

**DRAFT FOR PUBLIC COMMENT (REVISED)**

**94-457 FINANCE AUTHORITY OF MAINE**

**Chapter 620: MAINE HEALTH CARE PROVIDER LOAN REPAYMENT PILOT PROGRAM**

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**Summary:** This rule establishes the criteria to be met and procedures to be followed by individuals seeking to participate in the Maine Health Care Provider Loan Repayment Pilot Program.

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**SECTION 1. DEFINITIONS**

A. Certain terms used in this rule, which are defined in the Finance Authority of Maine Act, 10 M.R.S.A. §961 et seq., shall have the meanings set forth therein, unless clearly specified otherwise or unless the context clearly indicates otherwise.

B. Defined Terms:

1. "Authority" means the Finance Authority of Maine

2. "Chief Executive Officer" means the chief executive officer of the Authority or a person acting under the supervisory control of the chief executive officer.

3. "Employer" means a Maine-based organization that employs eligible health care providers.

43. "Fund" means the Maine Health Care Provider Loan Repayment Pilot Program Fund established by P.L. 2021, Ch. 483 (Part H, Section H-2), to make loan repayments to eligible program participants to address critical workforce shortages exacerbated by the COVID-19 pandemic, including, but not limited to, the behavioral health and oral care sectors.

54. "Health care provider" means a person licensed and/or certified by the State of Maine as a medical, dental or behavioral health practitioner and performing within the scope of their practice as defined by state law or a person with a professionally recognized medical, dental or behavioral health credential.

65. "Participant" means any individual selected by the Authority who has entered into a loan repayment agreement for participation under the program.

76. "Program" means the Maine Health Care Provider Loan Repayment Pilot Program, established pursuant to P.L. 2021, Ch. 483 (Part H, Section H-1), for certain health care professionals who commit to living and working in Maine for at least three years. The Program is established to make loan repayments to eligible program participants to address critical workforce shortages exacerbated by the COVID-19 pandemic, including, but not limited to, the behavioral health and oral care sectors. Under the program, the

Authority shall pay up to \$25,000 per year or, in aggregate, the lesser of \$75,000 or 50% of the recipient's outstanding loan balance.

## **SECTION 2. LOAN REPAYMENT PROGRAM**

**A. Application.** An applicant shall apply for a loan on forms designated by the Authority. Applications for a loan repayment agreement must be received at the Authority on or before the applicable deadline as set by the Authority. Applications will be considered by the Authority as long as sufficient funds remain in the fund.

To be considered for an award under this chapter, as part of the application, the applicant must submit documentation, in a manner identified by the authority, validating:

- (1) The applicant's outstanding student loan balance upon application;
- (2) Remaining number of payments left on current student loan balance;
- (3) Current payment amounts on the student loan, including information on any federal student loan repayment plan described in 20 United States Code, Section 1098e;
- (4) Copy of health provider's licensure or certification in Maine;
- (5) Employment: Submit an employer certification form certifying the applicant's employment status and salary or hourly wage; and
- (6) Intention to work in field: Submit a signed statement of intent in a form acceptable to the authority to work in the applicant's identified health care profession in the State and establish residency in the state for a minimum of three years after acceptance into the program.

### **B. Eligibility:**

To be eligible for loan repayment under the program, an applicant must:

1. Qualify as an eligible health care provider in the State of Maine as defined above and/or as determined by the Authority;
2. Have qualifying outstanding education loans;
3. Be employed as a health care provider as determined by the Authority;
4. Submit evidence acceptable to the Authority of outstanding educational loan debt; and
5. Not ~~have benefitted previously or~~ be benefitting currently from a loan forgiveness or loan repayment program administered by ~~FAME~~the Authority or another entity.

The Authority shall review the application for eligibility and, if the Authority determines the applicant is eligible, may authorize a loan repayment agreement between it and the borrower.

**C. Loan Repayment Agreement:**

1. A successful applicant will receive repayment of outstanding education loans at a rate of up to \$25,000 per year or, in aggregate, the lesser of \$75,000 or 50% of the participant's outstanding loan balance, for up to three years as long as the applicant continues to serve as a health care provider at an employer originally approved by the Authority or a substitute employer approved by the Authority.
2. Payments by the Authority under the loan repayment agreement will be made directly to the holder/servicer of the education loan(s) annually at the end of each year of qualifying full-time employment. The health care provider must provide evidence of total outstanding education loan debt from all lending institutions and instructions for payment to a specific holder at time of requested disbursement.
3. The loan repayment agreement will provide that the participant must repay amounts paid under the agreement if applied to ineligible purposes.

