

**PUBLIC HEALTH CODE (EXCERPT)**

**Act 368 of 1978**

**PART 27**

**MICHIGAN ESSENTIAL HEALTH PROVIDER RECRUITMENT STRATEGY**

**333.2701 Definitions.**

Sec. 2701. As used in this part:

(a) "Board certified" means certified to practice in a particular medical specialty by a national board recognized by the American Board of Medical Specialties or the American Osteopathic Association.

(b) "Certified nurse midwife" means an individual who is licensed as a registered professional nurse under part 172 who has been granted a specialty certification in the practice of nurse midwifery by the Michigan board of nursing under section 17210.

(c) "Certified nurse practitioner" means an individual who is licensed as a registered professional nurse under part 172 who has been granted a specialty certification as a nurse practitioner by the Michigan board of nursing under section 17210.

(d) "Clinical nurse specialist-certified" means an individual who is licensed as a registered professional nurse under part 172 who has been granted a specialty certification as a clinical nurse specialist by the Michigan board of nursing under section 17210.

(e) "Dental school" means an accredited program for the training of individuals to become dentists.

(f) "Dentist" means an individual who is licensed to engage in the practice of dentistry under part 166.

(g) "Designated advanced practice registered nurse" means a certified nurse midwife, certified nurse practitioner, or clinical nurse specialist-certified.

(h) "Designated mental health professional" means an individual who is qualified in the area of mental illness or developmental disabilities and who is 1 of the following:

(i) A nurse.

(ii) A psychologist.

(iii) A licensed master's social worker.

(iv) A licensed professional counselor.

(v) A marriage and family therapist.

(i) "Designated physician" means a physician qualified in 1 of the physician specialty areas identified in section 2711.

(j) "Designated professional" means a designated physician, designated advanced practice registered nurse, dentist, physician's assistant, or designated mental health professional.

(k) "Health resource shortage area" means a geographic area, population group, or health facility designated by the department under section 2717.

(l) "Licensed master's social worker" means an individual who is licensed under part 185 to engage in the practice of social work at the master's level.

(m) "Licensed professional counselor" means an individual who is licensed under part 181 to engage in the practice of counseling without supervision.

(n) "Marriage and family therapist" means an individual who is licensed under part 169 to engage in the practice of marriage and family therapy.

(o) "Medicaid" means benefits under the program of medical assistance established under title XIX of the social security act, 42 USC 1396 to 1396w-6, and administered by the department under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b.

(p) "Medical school" means an accredited program for the training of individuals to become physicians.

(q) "Medicare" means benefits under the federal Medicare program established under title XVIII of the social security act, 42 USC 1395 to 1395fff.

(r) "Mental health professional program" means an accredited program for the training of individuals to become a designated mental health professional.

(s) "National Health Service Corps" means the agency established under 42 USC 254d.

(t) "Nurse" means an individual who is licensed to engage in the practice of nursing under part 172.

(u) "Nursing program" means an accredited program for the training of individuals to become nurses.

(v) "Physician" means an individual who is licensed as a physician under part 170 or part 175.

(w) "Physician's assistant" means an individual who is licensed as a physician's assistant under part 170 or part 175.

(x) "Physician's assistant program" means an accredited program for the training of individuals to become physician's assistants.

(y) "Psychologist" means an individual licensed to engage in the practice of psychology under part 182.

(z) "Service obligation" means the contractual obligation undertaken by an individual under section 2705 or section 2707 to provide health care services for a determinable time period at a site designated by the department.

**History:** Add. 1990, Act 16, Eff. Oct. 1, 1990;—Am. 2014, Act 172, Imd. Eff. June 17, 2014;—Am. 2016, Act 499, Eff. Apr. 9, 2017;—Am. 2022, Act 38, Imd. Eff. Mar. 23, 2022.

**Compiler's note:** For transfer of certain powers and duties of the bureau of child and family services, with the exception of the women, infants, and children division, and the division of managed care the bureau of health systems, from the department of public health to the director of the department of community health, see E.R.O. No. 1996-1, compiled at MCL 330.3101 of the Michigan Compiled Laws.

**Popular name:** Act 368

### **333.2703 Michigan essential health provider recruitment strategy; creation; purpose; duties of department.**

Sec. 2703. (1) The Michigan essential health provider recruitment strategy is created in the department to facilitate the placement and retention of designated professionals in health resource shortage areas.

