

Zach Conine
State Treasurer



STATE OF NEVADA
OFFICE OF THE STATE TREASURER

February 16, 2023

Proposed Regulation of the Nevada State Treasurer's Office

Notice of Second Workshop and Agenda

The Nevada State Treasurer's Office is proposing the adoption and amendment of regulations pertaining to Chapter 226 of the Nevada Administrative Code relating to the Student Loan Repayment for Providers of Health Care in Underserved Communities Program as proposed in LCB File No. R081-23.

Friday, March 8, 2024, at 1:00 p.m.

Meeting via videoconference available at the following locations:

Microsoft TEAMS:

[Click here to join the meeting](#)

Meeting ID: 233 420 643 329

Passcode: L8fGTZ

Call in for audio only:

(775) 321-6111

Phone Conference ID: 383525830#

Note: Public Comment may not be limited based on viewpoint. Public Comment may be limited to areas within the agency's jurisdiction.

AGENDA

1. Public Comment. Comments from the public are invited at this time on matters other than regulation amendments. The agency reserves the right to limit to 5 minutes the amount of time that will be allowed for each individual to speak. The agency is precluded from action on items raised during Public Comments that are not on the agenda.
2. Public input on regulation amendments. Comments from the public are invited concerning amendments to Nevada Administrative Code Chapter 226 proposed in LCB File No. R081-23 as they relate to Student Loan Repayment for Providers of Health Care in Underserved Communities Program.

3. Public Comment. Comments from the public are invited at this time on matters other than regulation amendments. The agency reserves the right to limit to 5 minutes the amount of time that will be allowed for each individual to speak. The agency is precluded from action on items raised during Public Comment that are not on the agenda.
4. Close of the meeting.

The purpose of this workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulation LCB File No. R081-23:

1. The procedures for a provider of health care to apply for and receive repayment of student education loans under the Student Loan Repayment for Providers of Health Care in Underserved Communities Program.
2. The provisions governing the amount of repayment of student education loans that a provider of health care may receive under the Student Loan Repayment for Providers of Health Care in Underserved Communities Program.
3. The manner in which the State Treasurer will prioritize the award of money available to make repayments of student education loans under the Student Loan Repayment for Providers of Health Care in Underserved Communities Program.
4. The requirements for agreements under which the State Treasurer will make repayments of student education loans under the Student Loan Repayment for Providers of Health Care in Underserved Communities Program.
5. Other matters properly relating the establishment and administration of the Student Loan Repayment for Providers of Health Care in Underserved Communities Program.

Copies of materials, including draft regulations will be available at the workshop and can also be viewed or obtained at https://www.nevadatreasurer.gov/PublicInfo/Public_Notices/ or by contacting Erik Jimenez, by emailing ejimenez@nevadatreasurer.gov or via phone at (775) 684-5613.

Written testimony or comments may be submitted by emailing Erik Jimenez, Chief Policy Deputy, Nevada State Treasurer's Office at ejimenez@nevadatreasurer.gov.

NOTE: We are pleased to make accommodations for members of the public with disabilities who wish to attend the meeting. Please notify Erik Jimenez in via email prior to the meeting should you need such accommodation:

Erik Jimenez
ejimenez@nevadatreasurer.gov

Notes: Items may be taken out of order; items may be combined for consideration by the public body; and items may be pulled or removed from the agenda at any time.

Notice of this meeting was posted at the following public locations:

- State Capitol Building, 1st & 2nd Floors, 101 North Carson Street
- Nevada Legislative Building, 401 South Carson Street
- Nevada State Library, 100 Stewart Street

- Blasdel Building, 209 East Musser Street
- Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada
- Notice of this meeting was posted on the following website(s):
https://www.nevadatreasurer.gov/PublicInfo/Public_Notices/ and <https://notice.nv.gov/>.

**PROPOSED REGULATION OF
THE STATE TREASURER**

LCB File No. R081-23

December 14, 2023

With State Treasurer's Office Revisions as of (2/13/24)

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-9, section 8 of Assembly Bill No. 45, chapter 265, Statutes of Nevada 2023, at page 1769.

