

**PROPOSED REGULATION OF THE
STATE TREASURER**

LCB FILE NO. R081-23I

**The following document is the initial draft regulation proposed
by the agency submitted on 10/02/2023**

Assembly Bill 45 Draft Regulations

Section 1. Chapter 226 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 13, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Behavioral health care services” means those services done by a provider of health care that include diagnostic, therapeutic, or psychological services for behavioral health conditions.*

Sec. 4. *“Primary care services” certain services provided by provider of health care which include family medicine, pediatrics, internal medicine, psychiatry or obstetrics and gynecology.*

Sec. 5. 1. *A provider of health care who wishes to receive student loan repayment under the program, must submit an application to the State Treasurer in a form prescribed by the State Treasurer.*

2. *The State Treasurer shall make this form available to potential applicants by publishing it on an internet website maintained by the State Treasurer.*

3. *A provider of health care who applies to the State Treasurer for student loan repayment shall:*

(a) Affirm whether or not he or she is a current resident of the State;

(b) Affirm whether or not he or she is an eligible provider of health care as defined in Section 4 of Assembly Bill 45 of the 82nd Session of the Nevada Legislature;

(c) Identify whether or not whether or not he or she is actively licensed, certified, or registered in good standing to practice in this State as a provider of health care;

(d) Identify which entity he or she is licensed, certified, or registered to practice under;

(e) Provide the name and address of the business where he or she is currently providing health care services and/or the address of the business where he or she is considering relocating to, in which to provider health care services;

(g) Affirm whether or not he or she will commit to clinical practice as a licensed, certified or registered health care provider(?) in this State for at least 5 years in an underserved community;

(h) Affirm whether or not he or she is a provider of primary care services;

(i) Affirm whether or not he or she is currently accepting patients who are recipients of Medicaid and/or the Children’s Health Insurance Program;

(j) If applicable, affirm whether not he or would be willing to commit to accepting patients who are recipients of Medicaid and/or the Children’s Health Insurance Program if selected to receive student loan repayment under this program;

(k) Affirm whether or not he or she is providing reproductive health care services to patients in the State;

- (l) Provide the name and contact information for his or her current student education loan servicer along with the current balance of his or her outstanding student loans;*
- (m) Identify whether or not he or she is currently providing health care services or is willing to relocate to a county in Nevada whose population is less than 100,000;*
- (n) Identify any languages that he or she can speak fluently; and*
- (o) Affirm whether or not he or she currently practices health care on Tribal lands or in a community that serves a large number of Tribal members.*
- (p) Declare under penalty of perjury that all information submitted by the provider of health care is factual and correct.*

Sec. 6. *For each application for student loan repayment that is submitted by a provider of health care, the State Treasurer shall:*

- 1. Review the application for completeness, including, without limitation, any attachments or exhibits.*
- 2. Confirm that the applicant is a current resident of the State.*
- 3. Verify that the applicant is actively licensed, certified or registered in good standing to practice in this State as a provider of health care.*
- 4. Verify that the applicant is a provider of health care as defined in Section 4 of Assembly Bill 45 of the 82nd Session of the Nevada Legislature.*
- 5. Confirm that the applicant is currently practicing or is willing to relocate to practice in an underserved community as defined by Section 7 of Assembly Bill 45 of the 82nd session of the Nevada Legislature.*
- 6. Confirm that the applicant has outstanding student loan debt that still needs to be repaid.*
- 7. Determine whether or not the applicant is currently practicing in, or is willing to relocate to practice in, a Nevada county with less than 100,000 in population.*
- 8. Determine whether or not the applicant is currently serving or is willing to serve patients who use Medicaid and/or the Children's Health Insurance Program.*
- 9. Determine whether or not the applicant currently practices health care on Tribal lands or in a community that serves a large number of Tribal members.*
- 10. Identify any languages other than English that the applicant can speak fluently.*
- 11. Determine whether or not the applicant is a practitioner of primary care services.*
- 12. Determine whether or not the applicant provides reproductive health care services.*
- 13. Calculate the applicant's student debt to income ratio.*
- 14. Calculate the applicant's amount of student loan repayment that could be provided under the program in accordance with the methodology set forth in Section 7 of this regulation.*

