

3701-56-03 Requirements for contract.

(A) As used in this rule:

- (1) "Full-time practice" means working a minimum of forty hours per week for a minimum of forty-five weeks each service year. Practice-related administrative activities may not exceed eight hours per week.
- (2) "Part-time practice" means working a minimum of twenty hours and a maximum of thirty-nine hours per week for a minimum of forty-five weeks each service year. Practice-related administrative activities may not exceed four hours per week.
- (3) "Provide dental services without regard to a patient's ability to pay" means that persons with incomes below one hundred per cent of the federal poverty guidelines may not be denied dental services by the dental practice site due to the inability to pay for such services, assuring that any fees or payments required by the practice site for such services will be reduced or waived.
- (4) "Teaching activities" means providing clinical education to dental health professions students and dental residents regarding the normal course of practice and expertise at the dental practice site specified in the contract. Full-time practitioners may spend up to eight hours per week teaching in the clinical setting at the approved dental practice site. Part-time practitioners may spend up to four hours per week conducting both practice-related administrative activities and teaching in the clinical setting at the approved dental practice site.

In order to qualify as teaching, the dentist must be providing clinical education and supervision of students or clinicians in the approved dental practice site as part of an accredited clinical training program.

All teaching must be conducted at the dental practice site specified in the dentist's contract. If the supervising dentist provides dental services while the student or clinician observes, the activity should be treated as direct clinical care rather than teaching.

- (B) A dentist who has signed a letter of intent under paragraph (G) of the rule 3701-56-02 of the Administrative Code and the department may enter into a contract providing for the dentist's participation in the dentist loan repayment program. The dentist's employer or another funder may also be a party to the contract.
- (C) The contract shall include all of the following obligations:
 - (1) Agreement by the dentist to provide dental services in the dental health resource shortage area identified in the letter of intent for the number of hours and duration specified in the contract.
 - (2) Agreement by the dentist that, in providing dental services in the dental health resource shortage area, he or she will do all of the following:
 - (a) Provide dental services in a dental practice site approved by the Ohio department of health and agreed upon by the dentist and the director;

- (b) Provide dental services without regard to a patient's ability to pay as defined under paragraph (A)(3) of this rule;
 - (c) Meet the conditions prescribed by the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C.A. as amended (1981) and the Ohio department of medicaid for participation in the medicaid program established under Chapter 5163. of the Revised Code and enter into a contract with the Ohio department of medicaid and its contracting managed care plans to provide dental services to recipients of the medicaid program;
 - (d) Accept into his or her practice a percentage of individuals determined eligible for the medicaid program described in paragraph (C)(2)(c) of this rule at least equal to the percentage of the general population in that dental health resource shortage area which has been determined eligible for the medicaid program.
- (3) Agreement by the department as provided in section 3702.91 of the Revised Code to repay, so long as the dentist performs the service obligation to which he or she has agreed under paragraph (C)(1) of this rule, all or part of the dentist's educational expenses as defined in paragraph (H) of rule 3701-56-01 of the Administrative Code.
- (4) Agreement by the dentist to pay the department the following as damages if he or she fails to complete the service obligation to which he or she agreed under paragraph (C)(1) of this rule:
- (a) Three times the amount the department has agreed to repay under paragraph (C)(3) of this rule; or
 - (b) If funds from another source are used to repay a portion of the dentist's loan, damages owed if the dentist fails to complete the obligation will be the damages specified by the other source of funds, or as outlined in paragraph (C)(4)(a) of this rule, whichever is greater.
- (5) If the department assumes the dentist's duty to pay a portion of the loan, the contract shall set forth the amount of each payment.
- (D) The contract shall include the following terms as agreed upon by the parties:
- (1) The dentist's required length of service in the dental health resource shortage area which must be at least two years for an initial contract. Contracts may be renewed for no more than two additional one-year periods;
 - (2) The number of hours per week the dentist will be in full-time practice or part-time practice;
 - (3) The maximum amount that the department will repay on behalf of the dentist;
 - (4) The extent to which the dentist's teaching activities as defined under paragraph (A)(4) of this rule will be counted toward the dentist's full-time or part-time practice hours under the contract.
- (E) In addition to the terms required under paragraphs (C) and (D) of this rule, the contract may contain other terms agreed upon by the parties.

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Certification

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