A REGULATION relating to health care; prescribing procedures for a provider of health care to apply for and receive repayment of student education loans under the Student Loan Repayment for Providers of Health Care in Underserved Communities Program; adopting provisions governing the amount of repayment of student education loans that a provider of health care may receive under the Program; establishing the manner in which the State Treasurer will prioritize the award of money available to make repayments of student education loans under the Program; prescribing requirements for agreements under which the State Treasurer will make repayments of student education loans under the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Assembly Bill No. 45 (A.B. 45) of the 2023 Legislative Session created the Student Loan Repayment for Providers of Health Care in Underserved Communities Program. Under the Program, which is to be administered by the State Treasurer, eligible providers of health care who commit to at least 5 years of clinical practice in certain communities in this State may receive repayment of student education loans up to a maximum amount of \$120,000. (Chapter 265, Statutes of Nevada 2023, at page 1766) A.B. 45 requires the State Treasurer to adopt regulations to carry out the Program, including, without limitation, regulations establishing: (1) the procedures and standards that the State Treasurer will use to determine the eligibility of a provider of health care to receive repayment of student education loans under the Program; (2) the methodology for determining the amount of repayment of student education loans that a provider of health care may receive under the Program; (3) the manner in which the State Treasurer will prioritize awarding the money available for the repayment of student education loans of eligible providers of health care; and (4) the manner in which the State Treasurer will make the repayment of student education loans for eligible providers of health care. (Section 8 of Assembly Bill No. 45, chapter 265, Statutes of Nevada 2023, at page 1769)

Section 2 of this regulation defines the term “underserved community” to refer to the geographic areas in this State in which existing law requires a provider of health care to engage in clinical practice to be eligible to receive repayment of student loans under the Program.

Under existing law, a geographic area of this State that the State Treasurer determines to have been subject to historical instances of redlining, segregation or other discrimination on the basis of race, color, religion, national origin, disability, sexual orientation, sex or gender identity or expression is one type of underserved community for the purposes of the Program. (Section 7 of Assembly Bill No. 45, chapter 265, Statutes of Nevada 2023, at page 1768) **Section 3** of this regulation provides that the State Treasurer will rely on data from academic and governmental sources that indicate that an area has a higher level of residential segregation to determine whether a provider of health care is engaged in clinical practice in such an area.

Section 4 of this regulation establishes the procedure for a provider of health care to apply to receive repayment of student education loans under the Program. **Section 4** provides that the State Treasurer will: (1) prescribe the form of the application that a provider of health care who wishes to apply is required to complete and submit to the State Treasurer; and (2) make that application available on the Internet website maintained by the State Treasurer. **Section 4** also authorizes the State Treasurer to establish a designated period each fiscal year during which the State Treasurer will accept applications to receive repayment of student education loans under the Program. Finally, **section 4** establishes the information that a provider of health care is required to provide in such an application.

Section 5 of this regulation: (1) authorizes the State Treasurer to request additional information from an applicant if the State Treasurer determines that additional information or clarification is necessary to determine whether the applicant is eligible for the Program; (2) establishes the grounds on which the State Treasurer may deny an application to receive repayment of student education loans under the Program; and (3) provides that the State Treasurer will take certain actions if the State Treasurer determines that an applicant is eligible to receive repayment of student education loans and sufficient money is available to make such repayment, including, without limitation, sending the applicant notice of the preliminary approval of the application. Under **section 5**, to receive repayment of student education loans under the Program, an applicant who receives a notice of preliminary approval of the application is required to sign and return to the State Treasurer an agreement under which the State Treasurer will make the repayment of the student education loans.

Section 6 of this regulation establishes the methodology the State Treasurer will use to determine the amount of repayment a provider of health care is eligible to receive.

Section 7 of this regulation establishes the maximum amount of repayment of student education loans that an eligible provider of health care may receive under the Program and specifies that a provider of health care is eligible to receive repayment of student education loans under the Program, as well as from the Nevada Health Services Corps or any other source.

Section 8 of this regulation establishes the manner in which the State Treasurer will prioritize the award of the money available for eligible providers of health care to receive repayments student education loans under the Program.

Section 9 of this regulation requires the State Treasurer, in consultation with the Office of the Attorney General, to develop the agreement required to be completed under **section 5** and requires the agreement to contain certain provisions, including, without limitation, the grounds for terminating the eligibility of the provider of health care to receive repayment of student education loans under the Program and a requirement that the State Treasurer make the repayments directly to the servicer of the student education loans as equal annual payments over a 5-year period.

