-45-101** is enacted to read:

71 **26-45-101. Definitions**

72 (1) "Health care professional" means a physician, physician assistant, nurse, dentist, mental  
73 health therapist, or other health care professional designated by the department by rule.

74 (2) "Underserved area" means an area designated by the department as underserved by  
75 health care professionals, based upon the results of a needs assessment developed by the  
76 department in consultation with the Utah Health Care Workforce Financial Assistance Program  
77 Advisory Committee created under Section 26-45-103.

78 Section 3. Section **26-45-102** is enacted to read:

79 **26-45-102. Creation of program -- Duties of Department.**

80 (1) There is created within the department the Utah Health Care Workforce Financial  
81 Assistance Program to provide professional education scholarships and loan repayment assistance  
82 to health care professionals who locate or continue to practice in underserved areas.

83 (2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
84 department shall make rules governing the administration of the program, including rules that  
85 address:

86 (a) application procedures;

87 (b) eligibility criteria;

88 (c) selection criteria;

89 (d) service conditions, which at a minimum shall include professional service in an  
90 underserved area for a minimum period of time by any person receiving a scholarship or loan  
91 repayment assistance;

92 (e) penalties for failure to comply with service conditions or other terms of a scholarship  
93 or loan repayment contract;

94 (f) criteria for modifying or waiving service conditions or penalties in case of extreme  
95 hardship or other good cause; and

96 (g) administration of contracts entered into before the effective date of this act, between  
97 the department and scholarship or loan repayment recipients under Title 26, Chapter 9, Part 2,  
98 Physicians and Physician Assistants Grant and Scholarship Program, Title 26, Chapter 9d, Nurse  
99 Education Financial Assistance, or Title 26, Chapter 9e, Special Population Health Care Provider  
100 Financial Assistance and Retention Act.

101 (3) The department shall seek and consider the recommendations of the Utah Health Care  
102 Workforce Financial Assistance Program Advisory Committee created under Section 26-45-103  
103 as it develops and modifies rules to administer the program.

104 (4) Funding for the program shall be a line item within the appropriations act, shall be  
105 nonlapsing unless designated otherwise, and may be used to cover administrative costs of the  
106 program, including reimbursement expenses of the Utah Health Care Workforce Financial  
107 Assistance Program Advisory Committee created under Section 26-45-103.

108 (5) Loan repayments and payments resulting from breach of contract are dedicated credits  
109 to the program.

110 (6) The department shall prepare an annual report on the revenues, expenditures, and  
111 outcomes of the program.

112 Section 4. Section **26-45-103** is enacted to read:

113 **26-45-103. Advisory committee -- Membership -- Compensation -- Duties.**

114 (1) There is created the Utah Health Care Workforce Financial Assistance Program  
115 Advisory Committee consisting of the following 11 members appointed by the executive director,  
116 seven of whom shall be residents of rural communities:

117 (a) one rural representative of Utah Hospitals and Health Systems, nominated by the  
118 association;

- 119 (b) one rural representative of the Utah Medical Association, nominated by the association;  
120 (c) one representative of the Utah Academy of Physician Assistants, nominated by the  
121 association;  
122 (d) one representative of the Association for Utah Community Health, nominated by the  
123 association;  
124 (e) one representative of the Utah Dental Association, nominated by the association;  
125 (f) one representative of mental health therapists, selected from nominees submitted by  
126 mental health therapist professional associations;  
127 (g) one representative of the Association of Local Health Officers, nominated by the  
128 association;  
129 (h) one representative of the low-income advocacy community, nominated by the Utah  
130 Human Services Coalition;  
131 (i) one nursing program faculty member, nominated by the Statewide Deans and Directors  
132 Committee;  
133 (j) one administrator of a long-term care facility, nominated by the Utah Health Care  
134 Association; and  
135 (k) one nursing administrator, nominated by the Utah Nurses Association
- 136 (2) An appointment to the committee shall be for a four-year term unless the member is  
137 appointed to complete an unexpired term. The executive director may also adjust the length of  
138 term at the time of appointment or reappointment so that approximately one-half the committee  
139 is appointed every two years. The executive director shall annually appoint a committee chair  
140 from among the members of the committee.
- 141 (3) The committee shall meet at the call of the chair, at least three members of the  
142 committee, or the executive director, but no less frequently than once each calendar year.
- 143 (4) A majority of the members of the committee constitutes a quorum. The action of a  
144 majority of a quorum constitutes the action of the committee.
- 145 (5) Members of the committee may not receive compensation for their work associated  
146 with the committee, but may receive from the department reimbursement for travel expenses  
147 incurred as a member of the committee, as funds are available, at the rates established by the  
148 Division of Finance under Section 63A-3-107. Members of the committee may decline  
149 reimbursement.

