

JAN 23 2009

A BILL FOR AN ACT

RELATING TO HAWAII HEALTH CORPS PROGRAM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that changes in
2 demographics, the delivery of health care services, and the
3 escalating costs of education have resulted in severe shortages
4 of health care professionals. A poor distribution of health
5 care professionals has resulted in a surplus of these
6 professionals in some areas of the State and a shortage in other
7 parts of the State, particularly in the more rural areas. The
8 rural shortage areas often require more services because the
9 health care needs are greater due to socio-economic or
10 geographic circumstances. The salary potential for shortage
11 areas is often not as favorable when compared to non-shortage
12 areas resulting in many health care practitioners being
13 financially unable to serve in those shortage areas.

14 The legislature finds that in order to successfully address
15 the health care shortage areas within the State, the following
16 programs need to be implemented:



- 1 (1) Loan Repayment Program: Such a program should be
2 structured to obtain federal matching funds that would
3 be used to repay eligible student loans in exchange
4 for a service commitment by physicians and dentists
5 practicing in health professional shortage areas; and
- 6 (2) Recruitment Program: Such a program would not receive
7 federal matching funds. Incentives would be awarded
8 to public or private nonprofit organizations,
9 communities, or recruitment health professionals
10 practicing in areas designated by the department that
11 are experiencing a shortage of health care
12 professionals. Unlike the loan repayment program,
13 this program will be open to all health care
14 professionals, including but not limited to,
15 physicians, dentists, mid-level practitioners,
16 pharmacists, allied health professionals, and
17 specialists, for example, orthopedic surgeons for whom
18 there is an acknowledged need in some areas of the
19 State. The incentives could be also used to provide
20 financial support for spouses and families of
21 recruitment health professionals as doing so is
22 critical in recruiting and retaining health care



1 professionals in these areas. Finally, unlike the
2 loan repayment program, recruitment health
3 professionals can practice in geographic areas not
4 covered under the loan repayment program.

5 SECTION 2. The Hawaii Revised Statutes is amended by
6 adding a new chapter to be appropriately designated and to read
7 as follows:

8 **"CHAPTER**

9 **HAWAII HEALTH CORPS PROGRAM**

10 **PART I. GENERAL PROVISIONS**

11 § -1 **Definitions.** As used in this chapter, unless the
12 context clearly requires otherwise:

13 "Applicant" means an individual who has submitted a
14 completed application for the loan repayment program or the
15 recruitment program and meets the application requirements
16 established by the department for the respective program.

17 "Approved site" means, for the purposes of the loan
18 repayment program, a provider site that is a public or nonprofit
19 private entity located in a health professional shortage area
20 and approved by the department.

21 "Dentist" means an individual licensed to practice
22 dentistry in the State under chapter 448.



1 "Department" means the department of health.

2 "Eligible education" means education and training programs
3 approved by the department that lead to eligibility for
4 licensure as repayment health care professional.

5 "Eligible expenses" means reasonable expenses associated
6 with the costs of acquiring an eligible education such as
7 tuition, books, equipment, fees, room and board, and other
8 expenses determined by the department.

9 "Health professional shortage area" is an area in the State
10 where there are shortages of health professionals. In making
11 health professional shortage area designations in the State the
12 department may be guided by applicable federal standards.

13 "Incentives" means the cash or in-kind award made to a
14 recruitment recipient, and includes awards made to a spouse or
15 the family of a recruitment health professional.

16 "Loan repayment program" means the loan repayment program
17 administered by the department.

18 "Physician" means an individual licensed to practice
19 medicine in the State pursuant to chapter 453.

20 "Qualifying educational loan" means a government or
21 commercial loan for eligible expenses.



1 "Recruitment health professional" means an individual who
2 is a health professional, including allopathic and osteopathic
3 physicians (family practitioners, internists, pediatricians,
4 obstetricians and gynecologists, and general psychiatrists),
5 nurse practitioners, certified nurse-midwives, physician
6 assistants, dentists, registered clinical dental hygienists,
7 clinical or counseling psychologists, clinical social workers,
8 psychiatric nurse specialists, mental health counselors,
9 licensed professional counselors, marriage and family
10 therapists, and health care specialists.