Section 1. Chapter 226 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 9, inclusive, of this regulation, unless the context otherwise requires, “underserved community” means an area of this State described in subsection 3 of section 7 of Assembly Bill No. 45, chapter 265, Statutes of Nevada 2023, at page 1768, as well as a census tract this is directly adjacent thereto.*

Sec. 3. *For the purposes of determining whether an area is an underserved community because it is a geographic area described in paragraph (e) of subsection 3 of section 7 of Assembly Bill No. 45, chapter 265, Statutes of Nevada 2023, at page 1768, the State Treasurer will rely on data from academic and governmental sources that indicate that the area has a higher level of residential segregation, increased household income disparities and/or increased disparities in educational attainment on the basis of the characteristics described in that paragraph.*

Sec. 4. 1. *The State Treasurer will:*

(a) Prescribe the form for the application that a provider of health care must complete and submit to the State Treasurer to apply to receive repayment of student education loans under the Program; and

(b) Make the form available on the Internet website maintained by the State Treasurer.

2. *The State Treasurer may establish a designated period each fiscal year during which the State Treasurer will accept applications to receive repayment of student education loans under the Program. If the total amount of money available to be approved for providers of health care who submit such an application during a fiscal year, as calculated pursuant to section 8 of this regulation, exceeds the total amount of money projected to be approved for providers of health care who submit such an application during that fiscal year, the State*

Treasurer may accept applications submitted after the end of the period designated pursuant to this subsection, until the amount of money available to be approved during that fiscal year is exhausted.

3. A provider of health care who wishes to apply to receive repayment of student education loans under the Program must:

(a) Submit an application to the State Treasurer in the form prescribed by the State Treasurer;

(b) Provide in the application:

(1) The current address of his or her residence;

(2) The name and address of the location at which he or she is currently practicing as a provider of health care or the name and address of the location at which he or she anticipates practicing as a provider of health care;

(3) Information sufficient for the State Treasurer to determine whether the applicant is actively licensed, certified or registered in good standing to practice in this State as a provider of health care;

(4) A statement of whether the provider of health care will commit to at least 5 years of clinical practice as a licensed, certified or registered provider of health care in an underserved community;

(5) A statement of whether the provider of health care is committed to or is currently:

(I) Engaging in the practice of primary care;

(II) Engaging in the practice of reproductive health care;

(III) Engaging in clinical practice in a county whose population is less than 100,000;

(IV) Engaging in clinical practice on tribal lands or in a community that serves a large number of tribal members; or

(V) Accepting patients who are recipients of Medicaid or insurance pursuant to the Children's Health Insurance Program;

(6) A statement of each language in which the provider of health care is fluent;

(7) The name and contact information for the servicer of the outstanding student education loans owed by the provider of health care;

(8) The current balance owed on the outstanding student education loans owed by the provider of health care; and

(9) Any other information that the State Treasurer deems necessary to determine whether the provider of health care is eligible to receive repayment of student education loans under the Program; and

(c) A declaration, under penalty of perjury, that all information provided in connection with the application is accurate and complete.

Sec. 5. 1. The State Treasurer will review each application to receive repayment of student education loans under the Program.

2. If the State Treasurer determines that an application is incomplete or requires additional information or clarification, the State Treasurer may request additional information from the applicant. If the applicant does not submit the requested information within the period prescribed by the State Treasurer, the State Treasurer will deny the application.

3. The State Treasurer will deny an application to receive repayment of student education loans under the Program if the State Treasurer determines that:

- (a) The application contains materially false or misleading information; or*
- (b) The applicant is not eligible for repayment of student education loans under the*

Program.

4. If the State Treasurer determines that an applicant is eligible for repayment of student education loans under the Program and sufficient money is available to make such repayment, the State Treasurer will:

- (a) Calculate the ratio of the applicant's income to the amount owed on the applicant's outstanding student education loans;*
- (b) Determine the amount of student loan repayment that the applicant is eligible to receive from the Program pursuant to the methodology set forth in section 6 of this regulation; and*
- (c) Notify the applicant of the preliminary approval of the applicant to receive repayment of student education loans under the Program.*

5. To receive repayment of student education loans under the Program, an applicant who receives a notice of preliminary approval pursuant to subsection 4 must complete, sign and return to the State Treasurer the agreement for repayment of student education loans developed pursuant to section 9 of this regulation. Upon receipt of a completed and signed agreement for repayment of student education loans, the State Treasurer or his or her designee will sign and execute the agreement.

6. The State Treasurer will make repayments of student education loans in accordance with the agreement executed pursuant to subsection 5.

Sec. 6. 1. *To determine the amount of repayment of student education loans that a provider of health care is eligible to receive under the Program, the State Treasurer will*

establish and use a sliding scale that provides a greater amount of repayment of student education loans to providers of health care who practice a profession:

(a) Whose practitioners, on average, complete postsecondary education with a greater amount of student education loans than other providers of health care;

(b) Whose practitioners, on average, earn a lower income than other providers of health care; and

(c) For which the Health Resources Services Administration of the United States Department of Health and Human Services or the Nevada Department of Health and Human Services has designated a shortage in the area of this State in which the provider of health care is or will provide health care services.

