

Chapter Comm 122

PHYSICIAN LOAN ASSISTANCE PROGRAM

Comm 122.01	Purpose.
Comm 122.02	Definitions.
Comm 122.03	Mental health shortage area.
Comm 122.04	Priorities among eligible applicants.
Comm 122.05	Application process.

Comm 122.06	Breach of agreement.
Comm 122.07	Penalties for breach of agreement.
Comm 122.08	Waiver of penalties.
Comm 122.09	Suspension.

Note: Chapter Comm 122 as it existed on June 30, 1998 was repealed and new chapter Comm 122 was created effective July 1, 1998.

Comm 122.01 Purpose. The purpose of this chapter is to establish provisions necessary for the administration of those aspects of the physician educational loan assistance program and the expanded loan assistance program which relate to the following:

- (1) The identification of eligible practice areas as provided under s. 560.183 (1) (ag), Stats.
- (2) The establishment of priorities among eligible applicants.
- (3) The procedures under which physicians may apply for assistance under this chapter and the procedures under which the department shall make determinations in regard to physician applications.
- (4) The penalties for breach of an agreement, and circumstances under which those penalties may be waived.

History: Cr. Register, June, 1998, No. 510, eff. 6-1-98.

Comm 122.02 Definitions. In this chapter:

- (1) "Department" means the department of commerce.
- (2) "Educational loan" means a health education assistance loan, a plus loan, a national direct student loan, a stafford loan, a health professions student loan, a supplemental loan for students, a guaranteed student loan from a state education financial aid office, a university sponsored student loan, a trust fund loan, a scholastic loan, a foundation loan or any other loan that the department determines is exclusively for educational purposes, and that was obtained by the physician from a public or private lending institution for education in an accredited school of medicine or for post graduate medical training.

(3) "Eligible practice area" has the meaning set forth in s. 560.183 (1) (ag), Stats.

(4) "Mental health shortage area" has the meaning contained in s. 560.183 (1) (ap), Stats.

History: Cr. Register, June, 1998, No. 510, eff. 6-1-98.

Comm 122.03 Mental health shortage area. (1) The department shall identify as a mental health shortage area any geographic area that conforms to the definition in s. Comm 122.02 (4).

(2) In addition to conforming to s. Comm 122.02 (4), a written agreement between the department and a physician specializing in psychiatry shall require that the physician enter into an agreement with the board or boards created under s. 51.42, Stats., which operate in the mental health shortage area, to provide at least 8 hours of psychiatric care per week to clients of the board or boards.

History: Cr. Register, June, 1998, No. 510, eff. 6-1-98.

Comm 122.04 Priorities among eligible applicants. If the cost of repaying the educational loans of all eligible applicants, when added to the cost of educational loan repayments scheduled under existing agreements, exceeds the total amount in the appropriations under s. 20.143 (1) (kr), (o), and (jm), Stats., the

department shall establish priorities among eligible applicants based upon the following considerations:

(1) **EXTREMELY HIGH NEED FOR MEDICAL CARE.** The degree to which there is an extremely high need for medical care in the eligible practice area in which the physician proposes to practice.

(2) **PHYSICIAN RETENTION.** The likelihood of long term retention of the physician.

(3) **PER CAPITA INCOME.** The average per capita income in the eligible practice area in which the physician plans to practice.

(4) **FINANCIAL SUPPORT FOR PHYSICIAN RECRUITMENT AND RETENTION.** The extent of local financial support provided to recruit or retain the physician for the eligible practice area.

(5) **LENGTH OF SERVICE.** The degree to which the physician is new to the eligible practice area.

(6) **PROVISION OF OBSTETRIC SERVICES.** The agreement of a primary care physician to provide obstetric services.

(7) **GEOGRAPHIC DISTRIBUTION.** The geographical distribution of physicians with whom the department has existing agreements and the geographical distribution of eligible applicants.

(8) **EDUCATIONAL LOAN BALANCE.** The educational loan balance of the eligible applicant.

History: Cr. Register, June, 1998, No. 510, eff. 6-1-98; correction in (intro.) made under s. 13.93 (2m) (b) 7., Stats.

Comm 122.05 Application process. (1) Applications shall be in such form as the department may require and shall contain the following information:

(a) Evidence pertaining to dates of accredited medical school attendance and graduation.

(b) Evidence of educational loan indebtedness and education loan outstanding balance.

(c) The location of the applicant's current or proposed practice.

(d) Any other information the department may require to make a determination in accordance with the provisions of s. 560.183, Stats., and this chapter.

(2) The department shall provide application materials.

History: Cr. Register, June, 1998, No. 510, eff. 6-1-98.

Comm 122.06 Breach of agreement. (1) The following actions, if taken by a physician who has entered into an agreement with the department under the state physician loan repayment program for repayment of loans entirely from state funds, after July 1, 1998, shall constitute a breach of that agreement:

(a) No longer practicing at an eligible clinic.

(b) Reducing hours below the minimum required by the department.

(c) Failing to treat medicare or medicaid patients.

(d) Failing to apply funds received from the department to repayment of eligible loans.

(e) Failing to timely supply documentation required by the department.

(f) Failing to work at least 45 weeks per year.

(2) The following actions, if taken by a physician who has entered into an agreement with the department under the

expanded loan assistance program under s. 560.183 (9), shall constitute a breach of that agreement:

- (a) No longer practicing at a public or private, nonprofit entity.
- (b) Reducing hours below the minimum required by the department.
- (c) Failing to take medicare assignment.
- (d) Failing to treat medicaid patients.
- (e) Failing to apply funds received from the department to repayment of eligible loans.
- (f) Failing to timely supply documentation required by the department.
- (g) Failing to work at least 45 weeks per year.
- (h) Failing to use a sliding fee scale or comparable method of determining payment arrangements for patients who are not eligible for medicare or medical assistance and who are unable to pay the customary fee for the physician's services. Sliding fee scales may vary from clinic to clinic but, at a minimum, should address persons with incomes below 200% of the federal poverty level.

History: Cr. Register, June, 1998, No. 510, eff. 6-1-98.

Comm 122.07 Penalties for breach of agreement.

(1) A physician who breaches an agreement with the department in the first year of the physician's obligation shall repay to the department the amount already received plus an amount equal to the total months of obligation multiplied by \$1,000.

(2) A physician who breaches an agreement with the department in the second year of the physician's obligation shall repay

to the department the amount already received plus an amount equal to the number of unserved months multiplied by \$1,000.

(3) A physician who breaches an agreement with the department in the third year of the physician's obligation shall repay to the department the amount already received for unserved months plus an amount equal to the number of unserved months multiplied by \$1,000.

History: Cr. Register, June, 1998, No. 510, eff. 6-1-98.

Comm 122.08 Waiver of penalties. The department may waive any penalty for breach of agreement if the physician is unable to serve or repay due to a permanent physical or mental impairment that prevents the physician from working in the physician's profession. The physician shall provide verification of his or her condition from an appropriate board certified specialist or specialists that will reasonably convince the department that the physician will be unable to continue working in the physician's profession.

History: Cr. Register, June, 1998, No. 510, eff. 6-1-98.

Comm 122.09 Suspension. A physician's contract may be suspended by the department, without penalty, for a period of time agreed upon by the physician and the department for certain hardships, including an extended illness or family leave that exceeds the maximum of 7 weeks off allotted each year, or termination of employment that requires the physician to seek employment in another eligible practice site.

History: Cr. Register, June, 1998, No. 510, eff. 6-1-98.