**D. Prioritization of Applicants:**

1. The Authority will prioritize the applications received for loan repayment. The Authority may consider each of the following criteria when determining which applicant(s) receive(s) a loan repayment agreement:
  - a. Access to health care for the population where the health care provider intends to practice generally, such as number of vacancies within a local provider system; timeliness of appointments and for the population where the health care provider intends to practice; and whether they or their employer accept Medicaid;
  - b. Monthly student debt obligation payment as a percentage of gross monthly income;
  - c. Need for specific health care practitioners in a given employment region as determined by measures such as available state or industry labor data and other information related to vacancy rates or professions needed most in the area in order to maintain access to the most critical services;
  - d. Workforce needs of Maine health care providers, with special emphasis on the following occupations:
    - Nurses
    - Occupational Therapists
    - Certified Occupational Therapy Assistants
    - Physical Therapists
    - Speech Therapists

- Behavioral health care workers, including, but not limited to, applied behavioral analysts and board certified behavior analysts, as well as Licensed Clinical Professional Counselors
- ~~Licensed Clinical Social Workers~~
- Dental Hygienists
- Dental Therapists
- Medical assistants
- Pharmacists
- Health Care Technicians, including, but not limited to, respiratory therapists, surgical technicians, and imaging technicians such as MRI technicians and Ultrasonographers

2. Final determinations will be made by the chief executive officer.

**E. Disbursement from the Fund.** Upon approval of an application, the Authority shall determine the amount to be disbursed from the fund directly to the borrower’s loan holder/servicer.

**F. Breach of Loan Repayment Agreement**

1. If a program participant fails to complete the required period of service under a loan repayment agreement, the Authority may terminate the loan repayment agreement and award any remaining funds under another loan repayment agreement with another eligible applicant.

2. In the event that an employer chooses not to renew the contract and/or employment of any individual receiving loan repayment, the Authority is not under any obligation to locate another employer which will accept the individual. The loan repayment agreement will terminate and the Authority may offer the funds available to eligible applicants. The loan repayment recipient may reapply for loan repayment at another employer.

**SECTION 3. PROGRAM TERMINATION**

The program terminates when the funds allocated pursuant to P.L. 2021, Ch. 483 (Part H), to the Fund are fully expended or by December 31, 2024, whichever occurs first, unless other funding is made available to carry out the purpose of the program.

**SECTION 4. ADMINISTRATIVE COSTS**

The Authority’s costs and expenses of maintaining, servicing and administering the Maine fund and of administering the program may be paid out of amounts in the fund.

## **SECTION 5. WAIVER OF RULE**

The chief executive officer may waive any requirement of this rule, except to the extent that the requirement is mandated by the governing program statute, in cases where the deviation from the rule is insubstantial and is not contrary to the purposes of the program.

### **BASIS STATEMENT**

The rule is promulgated in order for the Authority to implement the Maine Health Care Provider Loan Repayment Pilot Program as enacted by the Legislature through P.L 2021, Ch. 483 (Part H).

In accordance with 5 M.R.S. 8052(4) and Executive Order No. 4 FY 19/20, the Authority has considered:

1. the environmental and social impacts of the rule, with the goal of prioritizing the health safety and welfare of Maine people, and find that the rule will have no negative environmental or social impacts requiring such prioritization; and
2. the economic and fiscal impacts of the rule, including the extent to which other laws and regulations address the rule subject matter and the impact on employers in retaining and attracting a skilled workforce, and find that (a) the rule will have no adverse economic or fiscal impact; (b) no other laws or regulations address the rule subject matter; and (c) the rule will have no adverse effect on employers' ability to retain and attract a skilled workforce.

### **ECONOMIC IMPACT STATEMENT – SMALL BUSINESSES**

The rule is not expected to have any adverse impacts on small businesses.

### **FISCAL IMPACT NOTE**

The rule will not impose any costs on municipalities or counties.

### **STATUTORY AUTHORITY:**

P.L. 2021, Ch. 483 (Part H)