(2) In operating the Michigan essential health provider recruitment strategy, the department shall do all of the following:

- (a) Recruit and place designated professionals in health resource shortage areas, as provided in this part.
- (b) Coordinate with the national health service corps activities in this state.
- (c) Provide consultation to communities and health resource shortage areas in securing, placing, and retaining designated professionals.
- (d) Perform other duties as set forth in this part.
- (e) Engage in other activities appropriate to the purposes of the program.

**History:** Add. 1990, Act 16, Eff. Oct. 1, 1990.

**Popular name:** Act 368

### **333.2705 Essential health provider repayment program for designated professionals; administration; repayment of debt or expenses; contract; requirements; lump sum payment; forfeiture; discretionary debt or expense repayment; maximum amount of debt or expense repayment; source of funds; distribution of funds; priority.**

Sec. 2705. (1) The department shall administer an essential health provider repayment program for designated professionals who have incurred a debt or expenses as a result of a loan taken to attend a medical school, dental school, mental health professional program, nursing program for the training of certified nurse midwives, certified nurse practitioners, or clinical nurse specialists-certified, or physician's assistant program or as a result of providing services in a health resource shortage area. The department may each year repay all or part of a designated professional's debt or expenses, but the amount repaid in any 1 year shall not exceed the amount described in subsection (3). The department shall repay a debt or expenses only for a designated professional who has entered into a written contract with the department that requires the designated professional to engage in the full-time practice of health care services in a health resource shortage area to which he or she is assigned by the department for a period equal in years to the number of years for which the department has agreed in the contract to make a debt or expense repayment, or for a period of 2 years, whichever is greater.

(2) A debt or expense repayment on behalf of a designated professional under subsection (1) for fulfilling a service obligation for a particular year must be paid in a lump sum at the completion of the service obligation for that year. A designated professional who does not fulfill a service obligation for a particular year forfeits his or her right to the debt or expense repayment or any part of it for that year and the department may treat an agreement for further debt or expense repayment in a subsequent year as void. In its sole discretion, the department may make a debt or expense repayment before or during each year of service if there are extenuating circumstances. In its sole discretion, the department may pay a pro rata amount of an agreed debt or expense repayment to a designated professional or his or her estate if 1 of the following occurs before the completion of the designated professional's service obligation:

- (a) The designated professional dies.
- (b) The designated professional is unable, by reason of permanent disability, to render the service.
- (c) Other circumstances prevail that are considered by the department to constitute a compelling reason to consider the service obligation fulfilled.

(3) In any year of a debt or expense repayment program, the maximum amount of a debt or expense repayment is \$40,000.00 per year. The maximum amount of debt or expense repayment the department may

pay on behalf of a designated professional is \$300,000.00, paid over a period of 10 years or more. The written contract described in subsection (1) must include the amount the department shall pay on behalf of a designated professional and the amount payable for each year of service.

(4) The department may accept funds from any source for the operation of the essential health provider repayment program, and the department shall distribute those funds in a manner consistent with this section.

(5) The department shall give the essential health provider repayment program created by this section priority over the other programs created under this part.

**History:** Add. 1990, Act 16, Eff. Oct. 1, 1990;—Am. 2014, Act 172, Imd. Eff. June 17, 2014;—Am. 2016, Act 499, Eff. Apr. 9, 2017;—Am. 2022, Act 37, Eff. Mar. 29, 2023.

**Popular name:** Act 368

**333.2707 Grant program for minority students; administration; eligibility; condition for award of grant; priority; determination of appropriate grant; failure to fulfill service obligation or complete training program; repayment; disposition of amounts repaid; service obligation considered fulfilled; source of funds; distribution of funds; definition.**

Sec. 2707. (1) The department shall administer a grant program for minority students enrolled in medical schools, dental schools, nursing programs, or physician's assistant programs. Only minority students who meet the financial resources eligibility standards for federal student loan programs under title IV of the higher education act of 1965, Public Law 89-329, are eligible to receive a grant under this section.

(2) The department may award a grant to a minority student enrolled in a medical school who is training to become a designated physician, to a minority student enrolled in a dental school who is training to become a dentist, or to a minority student enrolled in a nursing program or physician's assistant program. As a condition for the award of the grant, the recipient of the grant shall enter into a written contract with the department that requires the recipient to provide, upon completion of training, full-time health care services in a health resource shortage area to which he or she is assigned by the department for a period equal to the number of years for which a grant is accepted. In awarding grants, the department shall give priority to students who are residents of this state and enrolled in a medical school, dental school, nursing program, or physician's assistant program in this state.

(3) The department shall determine an appropriate grant amount for each academic year for each health care profession.