11 "Recruitment health professional shortage area" means a
12 health professional shortage area or other area determined by
13 the department to be experiencing a shortage of recruitment
14 health professionals.

15 "Recruitment program" means the health professional
16 recruitment and retention program that is administered by the
17 department.

18 "Recruitment recipient" means either a recruitment health
19 professional or a public or private nonprofit organization or
20 community that employs a recruitment health professional.



1 "Repayment health care professional" means a primary care
2 physician, family care practitioner, internist, pediatrician,
3 obstetrician, general psychologist, or general practice dentist.

4 "Repayment participant" means a repayment health care
5 professional who has received a loan repayment award and has
6 commenced practice in a health professional shortage area.

7 **PART II. LOAN REPAYMENT PROGRAM**

8 § -11 **Loan repayment program established.** There is
9 established the loan repayment program within the department.
10 The loan repayment program shall be administered in a manner
11 that is consistent with the provisions of 42 United States Code
12 254q-1, as the same may be amended from time to time.

13 § -12 **Administration.** The loan repayment program shall
14 be administered by the department. The department shall:

- 15 (1) Accept applications from interested persons;
- 16 (2) Develop criteria for the selection of repayment
17 participants;
- 18 (3) Select repayment health care professionals to
19 participate in the loan repayment program, provided
20 that the department shall not select more than twenty
21 individuals in one year and have no more than one
22 hundred individuals participating in the loan.



1 repayment program at any one time, subject to
2 available funding and the need for repayment health
3 care professionals in health professional shortage
4 areas;

5 (4) Collect and manage repayments from repayment
6 participants who do not meet their service obligations
7 under this chapter, including enforcing the remedies
8 for breach of the service obligation;

9 (5) Publicize and market the loan repayment program,
10 particularly to maximize participation among
11 individuals in health professional shortage areas;

12 (6) Solicit and accept grants and donations from public
13 and private sources for the loan repayment program;

14 (7) Develop criteria for and enter into a contract with
15 the repayment participant that obligates the repayment
16 participant to complete the service obligation and to
17 comply fully with the terms and conditions of the loan
18 repayment program;

19 (8) Administer the recruitment program separately from the
20 loan repayment program;

21 (9) Establish a group, which shall be advisory only,
22 comprising of representatives from government and the



1 health profession, including providers, community
2 health centers, professional organizations, to assist
3 the department in developing criteria to select
4 participants, determining areas having the greatest
5 need for health professionals, and on advising on
6 other matters related to the administration of the
7 loan repayment program. The same members may serve on
8 the advisory group for the loan repayment program and
9 the recruitment program; and

- 10 (10) Take any and all other actions necessary to administer
11 the loan repayment program.

12 § -13 **Eligibility.** To be eligible to participate in the
13 loan repayment program, an individual shall:

- 14 (1) Submit an application to the department;
15 (2) Have a signed employment agreement or contract with an
16 approved site;
17 (3) Provide copies of loan documentation;
18 (4) Be a United States citizen or a naturalized citizen of
19 the United States;
20 (5) Not have any other outstanding contractual obligations
21 for health professional services to the federal
22 government, to a state government, or other entity or



- 1 organization unless that service obligation will be
2 completely satisfied before the contract for the
3 service obligation under the loan repayment program is
4 signed;
- 5 (6) Not have a judgment lien against its property for a
6 debt to the United States;
- 7 (7) Not have a history of failing to comply with, or
8 inability to comply with service or payment
9 obligations;
- 10 (8) Not have defaulted on any federal payment obligation
11 even if the creditor considers the obligation to be in
12 good standing;
- 13 (9) Not have breached a prior service obligation to the
14 federal, state, or local government or other entity or
15 organization, even if the obligation was subsequently
16 satisfied;
- 17 (10) Not have had any federal debt written off as
18 uncollectible (pursuant to 31 United States Code
19 3711(a)) or had any federal service or payment
20 obligation waived;
- 21 (11) Perform the service obligation at an approved site;



