

SB3734



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3734

Introduced 1/21/2022, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

New Act

Creates the Equity and Representation in Health Care Act. Contains the findings of the General Assembly. Creates the Equity and Representation in Health Care Workforce Repayment Program and the Equity and Representation in Health Care Workforce Scholarship Program to be administered by the Department of Public Health. Provides that a health care professional, medical facility, or behavioral health provider may apply to the Department for loan repayment assistance under the Program. Provides that, in order to be eligible for loan repayment under the Act, the health care professional or behavioral health provider shall comply with specified requirements. Requires the Department to submit an annual report with specified requirements to the General Assembly and the Governor. Contains provisions regarding the adoption of rules by the Department. Contains other provisions.

LRB102 25741 CPF 35055 b

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Equity
5 and Representation in Health Care Act.

6 Section 5. Findings; purpose.

7 (a) The General Assembly finds that:

8 (1) Every Illinois resident deserves access to high
9 quality, affordable health care regardless of his or her
10 race, ethnicity, zip code, gender identification, or
11 sexual orientation. Moreover, Illinois residents deserve
12 support from a strong, diverse health care workforce that
13 reflects, represents, and understands the patients they
14 serve.

15 (2) Establishing and building trusted relationships
16 between patients and health care providers can lead to
17 more compassionate care and improved outcomes. This is
18 particularly important for communities of color and
19 populations that experience systemic racism and other
20 barriers to obtaining equitable high quality care that
21 improves health.

22 (3) A 2004 report from Johns Hopkins University and
23 the Commonwealth Fund focused on the disparities in

1 patient experience brought on by a lack of racial and
2 ethnic diversity among health care providers. From the
3 article:

4 "In what is called 'race-discordant'
5 relationships, patients from ethnic groups frequently
6 are treated by professionals from a different ethnic
7 background. The research reviewed here documents
8 ongoing racial and ethnic disparities in health care
9 and links patient-physician race and ethnic
10 concordance with higher patient satisfaction and
11 better health care processes. Based on this research,
12 the authors issue the following recommendation: ...
13 health policy should be revised to encourage workforce
14 diversity by funding programs that support the
15 recruitment of minority students and medical
16 faculty..."

17 (4) Another 2021 study by the National Center for
18 Biotechnology Information at the National Institutes of
19 Health analyzed minority representation across 10
20 different health care provider designations and found
21 significant underrepresentation among Black, Hispanic, and
22 Native American people across all 10 designations. This
23 study makes specific mention of the disproportionate
24 impact that the COVID-19 pandemic had on minority
25 communities and how greater diversity in our health care
26 workforce could lead to increased cultural competence and

1 improved health outcomes.

2 (5) These are just 2 studies among the countless that
3 make clear the importance of diversity in our health care
4 workforce. Illinois is no exception. More must be done to
5 increase the diversity and community representation of our
6 State's health care workforce in order to better meet the
7 needs of underrepresented communities. This Act is
8 intended to support workforce development programs
9 specifically aimed at this mission.

10 (b) The purpose of this Act is to recognize and address the
11 historic and systemic barriers that have prevented
12 proportional representation by race, ethnicity, language,
13 gender, sexual orientation, gender identity, and disability
14 status in the health care provider community and address
15 access to care and health disparities by prioritizing
16 scholarship and loan repayment programs to individuals from
17 underrepresented communities pursuing health care careers.

18 These scholarship and loan repayment programs shall
19 encourage health care providers to locate and practice in
20 areas of greatest need, as determined by provider shortage
21 area data or health disparity data, and to support efforts for
22 health care providers to better reflect the communities they
23 serve.

24 Section 10. Definitions.

25 "Accredited school" means a college or university in which

1 a degree in allopathic medicine, osteopathic medicine,
2 dentistry, or an equivalent credential for a health program is
3 earned and for which the Council for Higher Education
4 Accreditation or its affiliates has determined that the school
5 meets specific standards for its programs, faculty, and
6 curriculum.

7 "Advanced practice registered nurse" or "APRN" means an
8 advanced practice registered nurse as defined under Section
9 50-10 of the Nurse Practice Act.

10 "Allopathic medicine" means the use of pharmacological
11 agents or physical interventions to treat or suppress symptoms
12 or processes of diseases or conditions.