(4) An individual who incurs a service obligation under subsection (2) and who completes the training program for which the grant was awarded but fails to fulfill the service obligation shall repay to the department an amount equal to 2 times the amount of all grants the individual accepted under this section plus interest. The interest shall be at a rate determined by the state treasurer to reflect the cumulative annual percentage change in the Detroit consumer price index. An individual who incurs a service obligation under subsection (2) and who fails to complete the training program for which the grant was awarded shall repay to the department an amount equal to the actual amount of all grants the individual accepted under this section. Repayment to the department under this subsection shall be made within 3 years after the repayment obligation is incurred. Amounts repaid under this subsection shall be deposited with the state treasurer and credited to the minority health profession grant fund created in section 2721.

(5) An obligated individual shall be considered to have fulfilled the service obligation incurred under subsection (2) if any of the following occur:

(a) Service has been rendered for the obligated period.

(b) The obligated individual dies.

(c) The obligated individual is unable, by reason of permanent disability, to render the service.

(d) The obligated individual fails to satisfy the academic requirements for completion of the training program in which he or she is enrolled after having made a good faith effort.

(e) The obligated individual fails to satisfy the requirements for licensure, certification, or other form of authorization to practice the profession for which he or she has been trained.

(f) Other circumstances occur that are considered by the department to constitute a compelling reason to consider the service obligation fulfilled.

(6) The department may accept funds for the operation of the grant program from any source and distribute those funds in a manner consistent with this section.

(7) As used in this section, "Detroit consumer price index" means the most comprehensive index of consumer prices available for the Detroit area from the bureau of labor statistics of the United States department of labor.

**History:** Add. 1990, Act 16, Eff. Oct. 1, 1990;—Am. 2014, Act 173, Imd. Eff. June 17, 2014.

**Popular name:** Act 368

### **333.2709 Placement of certified nurse midwives.**

Sec. 2709. The department may cooperate with a certified nurse midwifery service to support the placement of certified nurse midwives in health resource shortage areas.

**History:** Add. 1990, Act 16, Eff. Oct. 1, 1990.

**Popular name:** Act 368

### **333.2711 Recruitment for programs created in MCL 333.2705 and 333.2707; designated physician specialty areas; preference; "qualified" defined.**

Sec. 2711. (1) For the programs created in sections 2705 and 2707, the department shall only recruit physicians who are qualified or students who are training to become qualified in 1 or more of the following designated physician specialty areas:

- (a) General practice.
- (b) Family practice.
- (c) Obstetrics.
- (d) Pediatrics.
- (e) Emergency medicine.
- (f) Internal medicine.
- (g) Preventive medicine.
- (h) Psychiatry or behavioral sciences.
- (i) Geriatrics.

(2) When enrolling individuals to participate in the programs created in sections 2705 and 2707, the department may give preference to an individual who is qualified or studying in 1 or more of the specific designated physician specialty areas of general practice, family practice, obstetrics, pediatrics, or internal medicine over an individual who is qualified or studying in another designated physician specialty area described in subsection (1).

(3) As used in this section, "qualified" means board certified or eligible for board certification.

**History:** Add. 1990, Act 16, Eff. Oct. 1, 1990;—Am. 2014, Act 172, Imd. Eff. June 17, 2014;—Am. 2022, Act 38, Imd. Eff. Mar. 23, 2022.

**Popular name:** Act 368

### **333.2713 Fulfillment of service obligation; commencement; guidelines for assignment of designated professionals; condition for placement.**

Sec. 2713. (1) The department shall determine when a participant in the grant program or essential health provider repayment program shall begin to fulfill a service obligation.

(2) The department shall prepare and annually revise guidelines for the assignment of designated professionals with service obligations to practice sites located in health resource shortage areas.

(3) As a condition for the placement of a designated professional in a health resource shortage area, the department may require a reasonable demonstration of the intent and the ability of the community to support and retain a designated professional.

**History:** Add. 1990, Act 16, Eff. Oct. 1, 1990.

**Popular name:** Act 368

### **333.2715 Individuals ineligible to receive funds under MCL 333.2705 or 333.2707.**

Sec. 2715. An individual who participates in the national health service corps scholarship program under section 338A of title III of the public health service act, 42 U.S.C. 254I, or who has entered into an agreement that limits the individual's ability to serve in a Michigan health resource shortage area is not eligible to receive funds under section 2705 or 2707.

**History:** Add. 1990, Act 16, Eff. Oct. 1, 1990.

**Popular name:** Act 368

### **333.2717 Health resource shortage area; criteria for identification and designation.**

Sec. 2717. (1) The department shall develop criteria for identifying and designating a geographic area, population group, or health facility as a health resource shortage area. In developing the criteria, the department shall consider the needs of rural areas. The criteria may include, but are not limited to, all of the following:

- (a) Infant mortality rate.

