

**CHAPTER 43-28.1**  
**DENTISTS' LOAN REPAYMENT PROGRAM**

**43-28.1-01. Loan repayment program - Dentists - Defined need - Maximum amount of funds.**

Each year the state health council shall select, from a pool of applicants, dentists who shall provide dental services in cities or surrounding areas, or both, in this state which the state health council identifies as having a defined need for dental services. The dentists selected from this pool of applicants may include dentists who will provide dental services in a public health clinic, a practice with a focus on an underserved population, or a nonprofit dental clinic. The dentists are eligible to receive funds for the repayment of their education loans. The funds, which are payable over a five-year period, may not exceed one hundred thousand dollars per applicant. If the state health council accepts any gifts, grants, or donations under this chapter, the council may select additional dentists for participation in the loan repayment program under this chapter.

**43-28.1-01.1. Loan repayment program for dentists in public health and nonprofit dental clinics.**

Repealed by S.L. 2015, ch. 303, § 6.

**43-28.1-02. Loan repayment program - Dentists - Powers of state health council.**

Repealed by S.L. 2015, ch. 303, § 6.

**43-28.1-03. Criteria.**

1. The health council shall establish criteria to be used in selecting qualified dentists and in identifying cities or surrounding areas, or both, that have a defined need for dental services. The criteria must include consideration of:
  - a. The number of dentists already providing dental services in the city or surrounding areas, or both;
  - b. Access to dental services in the city and the surrounding areas;
  - c. How the dentist will provide dental services in a public health clinic, a practice with a focus on an underserved population, or a nonprofit dental clinic; and
  - d. The dentist's training in general dentistry or in a dental specialty and the extent to which such services are needed in the identified city or surrounding areas, or both.
2. For purposes of a dentist selected for loan payment under this chapter who practices within fifteen miles [24.14 kilometers] of the city limits of one of the three largest cities in the state, to qualify to receive a yearly disbursement under this chapter during that year of obligated service, the dentist must have:
  - a. Received dental medical payments of at least twenty thousand dollars in the form of medical assistance reimbursement; or
  - b. Practiced at least two full workdays per week at a public health clinic or at a nonprofit dental clinic that uses a sliding fee schedule to bill the nonprofit dental clinic's patients.
3. The health council may consult with public and private sector entities in establishing criteria and evaluating needs based on the criteria.

**43-28.1-04. Community selection criteria.**

Repealed by S.L. 2015, ch. 303, § 6.

**43-28.1-05. Eligible loans.**

The state health council may provide for loan repayment funds to a dentist who has received an education loan. The council may not provide funds for the repayment of any loan that is in default at the time of the application. The amount of repayment must be related to the dentist's outstanding education loans. A dentist is eligible to receive loan repayment funds in an

amount equal to the outstanding balance of the dentist's education loans with applicable interest, or one hundred thousand dollars, whichever is less. Loan repayment funds may not be used to satisfy other service obligations under similar programs.

**43-28.1-06. Breach of loan repayment contract.**

If a dentist who receives loan repayment funds under this chapter breaches the loan repayment program contract by failing to begin or failing to complete the obligated service, the dentist is liable for the total amount of any loan repayment funds received. Any damages the state is entitled to recover under this chapter must be paid to the state health council, within one year from the date of the breach. Any amounts not paid within one year from the date of the breach are subject to the collection process and may be recovered through deductions in medicaid payments. Damages recoverable for a breach of the contract include all interest, costs, and expenses incurred in collection, including attorney's fees. Damages collected under this section by the state health council must be deposited in the state general fund. The state health council may agree to accept a lesser measure of damages for breach of a loan repayment program contract if compelling reasons are demonstrated.

**43-28.1-07. Release from contract obligation.**

1. The state health council shall release a dentist from the dentist's loan repayment contract, without penalty, if:
  - a. The dentist has completed the service requirements of the contract;
  - b. The dentist is unable to complete the service requirement of the contract because of a permanent physical disability;
  - c. The dentist demonstrates to the state health council extreme hardship or shows other good cause justifying the release; or
  - d. The dentist dies.
2. A decision by the state health council not to release a dentist from the dentist's loan repayment contract without penalty is reviewable by district court.

**43-28.1-08. Payment.**

The state health council may not provide any loan repayment funds to a dentist under this chapter until the dentist has practiced at least six months on a full-time basis in the city or surrounding areas, or both, the state health council has identified as having a defined need for dental services. Loan repayment funds for a year of obligated service are payable by the state health council no later than the end of the fiscal year in which the dentist completes the year of obligated service.

**43-28.1-09. Gifts, grants, and donations - Continuing appropriation.**

The state health council may accept any conditional or unconditional gift, grant, or donation for the purpose of providing funds for the repayment of dentists' educational loans. If any entity desires to provide funds to the council to allow an expansion of the program beyond the dentists contemplated by this chapter, the entity shall commit to fund fully the expansion for a period of five years. The council may contract with any public or private entity and may expend any moneys available to the council to obtain matching funds for the purposes of this chapter. All money received as gifts, grants, or donations under this section is appropriated as a continuing appropriation to the state health council for the purpose of providing funds for the repayment of additional dentists' educational loans.

**43-28.1-10. New practices - Grants.**

Repealed by S.L. 2015, ch. 303, § 6.