13 "Applicant" means a health care professional or medical
14 facility who applies for loan repayment assistance or
15 scholarship funds under this Act.

16 "Approved graduate training" means training in medicine,
17 dentistry, or any other health profession that leads to
18 eligibility for board certification, provides evidence of
19 completion, and is approved by the appropriate health care
20 professional's body.

21 "Behavioral health provider" means a provider of a
22 commonly recognized discipline in the behavioral health
23 industry, including, but not limited to, licensed clinical
24 social workers, behavioral health therapists, certified
25 marriage and family counselors, licensed social workers, and
26 addiction counselors.

1 "Breach of service obligation" means failure for any
2 reason to begin or complete a contractual service commitment.

3 "Commercial loan" means a loan made by a bank, credit
4 union, savings and loan association, insurance company,
5 school, or other financial institution.

6 "Community health center" means a migrant health center,
7 community health center, health care program for the homeless
8 or for residents of public housing supported under Section 330
9 of the federal Public Health Service Act, or FQHC, including
10 an FQHC Look-Alike, as designated by the U.S. Department of
11 Health and Human Services, that operates at least one
12 federally designated primary health care delivery site in
13 Illinois.

14 "Default" means failure to meet a legal obligation or
15 condition of a loan.

16 "Department" means the Department of Public Health.

17 "Dental assistant" means a person who serves as a member
18 of a dental care team, working directly with a dentist to
19 perform duties that include, but are not limited to, assisting
20 with dental procedures, preparing patients for procedures,
21 preparing examinations, and sterilizing equipment.

22 "Dentist" means a person licensed to practice dentistry
23 under the Illinois Dental Practice Act.

24 "Director" means the Director of Public Health.

25 "Equity and Representation in Health Care Workforce
26 Repayment Program" or "Repayment Program" means the Equity and

1 Representation in Health Care Workforce Repayment Program
2 created under subsection (a) of Section 15.

3 "Equity and Representation in Health Care Workforce
4 Scholarship Program" or "Scholarship Program" means the Equity
5 and Representation in Health Care Workforce Scholarship
6 Program created under subsection (b) of Section 15.

7 "Federally Qualified Health Center" or "FQHC" means a
8 health center funded under Section 330 of the federal Public
9 Health Service Act.

10 "Federally Qualified Health Center Look-Alike" or "FQHC
11 Look-Alike" means a health center that meets the requirements
12 for receiving a grant under Section 330 of the federal Public
13 Health Service Act but does not receive funding under that
14 authority.

15 "Government loan" means a loan made by a federal, State,
16 county, or city agency authorized to make the loan.

17 "Health care professional" means a physician, physician
18 assistant, advanced practice registered nurse, behavioral
19 health provider, psychiatrist, psychologist, pharmacist,
20 dentist, or dental hygienist.

21 "Health professional shortage area" or "HPSA" means a
22 designation from the U.S. Department of Health and Human
23 Services that indicates the shortage of primary medical care
24 or dental or mental health providers. The designation may be
25 geographic, such as a county or service area; demographic,
26 such as low-income population; or institutional, such as a

1 comprehensive health center, FQHC, or other public facility.

2 "Lender" means the commercial or government entity that
3 makes a qualifying loan.

4 "Loan repayment award" or "award" means the amount of
5 funding awarded to a recipient based upon his or her
6 reasonable educational expenses, up to a maximum established
7 by the program.

8 "Loan repayment agreement" or "agreement" means the
9 written instrument defining a legal relationship entered into
10 between the Department and a recipient.

11 "Medical assistant" means a person who serves as a member
12 of a medical care team working directly with other providers
13 to perform duties that include, but are not limited to,
14 gathering patient information, taking vital signs, preparing
15 patients for examinations, and assisting physicians during
16 examinations.

17 "Medical facility" means a facility in which the delivery
18 of health services is provided. A medical facility must be a
19 nonprofit or public facility located in Illinois and includes
20 the following:

21 (1) A Federally Qualified Health Center.

22 (2) An FQHC Look-Alike.

23 (3) A hospital system operated by a county with more
24 than 3,000,000 residents.

25 "Medically underserved area" or "MUA" means an area
26 designated by the U.S. Department of Health and Human

1 Services' Health Resources and Services Administration as
2 having too few primary care providers, high infant mortality,
3 high poverty, or a high elderly population.