- 1 (12) Provide full-time clinical services at an approved
2 site;
- 3 (13) Charge for their professional services at the usual
4 and customary prevailing rates in the area where the
5 services are provided, except that if a person is
6 unable to pay the charge, the person may be charged at
7 a reduced rate or not charged any fee;
- 8 (14) Agree not to discriminate on the basis of the
9 patient's ability to pay or on the basis that the
10 payment for the care will be made pursuant to
11 medicare, medicaid, or the state children's health
12 insurance program;
- 13 (15) Agree to accept assignment under medicare under Title
14 XVIII of the Social Security Act, enter into an
15 appropriate agreement with the state agency that
16 administers the state plan for medicaid under Title
17 XIX of the Social Security Act, and enter into an
18 appropriate agreement with the state children's health
19 insurance program to provide service to children under
20 Title XXI of the Social Security Act;



- 1 (16) Agree to pay the amount specified by the department if
- 2 the service obligation is not completed for any
- 3 reason;
- 4 (17) Be a licensed and qualified repayment health care
- 5 professional in the State and maintain licensure and
- 6 qualifications during the service obligation period;
- 7 (18) Obtain and maintain any other licensure required of
- 8 repayment health care professionals in the State; and
- 9 (19) Meet any other requirements that may be established by
- 10 the department.

11 § -14 **Preference and selection.** (a) In selecting

12 repayment participants, the department shall give first priority

13 preference to:

- 14 (1) Graduates of the university of Hawaii John A. Burns
- 15 school of medicine;
- 16 (2) Graduates of a Hawaii residency program; or
- 17 (3) Residents of the State who have obtained residency
- 18 through a minimum of three of the following six
- 19 criteria:
- 20 (A) Legal residence of the applicant for at least
- 21 twelve months;
- 22 (B) Legal residence of the applicant's parents;



- 1 (C) The applicant's place of birth;
- 2 (D) Location of the high school from which the
- 3 applicant graduated;
- 4 (E) The applicant is a native Hawaiian;
- 5 (F) Location of the college or university which the
- 6 applicant attended; or
- 7 (G) The applicant's parent or legal guardian is a
- 8 John A. Burns school of medicine graduate,
- 9 graduate of a Hawaii residency program, or is a
- 10 university of Hawaii John A. Burns school of
- 11 medicine faculty member.

12 (b) The department shall give second priority preference
13 to graduates of out-of-state medical schools, osteopathic
14 colleges, dental schools, or residency programs.

15 (c) The criteria used to select repayment participants for
16 the loan repayment program shall be determined by the
17 department. The criteria may include: need for primary care
18 physicians and dentists in the health professional shortage
19 areas, the willingness of an applicant to work full-time in the
20 health professional shortage area, or the likelihood of the
21 applicant continuing to practice in the health professional
22 shortage area after the service obligation has been completed.



1 § **-15 Eligible expenses.** The department shall only
2 repay qualifying educational loans.

3 § **-16 Amount of the award.** Subject to the availability
4 of funding and need for repayment health care professionals in
5 health professional shortage areas, the amount of the award
6 shall be determined by the department but shall not exceed the
7 maximum amounts permitted to be awarded to repayment
8 participants under 42 United States Code 254q-1, as the same may
9 be amended from time to time.

10 § **-17 Service obligation.** A repayment participant must
11 agree to serve full-time at an approved site for a minimum of
12 two years with the possibility of extending the service
13 obligation for one-year terms for a total service obligation not
14 to exceed five years. Periods of internship, preceptorship,
15 clinical training, or other postgraduate training shall not be
16 counted toward the service obligation.

17 § **-18 Cancellation of service obligation.** The
18 department may cancel a contract with a repayment participant
19 only upon the death of the repayment participant.

20 § **-19 Waiver of service obligation.** The department may
21 permanently waive the service obligation upon the documentation
22 by the repayment participant that a medical condition or a



1 personal situation makes compliance with the service obligation
2 permanently impossible, as determined by the department.

3 § -20 **Suspension.** The department may temporarily
4 suspend the repayment participant's service obligation upon the
5 documentation by the repayment participant of a medical
6 condition or personal situation that makes compliance with the
7 service obligation temporarily impossible, as determined by the
8 department.

9 § -21 **Default.** A repayment participant who fails to
10 complete the service obligation shall pay as a penalty the sum
11 of the following:

- 12 (1) The amount paid to or on behalf of a repayment
13 participant for any period of obligated service not
14 served;
- 15 (2) The amount equal to the number of months of obligated
16 service not served multiplied by \$7,500; and
- 17 (3) Interest on the above amount at the maximum prevailing
18 interest rate determined by the Treasurer of the
19 United States from the day of the default;

20 provided that the amount the State is entitled to collect shall
21 not be less than \$31,000.