2. To establish the sliding scale of the amount of repayment of student education loans that providers of health care are eligible to receive under the Program, the State Treasurer may rely on relevant data from:

(a) The United States Department of Health and Human Services;

(b) The United States Department of Labor;

(c) The Department of Health and Human Services;

(d) The Office of Minority Health and Equity of the Department of Health and Human Services;

(e) The Nevada System of Higher Education;

(f) The Office of Economic Development within the Office of the Governor;

(g) Public and private institutions providing graduate medical education in this State; and

(h) Any other sources the State Treasurer believes is necessary to create the sliding scale.

3. At least 30 days before the beginning of a designated period during which the State Treasurer will accept applications to receive repayment of student education loans under the

Program, the State Treasurer will publish on the Internet website maintained by the State Treasurer the amount of repayment of student education loans available for that application period for each type of provider of health care who is determined to be eligible to receive repayment of student education loans under the Program.

Sec. 7. 1. Except as otherwise provided in subsection 2:

(a) The maximum amount of repayment of student education loans that a provider of health care may receive under the Program is \$120,000.

(b) A provider of health care who is applying for, has received or may receive at any time any repayment or forgiveness of student education loans from the Nevada Health Services Corps or any other source is eligible to receive repayment of student education loans under the Program in an amount not to exceed \$120,000.

2. A provider of health care may not receive repayment of student education loans in an amount that exceeds the balance due on the provider's student education loans.

Sec. 8. 1. For each fiscal year, the State Treasurer will calculate the total amount of money available to be approved for providers of health care who submit an application to receive repayment of student education loans under the Program during that fiscal year.

2. Prior to awarding any funds for student loan repayment to providers of health care who apply under the program, the State Treasurer shall develop a rubric by which applications received by providers of health care can be scored by the State Treasurer.

3. The rubric developed in subsection 2 shall score applications received by the State Treasurer according to the following weighted criteria:

(a) Whether a provider of health care is currently practicing in an underserved community;

(b) Whether a provider of health care commits to relocating to practice in an

underserved community;

(c) Whether a provider of health care would be the only provider for a particular provider type within a 50-mile radius of an underserved community;

(d) Whether the provider of health care has previously received or been approved for student loan repayment through other existing student loan repayment programs;

(e) Whether the provider of health care has been ineligible to receive student loan repayment through other student loan repayment programs;

(f) Whether the provider of health care has committed to or is currently engaging in the practice of primary care in an underserved community;

(g) Whether the provider of health care has committed to or is currently engaging in the practice of sexual and reproductive health care services in an underserved community;

(h) Whether the provider of health care has committed to or is currently engaging in the practice of behavioral health care services in an underserved community;

(i) Whether the provider of health care has committed to or is accepting patients who are recipients of Medicaid or insurance pursuant to the Children's Health Insurance Program;

(j) The total percentage of patients that a provider of health care accepts who are recipients of Medicaid or insurance pursuant to the Children's Health Insurance Program; and

(k) Any other metrics deemed necessary for the program as determined by the State Treasurer.

4. At least 30 days before the beginning of a designated period during which the State Treasurer will accept applications to receive repayment of student education loans

under the Program, the State Treasurer shall publish the rubric developed pursuant to subsection 2, along with all corresponding weighted criteria set forth in subsection 3, on the Internet website maintained by the State Treasurer.

In the event of a tie in scores between two or more applications, the State Treasurer shall prioritize for funding, the fully completed applications in order of submission date and time, based upon the Pacific Time Zone.

5. To the extent that a sufficient number of applications are received from providers of health care who are eligible to receive repayment of student education loans under the Program, the State Treasurer will award the first 15 percent of the money available in the Program in a fiscal year to providers of health care who are eligible to receive repayment of student education loans under the Program, receive the highest scores on their application as determined by the State Treasurer according to the rubric developed pursuant to subsection 2 and who commit to or are practicing as a provider of health care in a county whose population is less than 100,000, including, without limitation, practicing on tribal lands or in a community where tribal members commonly reside if the land or community is within the geographic boundaries of a county whose population is less than 100,000.

6. After money has been awarded pursuant to subsection 2, to the extent that a sufficient number of applications are received from providers of health care who are eligible to receive repayment of student education loans under the Program, the State Treasurer will award the remaining money available under the Program ~~in the following order of priority:~~ to providers of health care who receive the highest scores on their application as determined by the State Treasurer according to the rubric developed pursuant to subsection 2.

