

REGULATIONS GOVERNING THE DENTAL SCHOLARSHIP AND LOAN
REPAYMENT PROGRAMSPart I.
~~GENERAL PROVISIONS~~ DEFINITIONS.

12 VAC 5-520-10. ~~Purpose.~~ Definitions.

~~These definitions are to be used in granting approval to recipients of state dental scholarships to practice dentistry in such a manner as to fulfill the terms of the contract which they sign on receiving the state dental scholarship.~~

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

"Accredited dental school" means any dental school in the United States receiving accreditation from the Commission on Dental Accreditation.

"Board" or "Board of Health" means the State Board of Health.

"Commissioner" means the State Health Commissioner.

"Dental practice" means the practice of dentistry by a recipient in general or specialty dentistry in a geographic area determined to be fulfillment of the recipient's scholarship or loan repayment obligation or practice as a dentist with a designated state facility.

"Dental underserved area" means a geographic area in Virginia designated by the State Board of Health as a county or city in which the ratio of practitioners of dentistry to population is less than that for the Commonwealth as a whole as determined by the commissioner or a dental health professions shortage area using criteria described in Part II of this regulation.

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"Dentist loan repayment award" means an amount repaid to a dentist for dental school loans in an amount equivalent to one year in-state tuition at Virginia Commonwealth University School of Dentistry for the year in which the loan was acquired and for which the dentist is under a contractual obligation to repay through practice in an underserved area.

"Dentist loan repayment program" means the program established by Section 32.1-122.9:1 of the Code of Virginia that allocates funds appropriated in conjunction with the dental scholarship program to increase the number of dentists in underserved areas of Virginia.

"Designated state facility" means practice as a dentist in a facility operated by the Virginia Department of Health or Mental Health, Mental Retardation and Substance Abuse Services.

"Full time dental practice" means the practice of dentistry for an average of a minimum of 32 hours per week excluding those exceptions enumerated in Part III of this regulation.

"General dentistry" means the evaluation, diagnosis, prevention and treatment (non-surgical, surgical or related procedures) of diseases, disorders and conditions of the oral cavity, maxillofacial and adjacent and associated structures and their impact on the human body.

"Governing Board of Virginia Commonwealth University" means the official governing body of the university or their designee.

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"Interest at the prevailing bank rate for similar amounts of unsecured debt" means the prime lending rate as published in the *Wall Street Journal* on the last day of the month in which the decision to repay is communicated to the commissioner by the recipient, plus two percentage points.

"Internship or residency at an approved institution or facility" means an advanced dental education program in general dentistry, or dental specialty accredited by the American Dental Association.

"Participating dental school" means Virginia Commonwealth University School of Dentistry.

"Penalty" means an amount of money equal to three times the amount of all monetary scholarship or loan repayment awards paid to the recipient.

"Period of dental service" means one year of service in a dental underserved area in return for one year of scholarship or loan repayment as defined in Part III of this regulation.

"Primary dental health care" means the practice of general or specialty dentistry.

"Public health service" means employment with the United States Public Health Service.

"Restitution" means the amount of monetary reimbursement, including repayment of all pertinent scholarship or loan repayment awards plus penalty and applicable interest as set forth in this regulation, owed to the Commonwealth

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of Virginia by a scholarship recipient who is in default of his contractual obligation as provided for in this chapter.

"Scholarship recipient" means an eligible dental student who enters into a contract with the commissioner and receives one or more scholarship awards from the Virginia Dental Scholarship Program.

"Specialty dental practice" means the advanced practice of dentistry in any American Dental Association approved specialty including pediatric dentistry, periodontics, prosthodontics, oral and maxillofacial surgery, oral pathology, public health, endodontics, or orthodontics.

"Virginia dental scholarship" means an award of an amount equivalent to one year of in-state tuition at Virginia Commonwealth University School of Dentistry for the academic year a student is enrolled in a participating dental school and for which the dental student entered a contractual obligation to repay through practice in an underserved area.

12 VAC 5-520-20. Administration of program.

The State Health Commissioner, as executive ~~office~~ officer of the Board of Health, shall administer this program. Any requests for deviation from the prescribed definitions shall be considered on an individual basis by the board in regular session.

12 VAC 5-520-30. Applicability.

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These definitions shall apply to all recipients who begin practice in an underserved area as fulfillment of their scholarship or loan repayment obligation on July 1, ~~1979~~ 2001, or later; provided that approval given by the commissioner prior to the effective date of these regulations shall remain in full force and effect.

