

ARTICLE 33-03
STATE DEPARTMENT OF HEALTH

Chapter	
33-03-01	Free Standing Outpatient Facility - Including Surgical Facilities - Excluding Physicians Clinic [Repealed]
33-03-02	Abortion
33-03-03	Maintenance and Operation of Public Waterworks Systems, Swimming Pools, and Sewerage Systems [Repealed]
33-03-04	Quality of Water [Repealed]
33-03-05	School Water and Sewerage Systems [Repealed]
33-03-06	Sale of Bulk and Bottled Water Supplies Intended for Domestic Purposes [Repealed]
33-03-07	Care and Disposal of Refuse and Garbage [Repealed]
33-03-08	Approval of Plans and Specifications Prior to Construction of Water Works and Sewerage Systems [Repealed]
33-03-09	Health Maintenance Organizations [Repealed]
33-03-10	Home Health Agencies [Repealed]
33-03-10.1	Home Health Agencies
33-03-11	Electronic Hair Removal Technician
33-03-11.1	Electrolysis
33-03-12	Hemophilia
33-03-13	Construction Standards for Residential Facilities for the Physically Disabled
33-03-14	Construction Standards for Small Intermediate Care Facilities for the Mentally Retarded
33-03-15	Hospice Programs
33-03-16	Construction and Location of Toilets [Repealed]
33-03-17	Temporary Work Camps [Repealed]
33-03-18	Milk Sanitation [Repealed]
33-03-19	Food and Drink Sanitation [Repealed]
33-03-20	Minimum Requirements for Sanitation in Places of Employment [Repealed]
33-03-21	Minimum Requirements for Sanitation in Camps [Repealed]
33-03-22	Migrant Labor Housing [Repealed]
33-03-23	Health Care Claims Data
33-03-24	Basic Care Facilities [Repealed]
33-03-24.1	Basic Care Facilities
33-03-24.2	General Standard for Construction and Equipment for Basic Care Facilities
33-03-25	Alternative Health Care Services Projects
33-03-26	Organ Transplant Support Fund
33-03-27	State Community Matching Physician Loan Repayment Program [Repealed]
33-03-28	District Health Units
33-03-29	Residential Care Facilities for Children With Autism

- 33-03-30 Construction Standards for Residential Care Facilities for Children With Autism
- 33-03-31 Certificate of Public Advantage [Repealed]
- 33-03-32 State Community Matching Loan Repayment Program For Nurse Practitioners, Physicians Assistants, and Certified Nurse Midwives [Repealed]
- 33-03-33 Long-Term Care Nursing Scholarship and Loan Repayment Grant Program
- 33-03-34 Autism Spectrum Disorder Database
- 33-03-35 Residential End-of-Life Facility Regulation
- 33-03-36 Extended Stay Center Registration
- 33-03-37 Health Care Professional Student Loan Repayment Program

Section 1. Chapter 33-03-37 is created as follows:

CHAPTER 33-03-37
HEALTH CARE PROFESSIONAL STUDENT LOAN REPAYMENT PROGRAM

Section

- 33-03-37-01 Definitions
- 33-03-37-02 Designation as a Defined Area of Need
- 33-03-37-03 Health Care Professional Eligibility
- 33-03-37-04 Employer Eligibility
- 33-03-37-05 Health Care Professional and Employer Prioritization
- 33-03-37-06 Health Care Professional Application Process
- 33-03-37-07 Employer Application Process
- 33-03-37-08 Loan Repayment Contract
- 33-03-37-09 Department and Employer Payments
- 33-03-37-10 Amendment – Termination

33-03-37-01. Definitions.

1. “Defined area of need” means a selected service area or site considering the availability of health care services available to individuals who are underserved; experiencing health care professional shortage; or in rural areas.
2. "Department" means the department of health and human services.
3. “Direct health care services” means case consultation, case management, management of an individual’s medications, charting, care coordination activities, diagnostic and treatment services follow-up, telehealth, and patient correspondence.
4. “Employer” means a public or private entity seeking to fill health care needs and includes a clinic, hospital, tribal health organization, an institution or

facility that provides services to an individual with developmental disabilities, substance use disorder treatment programs, behavioral health clinic, long-term care facility, assisted living home, correctional facility, a site, or other health care organization that employs health care professionals.