- (b) Percentage of population below 100% of the poverty line.
- (c) Percentage of population age 65 and over.
- (d) Appropriate physician to population ratio.
- (e) Percentage of population eligible for Medicaid.
- (f) Aggregate unemployment rate.
- (g) Percentage of practicing physicians who accept Medicare or Medicaid assignment.
- (h) Geographic proximity of physicians to the resident population.
- (i) Average time the resident population must travel to obtain physician services from physicians in a designated physician specialty area.

(2) On the basis of the criteria set forth in subsection (1), the department shall identify and designate geographic areas, population groups, and health facilities in this state as health resource shortage areas for 1 or more designated professionals.

(3) Each of the following is considered a health resource shortage area:

(a) A health professional shortage area, as designated under section 332 of title III of the public health service act, 42 USC 254e, that is located in this state.

(b) A population of an urban or rural area designated as an area with a shortage of personal health services, as designated under section 330(b)(3) of title III of the public health service act, 42 USC 254c, that is located within this state.

(c) A population group designated as having a shortage of personal health services, as designated under section 330(b)(3) of title III of the public health service act, 42 USC 254c, that is located within this state.

**History:** Add. 1990, Act 16, Eff. Oct. 1, 1990;—Am. 2022, Act 38, Imd. Eff. Mar. 23, 2022.

**Popular name:** Act 368

### **333.2719 Departmental discretion; guidelines for priority.**

Sec. 2719. The department shall exercise its discretion in selecting a health resource shortage area for assignment of a designated professional. The department may establish guidelines for priority among health resource shortage areas in assignments of designated professionals to those areas.

**History:** Add. 1990, Act 16, Eff. Oct. 1, 1990.

**Popular name:** Act 368

### **333.2721 Minority health profession grant fund; creation; funding; use; investments; crediting earnings to fund.**

Sec. 2721. (1) There is created the minority health profession grant fund as a separate fund in the state treasury, to be administered by the department. The department shall deposit amounts repaid under section 2707 with the state treasurer, who shall credit the amounts to the fund. The fund shall be used to fund grants made under section 2707.

(2) The state treasurer shall direct the investment of the fund money and shall credit earnings to the fund.

**History:** Add. 1990, Act 16, Eff. Oct. 1, 1990.

**Popular name:** Act 368

### **333.2723 Rules; status report.**

Sec. 2723. (1) The department may promulgate rules necessary for the implementation of the department's functions under this part.

(2) The department shall report biennially to the house and senate appropriations subcommittees on the department of community health, the house and senate fiscal agencies, the governor, the state health planning council, and the public health advisory council on the status of the Michigan essential health provider recruitment strategy for the preceding 2 years. In addition to the status report, the report shall include, but not be limited to, all of the following:

(a) Review of state and federal legislation, rules, guidelines, and policy directives affecting the health personnel of health resource shortage areas.

(b) Recommendations concerning physician specialty areas or other health professions for inclusion in the Michigan essential health provider recruitment strategy based upon a determination of the need for various types of health care providers in this state.

(c) An assessment of whether the amount of debt or expense repayment an individual may receive under section 2705(3) is sufficient to facilitate the placement and retention of designated professionals in health resource shortage areas, or whether that maximum amount should be adjusted to reflect changes in tuition costs for students enrolled in medical schools, dental schools, nursing programs, or physician's assistant programs.

(d) An analysis of the return on investment and effectiveness of the grant program under section 2707 and the essential health provider repayment program under section 2705.

**History:** Add. 1990, Act 16, Eff. Oct. 1, 1990;—Am. 2014, Act 173, Imd. Eff. June 17, 2014.

**Popular name:** Act 368

**333.2725 Short title.**

Sec. 2725. This part shall be known and may be cited as the "Michigan essential health provider recruitment strategy act".

**History:** Add. 1990, Act 16, Eff. Oct. 1, 1990.

**Popular name:** Act 368

**333.2727 Conditional effective date.**

Sec. 2727. This part shall take effect October 1, 1990, except that this part shall not take effect unless before that date legislation is enacted that contains funding for the program created by this part.

**History:** Add. 1990, Act 16, Eff. Oct. 1, 1990.

**Compiler's note:** In Sec. 101 of Act 198 of 1990, the legislature appropriated \$400,000 for the "Michigan essential health care provider program." Act 198 was approved by the governor on July 24, 1990, and filed with the Secretary of State on July 25, 1990.

**Popular name:** Act 368