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**IDAPA 08
TITLE 01
CHAPTER 14**

08.01.14 - IDAHO RURAL PHYSICIAN INCENTIVE PROGRAM

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to the authority of the State Board of Education (the Board) under Section 33-105, and Sections 33-3723 through 33-3725, Idaho Code. (3-29-10)

001. TITLE AND SCOPE.

01. Title. These rules shall be known as IDAPA 08.01.14, "Idaho Rural Physician Incentive Program." (3-29-10)

02. Scope. These rules constitute the requirements for the Idaho Rural Physician Incentive Program. (3-29-10)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code any written interpretation of the rules of this chapter are available at the Board office. (3-29-10)

003. ADMINISTRATIVE APPEAL.

Unless otherwise provided for in the rules of the Board or in the State Board of Education Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted as provided herein. (3-29-10)

004. INCORPORATION BY REFERENCE.

There are no documents to incorporate by reference pursuant to, and in accordance with, Section 67-5229, Idaho Code. (3-29-10)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Board is in Boise, Idaho. (3-29-10)

01. Mailing Address. The mailing address is PO Box 83720, Boise, ID 83720-0037. (3-29-10)

02. Street Address. The Board's street address is 650 West State Street, Room 307, Boise, Idaho 83702. (3-29-10)

03. Office Hours. The office hours are from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. (3-29-10)

006. PUBLIC RECORDS ACT COMPLIANCE.

This rule has been promulgated in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and is a public record. (3-29-10)

007. COMMUNICATION WITH STATE OFFICIALS.

All inquiries concerning the Rural Physician Incentive Program will be directed to the Office of the Board. (3-29-10)

008. -- 009. (RESERVED).

010. DEFINITIONS.

These definitions are applicable to this chapter only. (3-29-10)

01. Community Sponsoring Organization. A hospital, medical clinic or other medical organization which is located in an eligible area and that employs physicians for purposes of providing primary care medical services to patients. (3-29-10)

02. Eligible Area. A medically underserved area of Idaho, further defined to mean an area designated

by the U.S. Secretary of Health and Human Services as a Health Professional Shortage area in the category of Primary Care or Mental Health. (6-24-11)

03. Oversight Committee. The committee constituted pursuant to Section 33-3724, Idaho Code, composed of knowledgeable individuals or organizations to assist in the administration of the rural physician incentive program. (3-29-10)

04. Primary Care Medicine. Family medicine, general internal medicine, and general pediatrics, but if there is a demonstrated high level of need in an eligible area, as determined by the oversight committee, may also include obstetrics and gynecology, general psychiatry, general surgery and emergency medicine. (3-29-10)

05. Qualified Medical Education Debt. Debt with a financial aid program or financial institution incurred to meet the educational costs of attending a medical school. (3-29-10)

06. Rural Physician. A licensed Idaho physician, MD or DO, who spends a minimum of twenty-eight (28) hours per week, on average, providing primary care medicine services to patients in an eligible area. (3-29-10)

07. Rural Physician Incentive Fee. The fee assessed by the State to students preparing to be physicians in the fields of medicine or osteopathic medicine who are supported by the state pursuant to an interstate compact for professional education in those fields, as those fields are defined by the compact. (3-29-10)

08. Rural Physician Incentive Fund. The special revenue account in the state treasury created pursuant to Section 33-3724, Idaho Code, relating to the Rural Physician Incentive Program. (3-29-10)

011. OBJECTIVES OF THE RURAL PHYSICIAN INCENTIVE PROGRAM.

This program is established as a tool to help recruit and retain rural physicians to serve in eligible areas. The granting of an award under this program requires the support of a community sponsoring organization in an eligible area that has experienced physician recruiting difficulties and that can demonstrate broad support for this program from the medical community and community leaders located in the eligible area. (3-29-10)

012. ADMINISTRATION.

The Board, through the advice and recommendations of the oversight committee, is the administrative agent for the Rural Physician Incentive Program. The Board designates its executive director, or his designee, as its administrative officer for this program and delegates to its executive director, or his designee, and to the Office of the State Board of Education, such administrative responsibilities as are necessary to carry out and administer the Rural Physician Incentive Program in accordance with this rule. (3-29-10)