1 § -22 **Rules.** The department may adopt rules under
2 chapter 91 relating to the loan repayment program.

3 **PART III. RECRUITMENT PROGRAM**

4 § -31 **Established.** There is established the recruitment
5 program within the department.

6 § -32 **Administration.** The recruitment program shall be
7 administered by the department which shall:

- 8 (1) Maintain listings of communities and areas within the
9 State with need for recruitment health professionals;
- 10 (2) Maintain listings of recruitment health professionals
11 interested in working in such communities and areas;
- 12 (3) Act as an intermediary between communities or public
13 or private nonprofit organizations and recruitment
14 health professionals desiring to practice in
15 recruitment health professional shortage areas;
- 16 (4) Work with communities and public or private nonprofit
17 organizations to recruit and retain recruitment health
18 professionals to work and live in communities
19 experiencing a shortage of recruitment health
20 professionals;



- 1 (5) Work with recruitment health professionals desiring to
2 work in recruitment health professional shortage
3 areas;
- 4 (6) Develop funding models for the recruitment program
5 that provide for security and flexibility for
6 recruitment health professionals;
- 7 (7) Develop incentive payment structures and packages that
8 support the recruitment health professionals, their
9 spouses, and families, including but not limited to,
10 professional liability insurance relief, cost of
11 living allowances, income guarantee payments, housing
12 allowances, vehicle, vehicle allowance, continuing
13 medical education, telemedicine capability, waiver of
14 fees, or providing employment opportunities for the
15 spouses of recruitment health professionals;
- 16 (8) Work with other agencies to minimize or remove
17 regulatory barriers to relocating or practicing in
18 health professional shortage areas;
- 19 (9) Select recruitment recipients using criteria
20 established by the department;
- 21 (10) Publicize and market the recruitment program;



1 (15) Take any and all other actions necessary to administer
2 the recruitment program.

3 § -33 **Selection and preference.** (a) In selecting
4 recruitment recipients, the department shall give first priority
5 preference to recruitment health professionals who are:

6 (1) Graduates of the university of Hawaii John A. Burns
7 school of medicine;

8 (2) Graduates of a Hawaii residency program; or

9 (3) Residents of the State of Hawaii who have obtained
10 residency through a minimum of three of the following
11 six criteria:

12 (A) Legal residence of the applicant for at least
13 twelve months;

14 (B) Legal residence of the applicant's parents;

15 (C) The applicant's place of birth;

16 (D) Location of the high school from which the
17 applicant graduated;

18 (E) The applicant is native Hawaiian;

19 (F) Location of the college or university that the
20 applicant attended; or

21 (G) The applicant's parent or legal guardian is a
22 university of Hawaii John A. Burns school of



1 medicine graduate, graduate of a Hawaii residency
2 program, or is a John A. Burns school of medicine
3 faculty member.

4 (b) The department shall give second priority preference
5 to recruitment health professionals who are graduates of out-of-
6 state schools or residency programs.

7 (c) The department shall develop criteria for selecting
8 recruitment recipients. The criteria may include the need for
9 recruitment health professionals in the recruitment health
10 professional shortage areas, the willingness of an applicant to
11 work full-time in the recruitment health professional shortage
12 areas, or the likelihood of the applicant continuing to practice
13 in the recruitment health professional shortage area after the
14 service obligation has been completed.

15 § -34 **Award of incentives.** (a) Incentives shall only
16 be awarded to recruitment recipients.

17 (b) Subject to available funding and need for recruitment
18 health professionals in the recruitment health professional
19 shortage area, the amount of the incentives awarded to each
20 recruitment recipient shall be determined by the department, but
21 shall not exceed the amount of \$17,500 per recruitment recipient
22 per year.



1 § **-35 Eligibility.** (a) The recruitment program shall
2 accept applications from recruitment health professionals, or
3 public or nonprofit private entities or communities intending to
4 employ or currently employing a recruitment health professional.

