



Virginia  
Regulatory  
Town Hall

## Emergency Regulation Agency Background Document

<b>Agency Name:</b>	Department of Health (State Board of)
<b>VAC Chapter Number:</b>	12 VAC 5-508
<b>Regulation Title:</b>	Regulations Governing the Virginia Physician Loan Repayment Program
<b>Action Title:</b>	Adoption of regulations to administer a loan repayment program for physicians
<b>Date:</b>	October 15, 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.*

Emergency regulation is necessary because of language in the Virginia Appropriations Act of 2000, Item 300 A. which states the Board of Health shall promulgate regulations to implement a scholarship and loan repayment program within 280 days of enactment. There are existing regulations governing the scholarship portion of this Item. (See 12-VAC 5-530 et.seq.) These emergency regulations will implement the loan repayment program portion of Item 300 A. These regulations are not otherwise exempt under §9-6.14:4.1(C)(4) of the Code.

## 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.*

---

Legal authority to promulgate these emergency regulations is in §32.1-122.6:1 of the Code of Virginia and the Appropriation Act of 2000, Item 300 A. The scope of this authority involves a directive to implement regulations to implement and administer a loan repayment program for physicians, psychiatrists, and medical students willing to practice their profession in designated medically underserved areas of the Commonwealth in exchange for payment of their medical educational loans.

See the following web site addresses <http://leg1.state.va.us/000/lst/LS602282.htm>, Code of Virginia site, and <http://leg1.state.va.us/001/bud/SubCom/HB30.pdf>, Appropriation Act site.

## 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.*

---

The loan repayment program has never been implemented because funding, until now, was not available. The Appropriation Act of 2000, Item 300 C. provides use of unexpended scholarship funds for this program. The program will provide a positive incentive to recruit primary care physicians, psychiatrists, and medical students to practice and serve in designated medically underserved areas or in designated state institutions of the Commonwealth. Therefore, citizens of underserved areas can stay within their communities for health care, communities will be strengthened by having health practitioners living and working in their area, and state institutions seeking practitioners will have a pool of applicants to recruit from.

**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.*

---

Since this regulatory action is necessary to implement a program and to adopt regulations within 280 days, as called for by law, the agency enjoys no discretion in doing so; no alternatives to regulation, therefore, have been considered.

This agency chose to model the regulations after federal regulations governing a successful loan repayment program this agency administers through a grant from the National Health Service Corps (NHSC), see 42 CFR 62, Subpart C. Because there is now funding for a state loan repayment program, the agency has chosen to use one application package for both programs. This method of applying for either program has been determined to be less burdensome for applicants. When an application is received, the agency makes the determination of which program the applicant will participate in.

**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.

---

Overall, this emergency action will have a positive impact on the institution of the family and family stability. Placing medical practitioners in designated underserved communities will save disposable family income by reducing travel costs associated with seeking medical care, advice and treatment. Individuals will be more likely seek care for their children, their parents, or themselves when needed, because they will miss less time from work.