013. ASSESSMENT OF A RURAL PHYSICIAN INCENTIVE FEE.

01. Assessment. Pursuant to Section 33-3723, Idaho Code, the rural physician incentive fee assessed to, and required to be paid by, all state-supported medical students who are preparing to be physicians in the fields of medicine or osteopathic medicine shall be equal to four percent (4%) of the average annual medical support fee paid by the State on behalf of each such student. (3-29-10)

02. Annual Collection. The rural physician incentive fee assessed by the Board shall be collected by the Office of the State Board of Education annually from each state-supported student during each year of undergraduate medical training and shall be deposited into the state treasury as required by Section 33-3723, Idaho Code. (3-29-10)

03. Deposits. Income and earnings from the rural physician incentive fund shall be returned to such fund. (3-29-10)

014. ELIGIBILITY FOR A RURAL PHYSICIAN INCENTIVE PROGRAM AWARD.

01. Eligibility Requirements. A physician who meets the following requirements is eligible to apply for a Rural Physician Incentive Program award: (3-29-10)

a. During the period covered by the award, the physician must be a rural physician providing primary care medicine in an eligible area. A physician may provide patient care services in primary care medicine in more than one (1) eligible area; (3-29-10)

b. The physician must be a Doctor of Medicine (M.D.) or Doctor of Osteopathic Medicine (D.O.) and have completed an Accreditation Council of Graduate Medical Education or American Osteopathic Association residency; (3-29-10)

c. The physician must be Idaho Medical Board certified/Board eligible, be eligible for an unrestricted Idaho medical license, and be able to meet the medical staffing requirements of the sponsoring organization when applicable; and (6-24-11)

d. The physician must be eligible to care for Medicare and Medicaid patients within the scope of the physician's primary care medicine practice. (3-29-10)

02. Ineligibility. Notwithstanding Subsection 014.01 of these rules, a physician shall not be entitled to receive an award under this program if the physician is receiving payments for purposes of repaying qualified medical education debt from another state or from a federal debt repayment program. (3-29-10)

015. APPLICATION PROCESS.

01. Applications. Applications for the Rural Physician Incentive Program must be on a form prescribed by the Office of the State Board of Education and must include a letter of support, along with supporting documentation establishing the criteria in Subsections 021.01 and 021.02 of these rules, from a sponsoring organization. Applications must be received by the Office of the State Board of Education not earlier than October 1st and not later than December 31st for consideration for the award period beginning July 1st of the next succeeding year. (3-29-10)

02. Announcement of Award. Announcement of program awards shall be made not later than April 30th each year, with awards to be effective beginning July 1st of that year. Applicants must respond by the date specified in any communication from officials of the Rural Physician Incentive Fund Program. Failure to respond within the time period specified will result in cancellation of the application and forfeiture of the award unless extenuating circumstances can be shown by the applicant. (3-29-10)

016. SELECTION OF RURAL PHYSICIAN INCENTIVE FUND AWARD RECIPIENTS.

01. Selection of Recipients. The selection of recipients of Rural Physician Incentive Program awards shall be based on ranking and priority of applicants in accordance with the following criteria: (3-29-10)

a. Priority selection for physicians who were Idaho-resident students and were assessed the rural physician incentive fee and paid into the fund, followed by physicians who were Idaho-residents prior to completing medical school out of the state and who did not contribute to the fund, followed by physicians from other states who were not Idaho-residents; (3-29-10)

b. Demonstrated physician shortage in the eligible area to be benefitted; (3-29-10)

c. Demonstrated physician recruiting difficulties in the eligible area to be benefitted; and (3-29-10)

d. Support of the medical community and community leaders in the eligible area. (3-29-10)

02. Relevant Factors. In reviewing and weighing these criteria, all relevant factors shall be considered. (3-29-10)

03. Debt Payments Not Accepted. If a physician selected for an award of debt payments does not accept the award in the manner provided in these rules, then the award shall be awarded to the next eligible applicant who has not received an award. (3-29-10)