5 (b) To be eligible to participate in the recruitment
6 program, the recruitment recipient must:

7 (1) In the case of a public or nonprofit private entity or
8 community, employ or intend to employ and provide the
9 services of a recruitment health professional for the
10 length of the service obligation in the recruitment
11 health professional shortage area; or

12 (2) In the case of a recruitment health professional,
13 provide the services of a recruitment health
14 professional in a recruitment health professional
15 shortage area.

16 (c) In addition to the requirements set forth in
17 subsection (a), to be eligible to participate in the recruitment
18 program, a recruitment health professional shall also:

19 (1) Be a United States citizen or a naturalized citizen of
20 the United States;



- 1 (2) Provide full-time services of a recruitment health
2 professional in the recruitment health professional
3 shortage area;
- 4 (3) Charge for the recruitment health professional's
5 professional services at the usual and customary
6 prevailing rates in the area where the services are
7 provided, except that if a person is unable to pay the
8 charge, the person may be charged at a reduced rate or
9 not charged any fee;
- 10 (4) Agree not to discriminate on the basis of the
11 patient's ability to pay or on the basis that the
12 payment for the care will be made pursuant to
13 medicare, medicaid, or the state children's health
14 insurance program;
- 15 (5) Agree to accept assignment under medicare under Title
16 XVIII of the Social Security Act, enter into an
17 appropriate agreement with the state agency that
18 administers the state plan for medicaid under Title
19 XIX of the Social Security Act, and enter into an
20 appropriate agreement with the state children's health
21 insurance program to provide service to children under
22 Title XXI of the Social Security Act;



1 (6) Agree to pay the amount specified by the department if
2 the service obligation is not completed for any
3 reason;

4 (7) Be a licensed and qualified recruitment health
5 professional in the State and maintain the licensure
6 and qualifications during the service obligation
7 period;

8 (8) Obtain and maintain any other licensure required of
9 recruitment health professionals in the State; and

10 (9) Meet any other requirements that may be established by
11 the department.

12 § -36 **Service obligation.** The recruitment recipient, in
13 the case of a public or nonprofit private entity or community,
14 shall obligate the recruitment health professional to practice
15 full-time in a recruitment health professional shortage area for
16 a minimum of two years with the possibility of extending the
17 service obligation for one-year terms for a total service
18 obligation not to exceed five years. Periods of internship,
19 preceptorship, clinical training, or other post-graduate
20 training shall not be counted toward the service obligation.

21 § -37 **Recruitment health professional shortage areas.**

22 The recruitment recipients shall be located in and shall provide



1 services of a recruitment health professional in a recruitment
2 health professional shortage area.

3 § -38 **Waiver of service obligation.** The department may
4 permanently waive the service obligation upon the documentation
5 by the recruitment health professional that a medical condition
6 or a personal situation makes compliance with the service
7 obligation permanently impossible, as determined by the
8 department.

9 § -39 **Suspension.** The department may temporarily
10 suspend the service obligation upon the documentation by the
11 recruitment health professional of a medical condition or
12 personal situation that makes compliance with the service
13 obligation temporarily impossible, as determined by the
14 department.

15 § -40 **Default.** A recruitment recipient who fails to
16 complete the service obligation shall pay as a penalty the sum
17 of the following:

18 (1) The amount paid to or on behalf of a repayment
19 participant for any period of obligated service not
20 served;

21 (2) The amount equal to the number of months of obligated
22 service not served multiplied by \$7,500; and



1 § -62 **Coordination of funds.** Funds appropriated by the
2 legislature for the purposes of this Act or received from
3 private sources may be allocated by the department between the
4 loan repayment program and recruitment program based on the need
5 for the funds and need for either repayment health care
6 professionals or recruitment health professionals within the
7 State."

8 SECTION 3. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so
10 much thereof as may be necessary for fiscal year 2009-2010 and
11 the same sum or so much thereof as may be necessary for fiscal
12 year 2010-2011 to carry out the purposes this Act.

13 SECTION 4. The sum appropriated shall be expended by the
14 department of health for the purposes of this Act.

15 SECTION 5. This Act shall take effect upon its approval.
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Report Title:

Hawaii Health Corps Program; Physician Shortage; Health Care

Description:

Establishes the Hawaii health corps program to address physician shortages in rural areas of the State; establishes a loan repayment program and an incentive plan for the recruitment of health care professionals to serve shortage areas.