~~12VAC 5-520-40. Definition. [Deleted]~~

~~The practice of general dentistry shall be constituted when the practitioner has a general patient population which he sees in the course of his professional practice for the diagnosis, treatment, or referral of whatever dental problems may be presented. This type of practice is generally classified by the dental community as general practice.~~

~~Part II.
PRACTICE OF GENERAL DENTISTRY~~

~~12 VAC 5-520-50. Definition. [Deleted]~~

~~An "area of need" shall mean any county or city in which the ratio of practitioners of general dentistry to population is less than that for the Commonwealth as a whole as determined by the commissioner using criteria described in Part IV of this chapter.~~

~~12 VAC 5-520-60. Special requests for approval. [Deleted]~~

~~Requests for approval of practice of general dentistry in an area in which the ratio, or in an identified sub-area of a city or county, shall be considered by the Board of Health on an individual basis. To obtain the board's approval the scholarship recipient shall substantiate to the board's satisfaction that the ratio~~

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~~does not correctly depict the provision of general dental services in the city or county and that additional general practitioners are necessary. Examples of situations deserving special consideration include topography, age or physical health of general practitioners in the area, and sub-areas of high density population which can be geographically identified and shown to have a ratio less than the state ratio.~~

~~12VAC 5-520-70. Fractional need. [Deleted]~~

~~The Board of Health recognizes that instances will occur when the ratio of practitioners of general dentistry to population reflects a fractional share of need. In such instances and in recognition of the advantages which accrue to the dentist and the community from two or more dentist working on an associated or cooperative basis, the commissioner may in his discretion favorably consider the approval of an additional dentist in order to facilitate such an arrangement.~~

~~Part III. Part II.~~
~~AREA OF NEED. DENTAL UNDERSERVED AREA.~~

~~12 VAC 5-520-80. Population and dentist data.~~

~~In order to determine the population to dentist ratio, the commissioner shall:~~

- ~~4. A. Use the population estimates of the Taylor Murphy Institute of the University of Virginia, which are effective July 1 of each year data or projections from the~~

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United States Census for independent cities and counties with independent cities within their boundaries; and

2. B. Determine the number of practitioners of general dentistry from data secured from questionnaires distributed by the Virginia State Board of Dentistry; supplemented by data from the board's license renewal applications and the American Dental Association adjusting for those dentists licensed in Virginia but practicing in other states, the military and retired dentists with active licenses; and

C. Calculate this ratio every five years or as needed; and

D. Include as dental underserved areas those cities and counties determined to be dental health professions shortage areas as defined by the Department of Health and Human Services for designating a federal shortage area for the practice of dentistry as outlined in 42 CRF 5.1.

Part IV.

CRITERIA FOR DEVELOPING THE RATIO.

~~12 VAC 5-520-90. Dentist classification. [Delete]~~

~~The commissioner shall include dentists, except those in practice under assignment by the National Health Service Corps, classifying themselves as general practitioners.~~

~~12 VAC 5-520-100. Weight for full-time.~~

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~~A county or city will receive full weight for dentist indicating full-time spent in patient care.~~

~~12 VAC 5-520-110. Weight for part-time. [Delete]~~

~~A county or a city will receive the appropriate fractional weight for dentist indicating less than full-time spent in patient care~~

~~12 VAC 5-520-120. Weight for primary and secondary office locations. [Delete]~~

~~For dentists who indicate primary and secondary office locations in separate counties or cities, a county or city shall receive its appropriate fractional weight of time spent in the primary or secondary location.~~

Part III.

SCHOLARSHIP AND LOAN REPAYMENT AWARDS.

12 VAC 5-520-130. Eligible applicants.

A. Any currently enrolled dental student in good standing and full-time attendance at Virginia Commonwealth University School of Dentistry, who has not entered the first year of an accredited residency, shall be eligible for the Virginia dental scholarship. Preference for the scholarship award shall be given to residents of the Commonwealth, students who are residents of a dental underserved area, and students from economically disadvantaged backgrounds.

B. Any graduate of an accredited dental school in the United States who is establishing a practice in general or specialty dentistry in an underserved area or practicing dentistry in a designated state facility in an underserved area shall be

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eligible to apply for the Virginia dentist loan repayment program. Eligible applicants will be within five years of graduation from an accredited undergraduate dental program and have existing loans accumulated as a result of their first professional education. Dentists who have received dental scholarship program awards and dentists who have accepted Exceptional Financial Need (EFN) and Financial Assistance for Disadvantaged Health Professions Students (FADHPS) scholarships are not eligible for the Dentist Loan Repayment Program.

12 VAC 5-520-140. Scholarship and loan repayment award.

A Virginia dental scholarship or loan repayment shall be awarded to the recipient upon or following the recipient's execution of a contract with the commissioner for scholarship or loan repayment by practicing dentistry in an underserved area as defined in this chapter.