~~(a) Applicants who commit to or are currently engaging in the practice of primary care in an underserved community and commit to or are accepting patients who are recipients of Medicaid or insurance pursuant to the Children's Health Insurance Program. To the extent possible, the State Treasurer will award:~~

~~(1) Twenty-five percent of the amount of money awarded under this paragraph to providers of health care who are currently engaged in the practice of primary care in an underserved community; and~~

~~(2) Seventy-five percent of the amount of money awarded under this paragraph to providers of health care who are not currently engaged in the practice of primary care in an underserved community but who commit to engaging in the practice of primary care in an underserved community.~~

~~(b) Applicants who are physicians, who commit to or are currently engaged in the practice of a medical specialty in an underserved community and who commit to or are accepting patients who are recipients of Medicaid or insurance pursuant to the Children's Health Insurance Program. To the extent possible, the State Treasurer will award:~~

~~(1) Twenty-five percent of the amount of money awarded under this paragraph to physicians who are currently engaged in the practice of a medical specialty in an underserved community; and~~

~~(2) Seventy-five percent of the amount of money awarded under this paragraph to physicians who are not currently engaged in the practice of a medical specialty in an underserved community but who commit to engaging in the practice of a medical specialty in an underserved community.~~

~~(c) Applicants who commit to or are providing behavioral health care services in an underserved community and who commit to or are accepting patients who are recipients of~~

~~Medicaid or insurance pursuant to the Children's Health Insurance Program. To the extent possible, the State Treasurer will award:~~

~~(1) Twenty-five percent of the amount of money awarded under this paragraph to providers of health care who currently provide behavioral health care services in an underserved community; and~~

~~(2) Seventy-five percent of the amount of money awarded under this paragraph to providers of health care who do not currently provide behavioral health care services in an underserved community but who commit to providing behavioral health care services in an underserved community.~~

~~(d) Applicants who commit to or are providing dental care in an underserved community and commit to or are accepting patients who are recipients of Medicaid or insurance pursuant to the Children's Health Insurance Program. To the extent possible, the State Treasurer will award:~~

~~(1) Twenty-five percent of the amount of money awarded under this paragraph to providers of health care who currently provide dental care in an underserved community; and~~

~~(2) Seventy-five percent of the amount of money awarded under this paragraph to providers of health care who are not currently providing dental care in an underserved community but who commit to providing dental care in an underserved community.~~

~~(f) Applicants who commit to or are practicing in an underserved community and commit to or are accepting patients who are recipients of Medicaid or insurance pursuant to the Children's Health Insurance Program.~~

~~(g) Applicants who commit to or are practicing in an underserved community but do not commit to or are not accepting patients who are recipients of Medicaid or insurance pursuant to the Children's Health Insurance Program.~~

7. *As used in this section, “behavioral health care services” means diagnostic, therapeutic or psychological services provided by a provider of health care to treat conditions of behavioral health.*

Sec. 9. 1. *In consultation with the Office of the Attorney General, the State Treasurer will develop an agreement for repayment of student education loans, which must be executed before a provider of health care may receive repayment of student education loans under the Program.*

2. The State Treasurer will include in the agreement for repayment of student education loans developed pursuant to subsection 1 provisions:

(a) Requiring that as a condition of receiving repayment of student education loans under the Program, the provider of health care must engage in clinical practice in an underserved community for not less than 5 years;

(b) Requiring each repayment of student education loans under the Program to be disbursed, on behalf of the provider of health care, directly to the servicer or lender of the student education loans of the provider of health care;

(c) Requiring repayments of student education loans to be disbursed in equal annual payments over a period of 5 years;

(d) Requiring the provider of health care to notify the State Treasurer if:

(1) The provider of health care changes his or her residence or location at which he or she practices as a provider of health care;

(2) The provider of health care ceases to practice as a provider of health care in this State;

(3) A regulatory body of this State or any other jurisdiction imposes a disciplinary action against the provider of health care; or

(4) The provider of health care is no longer actively licensed, certified or registered in good standing to practice as a provider of health care in this State;

(e) Requiring the provider of health care to repay any money disbursed under the Program for the repayment of his or her student education loans if the State Treasurer determines that the provider of health care:

(1) Submitted untrue, fraudulent or misleading information to the State Treasurer in connection with the Program; or

(2) Received a repayment of student education loans under the Program for which the provider of health care was not eligible; and

(f) Establishing the circumstances under which the State Treasurer will terminate the agreement and the eligibility of the provider of health care to receive repayment of student education loans under the Program.