Sec. 7. *1. The amount of student loan repayment a provider of health care is eligible to receive under the program shall be based on the student loan repayment methodology set forth by the State Treasurer.*

2. The loan repayment methodology set forth in subsection 1 shall utilize a sliding scale of loan repayment amounts that takes into consideration the following criteria:

- (a) The eligible types of providers who can receive student loan repayment under the program;*
- (b) The average income for each eligible provider type in the State;*

(c) The average student debt to income ratio for each provider type in the State;
(d) The extent that Health Resources Services Administration of the United States Department of Health and Human Services has a designated health professional shortage area within the State for each eligible provider type.

3. The student loan repayment methodology set forth in subsection 1 shall utilize relevant data from the United States Department of Health and Human Services, the United States Department of Labor, the Nevada Department of Health and Human Services, the Nevada Office of Minority Health and Equity, the Nevada System of Higher Education, the Governor's Office of Economic Development, public and private institutions providing graduate medical education in the State, and any other sources deemed necessary by the State Treasurer.

4. The student loan repayment methodology set forth in subsection 1, shall be updated on annual basis and shall be made available on an internet website maintained by the State Treasurer.

Sec. 10. 1. *No provider of health care shall receive a total of more than \$120,000 in student loan repayments under the program.*

2. A provider of health care is eligible to receive up to \$120,000 in student loan repayment through the Program if he or she is applying for, has received, or may receive in the future student loan repayment through the Nevada Health Service Corps program or from any other source.

3. If a provider of health care has a lesser amount of outstanding student loan debt than he or she is eligible to receive under the student loan repayment methodology at the time of applying to this program, the provider may only be awarded student loan repayment up to their outstanding student loan debt amount.

4. All student loan repayment awarded to providers of health care will be disbursed directly to the provider's student loan servicer and/or lender.

5. The total amount of student loan repayment awarded to a provider of health care will be structured in equal disbursements over a five-year period.

Sec. 11. 1. *The State Treasurer may establish a designated period each fiscal year under which applications for the program will be accepted.*

2. For each designated period under which applications for the program are accepted, the State Treasurer shall calculate the total amount of loan repayment eligible to be awarded to applicants according to the student loan repayment methodology set forth in Section 7.

3. If the total funding available for the program in a given year exceeds the total amount of projected student loan repayment applications submitted within a designated period according to the student loan repayment methodology set forth in Section 7, the State Treasurer may elect to continue accepting applications throughout fiscal the year until enough applications have been received to exhaust all available funding.

4. To the extent that enough eligible applications for student loan repayment are received, the State Treasurer shall award the first 15 percent of money available for the program in a given year to providers who are currently practicing in and/or commit to practicing in county whose population less than 100,000. Applicants who commit to practicing health care on Tribal reservations and/or in communities where Tribal members commonly reside may be included

in this initial award amount, if the Tribal reservation, colony, or other area is located within the geographic boundaries of a county with under 100,000 in population.

5. If, after funds have been awarded pursuant to subsection 4, the total amount of repayment for eligible applications exceeds the total amount of funding available for the program in a given year, the Treasurer shall prioritize awards in the following manner:

(a) First, for eligible applicants who commit to providing primary care services in an underserved community and who commit to accepting patients who are recipients of Medicaid and/or the Children's health insurance program. To the greatest extent possible, the State Treasurer shall work to ensure that:

(i) 25 percent of the total amount student loan repayment awarded to providers of primary care services under this subsection, goes to support providers who are already practicing in an underserved community; and

(ii) 75 percent of the total amount student loan repayment awarded to providers of primary care services under this subsection, goes to support providers who are not currently practicing in an underserved community, but would relocate their practice to an underserved community.