12 VAC 5-520-150. Distribution of scholarships and loan repayment awards.

The Virginia General Assembly establishes the total combined appropriation for the dental scholarship and dentist loan repayment programs. Funds shall be awarded for these programs based on the following criteria:

A. Virginia Commonwealth University School of Dentistry shall establish an application procedure and annually submit the names of qualified students to receive scholarships in accordance with the criteria for preference enumerated in this section. Dental Scholarships will be awarded on or before October 30 of

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each fiscal year with remaining funds disbursed through the dentist loan repayment program. The total annual number of scholarship awards will be based on availability of funds. Individual scholarship recipients may receive a maximum of five scholarship awards. Scholarship recipients may not also request loan repayment through the dentist loan repayment program.

B. The application period for the dentist loan repayment program will follow that for the dental scholarship program, with awards made by December 31 of each fiscal year. Preference for loan repayment awards will be given to dental students graduating from Virginia Commonwealth University School of Dentistry and those with established financial need and will be conditional upon existing funding. Individual loan repayment recipients may receive a maximum of three awards upon graduation from dental school. All awards will be competitive based on the criteria enumerated in this section and will be based on availability of loan repayment funds once scholarship funds are disbursed.

12 VAC 5-520-160. Contractual practice obligation.

Prior to the payment of money to a scholarship or loan repayment awardee, the commissioner shall prepare and enter into a contract with the recipient. The contract shall:

A. Provide that the recipient of the dental scholarship award shall pursue the dental course of Virginia Commonwealth University until graduation, and upon graduation or upon graduation from an accredited residency program that

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does not exceed four years, shall notify the commissioner in writing of his proposed practice location or intent to enter a residency not more than 30 days after graduation and begin his approved practice within 90 days after completing dental school or residency, and thereafter continuously engage in full-time dental practice in a dental underserved area of Virginia, or in a designated state facility, for a period of years equal to the number of annual scholarships received.

B. Provide that upon graduation from an accredited dental school and receiving notification of the dentist loan repayment award, the dentist shall begin his approved practice within 90 days and thereafter continuously engage in full-time dental practice or in a designated state facility in a dental underserved area of Virginia for a period of years equal to the number of loan repayment awards received.

C. At any time prior to entering practice, the scholarship or loan repayment recipient shall be allowed to select a future practice location from the listing of dental underserved areas maintained by the board.

D. Provide that the recipient may request approval of a change of practice location. The commissioner in his discretion may approve such a request, but only if the change is to a practice location in a dental underserved area or a state facility designated by the Board of Health.

E. Provide that the recipient shall repay the scholarship or loan repayment obligation by practicing dentistry on a full-time basis in a dental underserved

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area, shall maintain office hours convenient for the population of the area to have access to the recipient's services and shall participate in all government-sponsored insurance programs designed to assure access to dental services of recipients of public assistance. The recipient shall not selectively place limits on the numbers of such patients admitted to the practice, and shall charge the usual, customary and reasonable fees prevailing in the area in which practice is located.

F. Provide that the recipient shall not voluntarily obligate himself for more than the minimum period of military service required of dentists by the laws of the United States and that upon completion of the minimum period of military service, the recipient shall promptly begin and thereafter continuously engage in full-time dental practice in a dental underserved area of Virginia, or in a designated state facility, for the period of years equal to the number of scholarships received. Dental practice in military service or U. S. Public Health Service may not be substituted for scholarship obligation.

G. Provide that the recipient shall receive credit toward fulfillment of his contractual obligation at the rate of 12 months of dental practice for each scholarship or loan repayment award paid to the recipient. The recipient may be absent from the place of approved practice for a total of seven weeks in each 12 month period for personal reasons. Absence for a period in excess of seven weeks without the written permission of the commissioner shall result in

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proportional reduction of the period of credit toward fulfillment of the contractual obligation.

H. Provide that should the scholarship recipient pay restitution by not serving his scholarship obligation in an underserved area and fulfill the terms of his contract through dental practice as outlined in this subsection, that the recipient will be reimbursed for all or part of any scholarship amount based on the fulfillment of the scholarship obligation in an underserved area plus interest at the prevailing bank rate for unsecured debt.

Part IV.
SPECIAL REQUESTS

12 VAC 5-520-170. Special requests for approval.

Special requests for approval of the practice of dentistry in an area in which the ratio does not meet the definition of an area of need, shall be considered by the Board of Health on an individual basis. To obtain the board's approval the scholarship or loan repayment recipient shall substantiate to the board's satisfaction that the ratio does not correctly depict the provision of dental services in the city or county and that additional practitioners are necessary. Examples of situations deserving special consideration may include topography, age or physical health of dental practitioners in the area, and sub-areas of high density population which can be geographically identified and shown to have a ratio less than the state ratio.

