

## SUBCHAPTER 2. PROGRAM REQUIREMENTS

**9A:16-2.1 Eligibility**

(a) To be eligible for participation in the program, an applicant must:

1. Be a resident of the State of New Jersey at the time of application and maintain residency throughout participation in the program;
2. Be licensed to practice as a primary care practitioner in the State of New Jersey at the time of application and maintain a license to practice in the State throughout participation in the program;
3. Agree to practice primary care at an approved site;
4. Not be in default on any eligible qualifying loan; and
5. Adhere to the following performance standards:
  - i. Enter into a mutually acceptable contract with an approved site;
  - ii. Report to the Authority, on the form provided by the Authority, on the program participant's performance of services rendered at an approved site prior to the repayment of the annual amount of eligible redemption; and
  - iii. If the approved site is a clinic which is part of the extramural network of dental clinics established by the Rutgers School of Dental Medicine of the Rutgers Biomedical and Health Sciences, the program participant shall also meet performance standards set by the Rutgers School of Dental Medicine.

Amended by R.1997 d.530, effective December 15, 1997.

See: 29 N.J.R. 4228(a), 29 N.J.R. 5295(a).

Amended by R.2000 d.91, effective March 6, 2000.

See: 31 N.J.R. 3906(a), 32 N.J.R. 803(b).

Rewrote (a).

Amended by R.2011 d.042, effective February 7, 2011.

See: 42 N.J.R. 1957(a), 43 N.J.R. 305(a).

Rewrote (a)1 and (a)2; deleted former (a)3 through (a)5; recodified former (a)6 and (a)7 as (a)3 and (a)4; rewrote (a)3 and (a)4; and added (a)5.

Amended by R.2015 d.143, effective September 8, 2015.

See: 47 N.J.R. 686(a), 47 N.J.R. 2294(a).

In (a)5iii, substituted "Rutgers School of Dental Medicine of the Rutgers Biomedical and Health Sciences" for "New Jersey Dental School of the University of Medicine and Dentistry of New Jersey" and "Rutgers School of Dental Medicine" for "New Jersey Dental School".

**9A:16-2.2 Application and selection procedures**

(a) The Executive Director shall select the program participants from among those applicants who meet the eligibility criteria established pursuant to N.J.A.C. 9A:16-2.1.

(b) To receive consideration for participation in the program, an applicant must submit a completed program application to the Executive Director.

(c) In the event that there are insufficient funds or approved sites to select all of the applicants who meet the eligibility criteria, the Executive Director shall accord priority to applicants in the following manner:

1. First, to any applicant who is completing a fourth, third or second year of a loan redemption contract;

2. Second, to any applicant according to the severity of the physician dentist, or other primary care provider shortage in the area selected by the applicants as ranked by the Commissioner pursuant to the criteria established in N.J.S.A. 18A:71C-35;

3. Third, to any applicant whose residence in the State at the time of entry into postsecondary education was within a State designated underserved area, as determined at the time of the applicant's entry into postsecondary education; and

4. In the event that there are more applicants who have the same priority than there are program positions, the Executive Director shall select program participants by means of a lottery or other form of random selection.

(d) The Executive Director, in consultation with the Commissioner, shall match eligible applicants to State designated underserved areas.

(e) Each selected applicant shall serve a six-month probationary period upon initial placement at an approved site.

(f) At the completion of each program participant's probationary period, a primary care staff member at his or her approved site, or in the case of a clinic which is part of the extramural network of dental clinics established by the Rutgers School of Dental Medicine of the Rutgers Biomedical and Health Sciences, the director of the clinics and the vice-dean of the dental school, or whomever is serving in that capacity, shall submit to the Executive Director a recommendation of either the continuation of the program participant's placement, a change of placement, or the program participant's unsuitability for the program.

1. If the recommendation is a change in placement, the Executive Director shall approve an alternate placement at an approved site.

2. If the recommendation is the program participant's unsuitability for the program, the Executive Director shall take such recommendation into consideration in determining the program participant's final acceptance into the program.

(g) Satisfactory completion of the probationary period shall constitute final acceptance as a program participant and entitle the participant to receive credit for the probation period in the calculation of his or her first full year of service.

(h) At the time an applicant is accepted as a program participant, the Executive Director will encumber those program

funds necessary to provide for the four years redemption of the participant's eligible qualifying loan expenses.

Amended by R.1997 d.530, effective December 15, 1997.

See: 29 N.J.R. 4228(a), 29 N.J.R. 5295(a).

Amended by R.2000 d.91, effective March 6, 2000.

See: 31 N.J.R. 3906(a), 32 N.J.R. 803(b).