5. “Full-time” means a permanent and program-eligible health care professional position in which the health care professional:
 - a. Is physically present and works in a defined area of need at least thirty hours each week at the location identified in the contract; and
 - b. Works those thirty hours in no less than three days each week.
6. “Half-time” means a permanent and program-eligible health care professional position in which the health care professional:
 - a. Is physically present and works in a defined area of need at least fifteen hours each week at the location identified in the contract;
 - b. Works those fifteen hours at the location identified in the contract no less than two days each week; and
 - c. Provides telehealth services at least fifteen hours each week in a defined area of need to a second location identified in the contract.
7. “Health care professional” means a qualifying individual practicing as a physician, clinical psychologist, advanced practice registered nurse, registered nurse, physician assistant, or behavioral health professional who provides direct health care services.
8. “Loan repayment” means money specified in a health care professional’s authorized service contract to be paid directly to the loan servicer.
9. “Program” means the health care professional student loan repayment program.
10. “Site” means a university, technical college, teaching hospital that provides education or training to health care professionals, federally qualified health center, or other facilities.

History: Effective April 1, 2024.

General Authority: NDCC 50-06-16

Law Implemented: NDCC 43-12.3-01

33-03-37-02. Designation as a defined area of need.

The department shall designate a service area or site as being or as being located in a defined area of need, if at least one of the following criteria is met:

1. There is evidence that at least thirty percent of the population consists of individuals who are underserved;
2. The service area is a rural area;
3. The level of support from the service area;
4. The United States department of health and human services, health resources and services administration has:
 - a. Designated the service area as a health professional shortage area under 42 U.S.C. 254e; or
 - b. Designated the service area as a medically underserved area or one with a medically underserved population; or
5. There is evidence that the site provides education or training to health care professionals seeking to fill health care needs and to increase access to health care services.

History: Effective April 1, 2024.

General Authority: NDCC 50-06-16

Law Implemented: NDCC 43-12.3-03, 43-12.3-04

33-03-37-03. Health care professional eligibility.

A health care professional shall meet the following requirements to be eligible to participate in this program:

1. The health care professional shall meet the criteria established by this chapter and North Dakota Century Code sections 43-12.3-05 and 43-12.3-06.
2. The health care professional shall work full-time or half-time. If a health care professional works more than twelve hours of work in any twenty-four hour period, only twelve hours will count toward the health care professional's full-time or half-time status.
3. The health care professional may not have a simultaneous contract or service obligation with another person for loan repayment. For purposes of this subsection, a simultaneous contract or service obligation does not include:
 - a. An employer's sign-on bonus, retention bonus, or productivity bonus;

- b. A service obligation in the:
 - (1) Reserves of the armed forces of the United States;
 - (2) North Dakota national guard; or
 - (3) Commissioned corps of the United States department of health and human services, office of the surgeon general, public health service; or

c. Public service loan forgiveness.

- 4. The health care professional shall be qualified to work in the United States.
- 5. The employer contractually commits to provide matching funds equal to the amount required by North Dakota Century Code section 43-12.3-06.
- 6. The health care professional shall agree to provide services to patients covered by Medicare and Medicaid, if applicable.

History: Effective April 1, 2024.

General Authority: NDCC 50-06-16

Law Implemented: NDCC 43-12.3-05, 43-12.3-06

33-03-37-04. Employer eligibility.

An employer shall meet the following requirements to participate in the program:

- 1. Provide services in a service area or site being or as being located in a defined area of need established under section 33-03-37-02;
- 2. Submit an employer application in the form and manner approved by the department;
- 3. Maintain clinical and employment documentation for auditing and provide required documents within thirty days upon the department's request;
- 4. Maintain a designated representative that is authorized by the employer to:
 - a. Review and sign contract and program participation documents; and
 - b. Submit progress reports in the form and manner approved by the department for participating health care professionals;
- 5. Ensure that each eligible health care professional charges for provided services at the usual and customary rates in the employer's area, unless a

service recipient is unable to pay a fee set at those rates, that individual may be charged at a reduced rate or not charged any fee;

6. Provide services to patients covered by Medicare and Medicaid, and submit a twelve-month billing summary with its application;
7. Verify each eligible health care professional's credentials using a process that includes reference review, licensure verification, and a query of the national practitioner data bank;
8. Employ a health care professional that qualifies under section 33-03-37-03; and
9. Contractually commits to provide matching funds equal to the amount required by North Dakota Century Code section 43-12.3-06.

History: Effective April 1, 2024.

General Authority: NDCC 50-06-16

Law Implemented: NDCC 43-12.3-03, 43-12.3-04

33-03-37-05. Health care professional and employer prioritization.