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The Board of Health recognizes that instances will occur when the ratio of dental practitioners to population reflects a fractional share of need. In such instances and in recognition of the advantages which accrue to the dentist and the community from two or more dentists working on an associated or cooperative basis, the commissioner may in his discretion favorably consider the approval of an additional dentist in order to facilitate such an arrangement.

12 VAC 5-520-190. Default.

With respect to default, the contract shall provide that a scholarship or loan repayment recipient who fails to fulfill his obligation to practice dentistry as described in 12 VAC 5-520-160 shall be deemed in default under the following circumstances and shall forfeit all monetary scholarship or loan repayment awards made to him, and shall make repayment of those funds, plus interest, plus penalty where applicable, to the Commonwealth of Virginia as provided for in this chapter:

A. Provide that if the scholarship recipient defaults while still in dental school or residency, by voluntarily notifying the commissioner in writing that he will not practice dentistry in a Virginia dental underserved area as required by his contract, by voluntarily not proceeding to the next year of dental education or residency, or by withdrawing from dental school or residency, the student shall

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pay the Commonwealth of Virginia all monetary scholarship awards plus interest at the prevailing rate form similar amounts of unsecured debt.

B. Provide that the scholarship recipient who defaults by failing to maintain grade levels that will allow the dental student to graduate, or by reason of his dismissal from dental school for any reason, shall repay the Commonwealth of Virginia all monetary scholarship awards plus interest on the amount to the Commonwealth.

C. Provide that if the scholarship or loan repayment recipient is in default due to death or permanent disability so as not to be able to engage in dental practice, the recipient or his personal representative shall repay the Commonwealth all monetary scholarship awards plus eight percent interest on the amount of the award. Partial fulfillment of the recipient's contractual obligation by the practice of dentistry as provided for in this contract prior to death or permanent disability shall reduce the amount of repayment plus interest due by a proportionate amount of money, such proportion being determined as the ratio of the number of whole months that a recipient has practiced dentistry in an approved location to the total number of months of the contractual obligation the recipient has incurred. The commissioner may waive all or part of the scholarship or loan repayment obligation under application by the recipient or his estate under these conditions and consider whole or partial forgiveness of payment or service in consideration of individual cases of extraordinary hardship.

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D. Provide that any recipient of a scholarship or loan repayment, who defaults by evasion or refusal to fulfill the obligation to practice dentistry in an underserved area or designated state facility for a period of years equal to the number of annual scholarships or loan repayment awards received, shall make restitution by repaying all monetary scholarship or loan repayment awards, plus penalty, plus interest to the Commonwealth of Virginia.

E. A scholarship or loan repayment recipient will be considered to be in such default on the date:

1. The commissioner is notified in writing by the recipient that he does not intend to fulfill his contractual obligation;
2. The recipient has not accepted a placement and commenced his period of obligated practice as provided for in subsection 2 of 12 VAC 5-520-100; or
3. The recipient absents himself without the consent of the commissioner from the place of dental practice, which the commissioner has approved for fulfillment of his contractual obligation.

Part V.
REPAYMENT.

12 VAC 5-520-200. Repayment.

Repayment requirements for scholarship and loan repayment recipients are as follows:

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- A. Payment of restitution or repayment of award plus interest shall be due on the date that the recipient is deemed by the commissioner to be in default.
- B. The commissioner in his discretion shall permit extension of the period of payment of restitution plus interest for up to 24 months from the date that the recipient is deemed to be in default.
- C. Partial fulfillment of the recipient's contractual obligation by the practice of dentistry as provided for in this contract, shall reduce the amount of restitution or payment plus interest due by an amount of money equal to the same percentage of all monetary awards as the number of whole months that the recipient has practiced dentistry in an approved location as a percentage of the total number of months of the contractual obligation the recipient has incurred.
- D. Failure of a recipient to make any payment on his debt of restitution plus interest when it is due shall be cause for the commissioner to refer the debt to the Attorney General of the Commonwealth of Virginia for collection. The recipient shall be responsible for any costs of collection as may be provided in Virginia law.

Part VI.
RECORDS AND REPORTING.

12 VAC 5-520-210. Reporting requirements.

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Reporting requirements of Virginia Commonwealth University School of Dentistry, scholarship and loan repayment recipients are as follows:

A. Virginia Commonwealth University School of Dentistry shall maintain accurate records of the status of scholarship recipients until the recipient's graduation from dental school. The dental school shall provide a report listing the status of each recipient annually to the commissioner.

B. Each scholarship and loan repayment recipient shall at any time provide information as requested by the commissioner to verify compliance with the practice requirements of the scholarship or loan repayment contract. The recipient shall report any changes of mailing address, change of academic standing, change of intent to fulfill his contractual obligation and any other information, which may be relevant to the contract, at such time as changes or information may occur. The recipient shall respond with in 60 days with such information as may be requested by the commissioner.