Rewrote (a) and (e); in (c), changed N.J.S.A. reference; in (d), substituted a reference to State designated underserved areas for a reference to medically underserved areas; and in (g), substituted a reference to primary care staff members for a reference to medical and dental staff members in the introductory paragraph.

Amended by R.2011 d.042, effective February 7, 2011.

See: 42 N.J.R. 1957(a), 43 N.J.R. 305(a).

Rewrote (a) and (c); in (d), deleted "based upon the Commissioner's ranking of such areas and applicant preference" from the end; deleted former (e); recodified former (f) through (i) as (e) through (h); in (e), substituted "at an approval" for "in a service"; rewrote the introductory paragraph of (f); in (f)1, substituted "approve" for "place the applicant in" and inserted "at an approved"; in (f)2, substituted "program participant's" for "applicant's" twice; and in (h), inserted "four years" and substituted "qualifying" for "student".

Amended by R.2015 d.143, effective September 8, 2015.

See: 47 N.J.R. 686(a), 47 N.J.R. 2294(a).

In (b), deleted "annually" following "must"; in (f), substituted "Rutgers School of Dental Medicine of the Rutgers Biomedical and Health Sciences" for "New Jersey Dental School of the University of Medicine and Dentistry of New Jersey".

### 9A:16-2.3 Terms of contract and loan redemption

(a) An applicant, who has met the eligibility requirements for participation in the program, shall enter into a written contract with the Authority. The contract shall specify the dates of required service and the total amount of eligible qualifying loan expenses to be redeemed in return for service. The contract shall further stipulate that the applicant has knowledge of and agrees to the six-month probationary period required prior to final acceptance into the program. Additionally, the contract shall require a program participant to:

1. Serve at least an initial two-year period at an approved site in the full-time clinical practice of that person's primary care profession;
2. Charge for professional services at the usual and customary rate prevailing in the area in which the approved site is located, but allow a patient who is unable to pay that charge to pay at a reduced rate or receive care at no charge;
3. Not discriminate against any patient in the provision of health care services on the basis of that person's ability to pay or source of payment; and
4. Agree not to impose any charge in excess of the limiting fee for a service, as determined by the United State Secretary of Health and Human Services, to a recipient of benefits under the Federal Medicare program established pursuant to 42 U.S.C. §§ 1395 et seq.

(b) Total maximum loan redemption under the program shall be the amount of each participant's eligible qualifying loan expenses up to, but in no event exceeding, \$120,000, or the maximum amount authorized by the Federal government, whichever is greater either in State funds or the sum of

Federal, State, and other non-Federal funds pursuant to section 338I of the Public Health Service Act (42 U.S.C. § 254q-1), whichever is applicable. A participant who enters a contract to fulfill service in a State designated underserved area that is also a Federal Health Professional Shortage Area shall be permitted a total redemption of eligible qualifying loan expenses for four years of service up to, but not to exceed, the sum of Federal, State and other non-Federal matching funds provided pursuant to section 338I of the Public Health Service Act (42 U.S.C. § 254q-1). A participant who enters a contract to fulfill service in a State designated underserved area that is not also a Federal Health Professional Shortage Area shall be permitted a total redemption of eligible qualifying loan expenses for four years of service up to, but not to exceed, \$120,000, or the maximum amount authorized by the Federal government, whichever is greater, in State funds.

(c) For participants who have successfully completed an initial six-month probationary period for which there are no redemption benefits, each participant's redemption credit shall be:

1. Eighteen percent of eligible qualifying loan expenses for one full year of service, which shall include the probationary period;
2. An additional 26 percent for a second full year of service;
3. An additional 28 percent for a third full year of service; and
4. An additional 28 percent for a fourth full year of service.

(d) A program participant who has engaged in full-time clinical practice during the participant's initial two years of participation in the program shall be permitted to fulfill the program participant's subsequent service obligations on a part-time basis with the approval of the authority and the program participant's employer in a State designated underserved area, with the program participant's redemption credit accruing on a pro rata basis. The program participant may be permitted a total redemption of eligible qualifying loan expenses for the equivalent of four years of full-time service.

(e) In no event shall service for less than the full calendar year of each period of service entitle the participant to any redemption benefits for such period.

Amended by R.2000 d.91, effective March 6, 2000.

See: 31 N.J.R. 3906(a), 32 N.J.R. 803(b).

Rewrote the section.

Amended by R.2011 d.042, effective February 7, 2011.

See: 42 N.J.R. 1957(a), 43 N.J.R. 305(a).

Section was "Terms of loan redemption". Added new (a); recodified former (a) and (b) as (b) and (c); deleted former (c); in the introductory paragraph of (c), substituted "who have" for "whose first full year of service ends on or after April 26, 1999, during which time the participant has"; in (c)1, substituted "qualifying" for "student"; added new (d); and recodified former (d) as (e).