(b) Next, for eligible applicants who are specialty physicians that commit to providing health care services in an underserved community and that commit to accepting patients who are recipients of Medicaid and/or the Children's health insurance program. To the greatest extent possible, the State Treasurer shall work to ensure that:

(i) 25 percent of the total amount student loan repayment awarded to specialty physicians under this subsection, goes to support providers who are already practicing in an underserved community; and

(ii) 75 percent of the total amount student loan repayment awarded to specialty physicians under this subsection, goes to support providers who are not currently practicing in an underserved community, but would relocate their practice to an underserved community.

(c) Next, for eligible applicants who commit to providing behavioral health care services in an underserved community and who commit to accepting patients who are recipients of Medicaid and/or the Children's health insurance program. To the greatest extent possible, the State Treasurer shall work to ensure that:

(i) 25 percent of the total amount student loan repayment awarded to those who provide behavioral health care services under this subsection, goes to support providers who are already practicing in an underserved community; and

(ii) 75 percent of the total amount student loan repayment awarded to providers of behavioral health care services under this subsection, goes to support providers who are not currently practicing in an underserved community, but would relocate their practice to an underserved community.

(f) Next, for eligible applicants who commit to providing dental care in an underserved community and who commit to accepting patients who are recipients of Medicaid and/or the Children's health insurance program.

(i) 25 percent of the total amount student loan repayment awarded to those who provide dental care under this subsection, goes to support providers who are already practicing in an underserved community; and

(ii) 75 percent of the total amount student loan repayment awarded to providers of dental care under this subsection, goes to support providers who are not currently practicing in an underserved community, but would relocate their practice to an underserved community.

(g) Any remaining eligible applicants who commit to practicing in an underserved community and who commit to accepting patients who are recipients of Medicaid and/or the Children's health insurance program.

(h) Any remaining eligible applicants who commit to practicing in an underserved community but do not commit to accepting patients who are recipients of Medicaid and/or the Children's health insurance program.

Sec. 12. 1. *In consultation with the Attorney General's Office, the State Treasurer shall develop a loan repayment agreement, which must be successfully executed for a provider of health care to receive student loan repayment under the program.*

2. *The loan repayment agreement shall at least specify that:*

(a) The provider of health care must commit to clinical practice in a qualified underserved community for a period of no less than five years.

(b) All student loan repayments will be disbursed directly to provider of health care's student loan servicer and/or lender.

(c) Student loan repayments will be structured in equal annual? payments over a five-year period.

(d) The provider of health care must notify the State Treasurer if he or she:

(i) Relocates their residence and/or place of practice;

(ii) Ceases to practice health care in the State;

(iii) Is formally disciplined by a regulatory body within State;

(iv) Is no longer registered, certified, or registered in good standing to practice within the State.

3. *The loan agreement shall also contain a provision that if the State Treasurer determines that a provider of health care submitted information to the State Treasurer that is found to be untrue, fraudulent and/or misleading, the provider of health care may be required to return and monies used for student loan repayment that was previously provided by the State Treasurer.*

Sec. 13. 1. *Once the State Treasurer has determined an applicant is eligible to receive student loan repayment under the program, and if sufficient money is available within a given year, the State Treasurer shall notify the applicant of their preliminary approval for student loan repayment under the program.*

2. A provider of health care who receives preliminary approval from the State Treasurer for student loan repayment under the program must successfully sign and complete the loan repayment agreement pursuant to Section 7, to be eligible to receive any student loan repayment.

3. Once the provider of health care has completed the loan repayment agreement, the State Treasurer or his or her designee will sign and execute the loan repayment agreement.

4. Once the loan repayment agreement has been successfully executed, the State Treasurer will work process student repayments, based on the distribution schedule outlined in the loan repayment agreement, on behalf of the provider of health care to his or her student loan servicer and/or lender.