150 (6) The committee shall:

151 (a) make recommendations to the department for the development and modification of  
152 rules to administer the Utah Health Care Workforce Financial Assistance Program; and

153 (b) advise the department on the development of a needs assessment tool for identifying  
154 underserved areas.

155 (7) As funding permits, the department shall provide staff and other administrative support  
156 to the committee.

157 Section 5. Section **26-45-104** is enacted to read:

158 **26-45-104. Continuity between programs.**

159 (1) A contract entered into between the department and a scholarship or loan repayment  
160 recipient under Title 26, Chapter 9, Part 2, Physicians and Physician Assistants Grant and  
161 Scholarship Program, Title 26, Chapter 9d, Nurse Education Financial Assistance, or Title 26,  
162 Chapter 9e, Special Population Health Care Provider Financial Assistance and Retention Act, prior  
163 to the effective date of this act, remains valid on and after the effective date of this act, except that  
164 any provisions that cannot be administered due to the repeal of these programs shall be  
165 administered pursuant to Subsection 26-45-102(2)(g).

166 (2) Applications in process on the effective date of this act, for scholarship or loan  
167 repayment under Title 26, Chapter 9, Part 2, Physicians and Physician Assistants Grant and  
168 Scholarship Program, Title 26, Chapter 9d, Nurse Education Financial Assistance, or Title 26,  
169 Chapter 9e, Special Population Health Care Provider Financial Assistance and Retention Act, shall  
170 be evaluated for acceptance under the provisions of this chapter

171 Section 6. Section **63-55b-126** is amended to read:

172 **63-55b-126. Repeal dates -- Title 26.**

173 (1) Section 26-4-7.1 is repealed April 1, 2002.

174 (2) Title 26, Chapter 45, "Utah Health Care Workforce Financial Assistance Program," is  
175 repealed July 1, 2007.

176 Section 7. **Repealer.**

177 This act repeals:

178 Section **26-9-201, Title.**

179 Section **26-9-202, Definitions.**

180 Section **26-9-203, Rural Medical Financial Assistance Committee -- Membership --**

- 181 **Expenses.**
- 182       Section 26-9-204, Committee duties and powers.
- 183       Section 26-9-205, Department duties and powers.
- 184       Section 26-9-206, Physician loan repayment grants -- Terms and amounts -- Service.
- 185       Section 26-9-207, Physician scholarships -- Terms and amounts -- Service.
- 186       Section 26-9-208, Physician assistant loan repayment grants -- Terms and amounts
- 187 **-- Service.**
- 188       Section 26-9-209, Physician assistant scholarships -- Terms and amounts -- Service.
- 189       Section 26-9-210, Service obligation -- Repayment -- Penalty.
- 190       Section 26-9-211, Funding.
- 191       Section 26-9-212, Reporting.
- 192       Section 26-9-213, Continuity with prior provisions.
- 193       Section 26-9d-1, Definitions.
- 194       Section 26-9d-2, Committee -- Appointment -- Membership -- Terms -- Vacancies --
- 195 **Quorum -- Per diem and expenses.**
- 196       Section 26-9d-3, Committee responsibilities.
- 197       Section 26-9d-4, Powers and duties of the department.
- 198       Section 26-9d-5, Loan repayment grants -- Terms and amounts -- Service.
- 199       Section 26-9d-6, Scholarships -- Terms and amounts -- Service.
- 200       Section 26-9d-7, Service obligation -- Repayment -- Penalty.
- 201       Section 26-9d-8, Release from obligation -- Cancellation.
- 202       Section 26-9d-9, Funding.
- 203       Section 26-9d-10, Reporting.
- 204       Section 26-9e-1, Title.
- 205       Section 26-9e-2, Definitions.
- 206       Section 26-9e-3, Creation of program.
- 207       Section 26-9e-4, Committee created.
- 208       Section 26-9e-5, Committee responsibilities.
- 209       Section 26-9e-6, Department responsibilities.
- 210       Section 26-9e-7, Primary health care provider loan repayment grants -- Terms and
- 211 **amounts -- Service.**

212           Section **26-9e-8, Primary health care provider scholarships -- Terms and amounts --**  
213 **Service.**

214           Section **26-9e-9, Service obligation -- Repayment -- Penalty.**

215           Section **26-9e-10, Funding.**

216           Section **26-9e-11, Committee report.**

217           Section 8. **Effective date.**

218           If approved by two-thirds of all the members elected to each house, this act takes effect  
219 upon approval by the governor, or the day following the constitutional time limit of Utah  
220 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the  
221 date of veto override.