



Virginia
Regulatory
Town Hall

Emergency Regulation
Agency Background Document

Agency Name:	Department of Health
VAC Chapter Number:	12 VAC 5-520
Regulation Title:	Regulations Governing the Dental Scholarship and Loan Repayment Programs
Action Title:	Adopt emergency regulations to amend an existing scholarship program and to establish a loan repayment program
Date:	August 30, 2000

Section 9-6.14:4.1(C)(5) of the Administrative Process Act allows for the adoption of emergency regulations. Please refer to the APA, Executive Order Twenty-Four (98), and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the emergency regulation submission package.

Emergency Preamble

Please provide a statement that the emergency regulation is necessary and provide detail of the nature of the emergency. Section 9-6.14:4.1(C)(5) of the Administrative Process Act states that an "emergency situation" means: (i) a situation involving an imminent threat to public health or safety; or (ii) a situation in which Virginia statutory law, the Virginia appropriation act, or federal law requires that a regulation shall be effective in 280 days or less from its enactment, or in which federal regulation requires a regulation to take effect no later than 280 days from its effective date. The statement should also identify that the regulation is not otherwise exempt under the provisions of § 9-6.14:4.1(C)(4).

Please include a brief summary of the emergency action. There is no need to state each provision or amendment.

As a result of the 2000 Virginia General Assembly Session HB1075 and SB576 were signed into Virginia statutory law effective March 24, 2000. This action requires that the emergency regulation be effective in 280 days or less. This regulation is not otherwise exempt under the provisions of Section 9-6.14:4.1(C)(4). The emergency action will involve adoption of regulations governing the dentist loan repayment program funding graduating dentists as an incentive to practice in underserved areas of the Commonwealth. Emergency regulations will provide for orderly administration of the program. As the dentist loan repayment program serves

as an augmentation to the dental scholarship program defined in Section 32.1-122.9 of the *Code of Virginia*, establishment of the dentist loan repayment program will also require amendments to the dental scholarship regulations. For this reason, amending definitions of scholarship areas of need, amount of scholarship and distribution of scholarship funds are a necessary part of the emergency action to adopt the loan program regulations. To do one program in isolation of the other may jeopardize the interests and integrity of the other.

Basis

Please identify the state and/or federal source of legal authority to promulgate the emergency regulation. The discussion of this emergency statutory authority should: 1) describe its scope; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. Full citations of legal authority and web site addresses, if available for locating the text of the cited authority, should be provided.

Please provide a statement that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the emergency regulation and that it comports with applicable state and/or federal law.

Through an act of the General Assembly of Virginia, the *Code of Virginia* has been amended by adding a section numbered 32.1-122.9:1 authorizing the Board to establish “a dentist loan repayment program for graduates of accredited dental schools ...who agree to perform a period of dental service in the Commonwealth in an underserved area as defined in § [32.1-122.5](#) of the dental scholarship program or a dental health professional shortage area designated in accordance with the criteria established in 42 C.F.R. Part 5.” This Section also authorizes the State Board of Health to “promulgate regulations to implement the Dentist Loan Repayment Program within 280 days of enactment of the provision.” Additionally, subsection B of Section 32.1-122.9 of the *Code of Virginia* authorizes the Board, “after consultation with the School of Dentistry of Virginia Commonwealth University, to promulgate regulations to administer...[an annual dental] scholarship program.”

The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the emergency regulation and that it comports with applicable state and federal law.

Substance

Please detail any changes, other than strictly editorial changes, that would be implemented. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate. Please provide a cross-walk which includes citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of Virginians. The statement should also delineate any potential issues that may need to be addressed as a permanent final regulation is developed.

Adoption of the amended regulations providing for a dental scholarship program and a dental loan repayment program are needed to carry out the mandates of the *Code of Virginia* in an orderly and equitable manner, to assure that dental health services are available in the underserved areas of Virginia and to provide that no citizen of the Commonwealth will be without the availability of dental services.

Adoption of the loan repayment provisions, i.e., 12 VAC 5-520-10 and 130 through 180, will include: (i) defining applicants eligible for the program, including provisions that students of economically disadvantaged backgrounds receive due consideration; (ii) setting an amount of the loan repayment award; (iii) establishing criteria for the administration of the program in concert with the dental scholarship program; (iv) defining the contractual practice obligation of loan repayment recipients; (v) defining the conditions of default; (vi) criteria for repayment in event of default; (vii) enumerating reporting requirements of recipients; (viii) defining the loan repayment award amount; and (ix) allowing for special requests and approval in the event a fractional need for a dentist exists in an underserved community. Loan repayment programs have proven generally more effective than scholarship programs in recruiting physicians to serve in health professional shortage areas (HPSAs) and a comparable benefit to dental health in the Commonwealth should accrue following the adoption of the loan repayment regulations.

The following amendments will provide for the orderly administration of the program in conjunction with the dentist loan repayment program: (i) amending Section 12 VAC 5-520-10 and deleting Sections 12 VAC 5-520-40 and 12 VAC 5-520-50 to define words and terms used in the regulation as provided for in the Virginia Register Form, Style and Procedure Manual; (ii) amending Section 12 VAC 5-520-80 and deleting Sections 12 VAC 5-520-90 to 12 VAC 5-520-120 to concisely define dental underserved area; (iii) moving Sections 12 VAC 5-520-60 and 12 VAC 5-520-70 regarding special requests and fractional need to follow general regulations as provided for in the Virginia Register Form, Style and Procedure Manual; and (iv) adopting Sections 12 VAC 5-520-130 to 12 VAC 5-520-210 to define eligible scholarship applicants, distribution of scholarships, contractual practice obligation, default, repayment and reporting to be consistent with the regulations adopted for the dentist loan repayment program.

Alternatives

Please describe the specific alternatives that were considered and the rationale used by the agency to select the least burdensome or intrusive method to meet the essential purpose of the action.

There are no alternatives to the adoption of emergency regulations; by law they must be promulgated within 280 days after enactment.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the emergency action on the institution of the family and family stability including to what extent the action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's

spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Many Virginians, mainly in non-metropolitan areas, will benefit from the adoption of the dentist loan repayment program and amendments to the dental scholarship program. These actions are necessary to improve the access to dental health services and to ensure adequate availability of dental services in areas of Virginia where there are presently insufficient dental services.

Improving access to dental health services is a continuing challenge in many rural areas. Poor dental health has been increasingly linked to general well-being, so improving access to dental health services should not only improve dental health but improve general well-being. Improved access may indirectly serve to strengthen the family.