017. MONETARY VALUE OF THE AWARD.

01. Award Amounts. A physician selected to receive a Rural Physician Incentive Program award shall be entitled to receive qualified medical education debt repayments for a period not to exceed five (5) years in such amount as is determined annually. The award shall not exceed the qualified medical education debt incurred by the recipient, and the maximum amount of educational debt repayments that a rural physician may receive shall be fifty thousand dollars (\$50,000) over such five (5) year period. Payments shall be limited to a maximum of ten thousand dollars (\$10,000) in a single year. (3-29-10)

02. Establishing Award Amounts. Award amounts shall be established annually based on recommendations of the oversight committee utilizing such factors as availability of funding, the number of new applicants, and the hours an award recipient will devote to providing primary care services in an eligible area. (3-29-10)

03. Repayment of Qualified Medical Education Debt. All qualified medical education debt repayments shall be paid directly to the award-recipient physician who shall direct payment of an equal amount to the financial institution holding such debt. An award-recipient physician shall sign an affidavit provided by the Office of the State Board of Education affirming that payment will be made to the financial institution. (6-24-11)

04. Incentive Fund. Pursuant to Section 33-3725, Idaho Code, the total of all awards from the rural physician incentive fund contractually committed in a year shall not exceed the annual amount deposited in the rural physician incentive fund that same year. (3-29-10)

05. Annual Adjustments. An award payment to a recipient in a single year is not guaranteed or assured in subsequent years and may be increased or reduced. Annual award payments for new and existing award recipients will be announced no later than April 30th of each year. (3-29-10)

018. ANNUAL CONTRACT.

01. Annual Contract. An award recipient physician must enter into an annual contract to be eligible for qualified medical education debt repayments. (3-29-10)

02. Verification of Eligibility. Prior to entering into a contract covering a new award year, an award recipient must verify that he has met and will continue to meet the award eligibility requirements specified in this rule. Annual verification of continued eligibility must be on a form provided by OSBE and submitted to OSBE no later than December 31st each year. (3-29-10)

03. Award Recipient Liability. Pursuant to Section 33-3725, Idaho Code, the contract must provide that the award recipient is liable to the Board for the award payments made on his behalf should the recipient cease to practice in the eligible area during the contract period or fail to perform according to the terms of the contract. (3-29-10)

019. FRAUDULENT INFORMATION.

Providing false information on any application or document submitted under this chapter is grounds for declaring the applicant ineligible. Any and all funds determined to have been acquired on the basis of fraudulent information must be returned to the rural physician incentive fund. This Section shall not limit other remedies which may be available for the filing of false or fraudulent applications. (3-29-10)

020. APPEAL PROCEDURE.

01. Filing an Appeal. Any Idaho Rural Physician Incentive Program award applicant or recipient adversely affected by a decision made under provisions of these rules may appeal such adverse decision as follows: (3-29-10)

a. The Idaho Rural Physician Incentive Program applicant or recipient must appeal no later than thirty (30) days following notice of the decision. The written statement must include a statement of the reason the applicant or recipient believes the decision should be changed or overturned. (3-29-10)

b. The appeal must be submitted to the President of the Board. The Board must acknowledge receipt of the appeal within seven (7) days. The President of the Board may or may not agree to review the appeal, or may appoint a subcommittee of three (3) persons to review the appeal. (3-29-10)

02. Transmittal to Subcommittee. If the appeal is transmitted to the subcommittee, the subcommittee will review the appeal and submit a written recommendation to the President of the Board within fifteen (15) days from the time the subcommittee receives the appeal document. The applicant or recipient initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal. (3-29-10)

03. Subcommittee Recommendations. Following the subcommittee's decision, the President of the Board will present the subcommittee's recommendation to the full Board at the next regularly scheduled meeting of the Board. The applicant or recipient initiating the appeal may, at the discretion of the President of the Board, be permitted to make a presentation to the Board. (3-29-10)

04. Board Decision. The decision of the Board is final, binding, and ends all administrative remedies, unless otherwise specifically provided by the Board. The Board will inform the applicant or recipient in writing of the decision of the Board. (3-29-10)

021. -- 999. (RESERVED).

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