Annually the department shall issue a list or criteria of priorities for the application process for eligible health care professional and employers. This list or criteria must include occupation types, locations, practice settings, distribution of program applicants and recipients, and available funding. The department may consider other relevant factors in considering applicants, including:

1. The level of social, behavioral, and medical needs in the defined area of need;
2. The number of current vacancies within the defined area of need;
3. The extent to which the defined area of need is rural;
4. The percentage of individuals who are underserved being served;
5. The health care professional's specialty within an area;
6. The employer and practice setting;
7. Whether the health care professional is a new recruit or a retention candidate;
8. The health care professional's date of availability and anticipated term of availability;

9. The health care professional's education and experience; and
10. The health care professional's willingness to accept Medicare and Medicaid.

History: Effective April 1, 2024.

General Authority: NDCC 50-06-16

Law Implemented: NDCC 43-12.3-03, 43-12.3-04, 43-12.3-05

33-03-37-06. Health care professional application process.

1. A current full permanent unencumbered unrestricted licensed health care professional wishing to participate in the program shall complete and submit an online application in the form and manner approved by the department. The application must include:
 - a. A current resume or curriculum vitae;
 - b. A current copy of all educational loan statements from each loan servicer;
 - c. The licensure status of the health care professional;
 - d. A history of all medical licenses held by the health care professional;
 - e. A description of any litigation to which the health care professional is a party;
 - f. A signed copy of the health care professional's employment contract with all addendums;
 - g. A signed statement of endorsement and financial commitment to participate in this program from the health care professional's employer; and
 - h. Three letters of recommendation, two of which must include:
 - (1) A direct supervisor; and
 - (2) Other organization official.
2. The department shall consider the criteria specified in North Dakota Century Code section 43-12.3-05 and this chapter, as well as all information contained in the application and accompanying documents.
3. The department shall review and score the health care professional's application and approve or deny within ninety days of the application closing

based on established criteria set forth by the department.

History: Effective April 1, 2024.

General Authority: NDCC 50-06-16

Law Implemented: NDCC 43-12.3-02

33-03-37-07. Employer application process.

1. An employer wishing to be eligible for participation in the program shall complete and submit an online application in the form and manner approved by the department. The application must include:
 - a. A statement of need;
 - b. A statement of the type of services required to meet the needs of the patients served; and
 - c. A statement that the eligible health care professional shall accept Medicare and Medicaid, if applicable.
2. The department shall review and score the employer's application and approve or deny the application within ninety days of the application closing based on established criteria set forth by the department.

History: Effective April 1, 2024.

General Authority: NDCC 50-06-16

Law Implemented: NDCC 43-12.3-02

33-03-37-08. Loan repayment contract.

1. Before receiving loan repayment under this chapter, each health care professional and employer selected shall enter into a loan repayment contract with the department, in the form and manner approved by the department, agreeing to the terms and conditions upon which the loan repayment is granted, the penalties for a breach of the loan repayment contract, and the conditions under which the health care professional may be released from any obligations under the contract without penalty.
2. A designated representative that is authorized by the employer shall sign the loan repayment contract on behalf of the employer.
3. The loan repayment contract must include:
 - a. The amounts to be paid to the lending institution by the department and by the employer;
 - b. The specific term in which the health care professional is obligated

to provide medical services within the community; and

- c. A provision that any financial obligation of the department arising out of a loan repayment contract entered into under this chapter is contingent on funds being appropriated by the legislative assembly and available for loan repayments under North Dakota Century Code chapter 43-12.3 and matching funds paid by the health care professional's employer as required by North Dakota Century Code section 43-12.3-07.

History: Effective April 1, 2024.

General Authority: NDCC 50-06-16

Law Implemented: NDCC 43-12.3-06

33-03-37-09. Department and employer payments.

1. The health care professional shall submit an annual payment verification form to the department, in the form and manner approved by the department, for yearly payment. The form must include:
 - a. The loan lender name;
 - b. Remittance address; and
 - c. Account number.
2. All international loans requiring a wire transfer which have associated fees must be the responsibility of the health care professional or employer.
3. The department shall calculate the annual payment that the employer is required to pay under North Dakota Century Code section 43-12.3-06 based on:
 - a. The health care professional's discipline; and
 - b. The qualifying student loan debt level for the health care professional.
4. The department shall use a progress report to monitor the health care professional's contractual compliance with the service obligation. The progress report must be:
 - a. Submitted by the employer and approved by the health professional to document that the service was actually provided at the location specified in the contract, for the specified population, and the duration of the health care professional's service; and

b. Submitted on a form and manner approved by the department.

History: Effective April 1, 2024.

General Authority: NDCC 50-06-16

Law Implemented: NDCC 43-12.3-06

33-03-37-10. Amendment – Termination.

The department shall amend or terminate a loan repayment contract only through a fully executed amendment or termination document.

History: Effective April 1, 2024.

General Authority: NDCC 50-06-16

Law Implemented: NDCC 43-12.3-06