4 "Osteopathic medicine" means medical practice based upon
5 the theory that diseases are due to loss of structural
6 integrity, which can be restored by manipulation of the parts
7 and supplemented by therapeutic measures.

8 "Physician" means a person licensed to practice medicine
9 in all of its branches under the Medical Practice Act of 1987.

10 "Physician assistant" means an individual licensed under
11 the Physician Assistant Practice Act of 1987.

12 "Primary care" means health care that encompasses
13 prevention services, basic diagnostic and treatment services,
14 and support services, including laboratory, radiology,
15 transportation, and pharmacy services.

16 "Psychiatrist" means a physician licensed to practice
17 medicine in Illinois under the Medical Practice Act of 1987
18 who has successfully completed an accredited residency program
19 in psychiatry.

20 "Qualifying loan" means a government loan or commercial
21 loan used for tuition and reasonable educational and living
22 expenses related to undergraduate or graduate education that
23 was obtained by the recipient prior to his or her application
24 for loan repayment and that is contemporaneous with the
25 education received.

26 "Reasonable educational expenses" means costs for

1 education, exclusive of tuition. These costs include, but are
2 not limited to, fees, books, supplies, clinical travel,
3 educational equipment, materials, board certification, or
4 licensing examinations. "Reasonable educational expenses" do
5 not exceed the estimated standard budget for expenses for the
6 degree program and for the years of enrollment.

7 "Reasonable living expenses" means room and board,
8 transportation, and commuting costs associated with the
9 applicant's attendance and participation in educational and
10 workforce training program. "Reasonable living expenses" do
11 not exceed the estimated standard budget for the recipient's
12 degree program and for the years of enrollment.

13 "Recognized training entity" means an entity approved by
14 the Department to provide training and education for medical
15 assistants and dental assistants.

16 "Recipient" means a health care professional or medical
17 facility that may use loan repayment funds.

18 "Rural" has the same meaning that is used by the federal
19 Health Resources and Services Administration to determine
20 eligibility for Rural Health Grants.

21 "State" means the State of Illinois.

22 Section 15. Repayment Program; Scholarship Program;
23 eligibility requirements.

24 (a) The Department shall create and administer an Equity
25 and Representation in Health Care Workforce Repayment Program.

1 A health care professional may apply to the Department for
2 loan repayment assistance under the Repayment Program. In
3 order to be eligible for loan repayment under this Act, the
4 health care professional or behavioral health provider shall
5 comply with the following:

6 (1) Either:

7 (A) be working at a medical facility; or

8 (B) have accepted an offer of employment at a
9 medical facility and will begin employment at that
10 medical facility within 90 calendar days after the
11 submission of the application.

12 (2) Either:

13 (A) have a degree in allopathic or osteopathic
14 medicine, nursing, dentistry, or other eligible health
15 profession from an accredited school; have completed
16 an approved graduate training program; and have a
17 current, valid, and unencumbered license to practice
18 the health profession in Illinois; or

19 (B) have a degree in a relevant field of study,
20 such as behavioral health or social work.

21 (3) As necessary to his or her field of work, agree to
22 see and treat all patients at the medical facility
23 regardless of the patient's ability to pay for services.

24 (4) Submit an application to participate in the
25 Program.

26 (5) Not be in breach of a health professional service

1 obligation to the federal, State, or a local government.

2 (6) Not have any judgment liens arising from federal
3 debt.

4 (7) Not be excluded, suspended, or disqualified by a
5 federal agency.

6 (8) Sign a written agreement attesting to accepting
7 repayment of health professional educational loans and to
8 serve for the applicable period of obligated service in an
9 HPSA or MUA located in Illinois.

10 (b) The Department shall create and administer an Equity
11 and Representation in Health Care Workforce Scholarship
12 Program. A medical facility or an individual may apply to the
13 Department to receive funds under the Scholarship Program. A
14 medical facility may apply for a scholarship that covers
15 expenses described under subsection (e) of Section 20. If an
16 individual is the applicant, the individual shall either:

17 (1) be working at a medical facility; or

18 (2) have accepted an offer of employment at a medical
19 facility and will begin employment at that medical
20 facility within 90 calendar days after the submission of
21 the application.

22 (c) A person who earns a degree from an unaccredited
23 school may not participate in the Repayment Program.

24 Section 20. Use of Repayment Program and Scholarship
25 Program funds.

1 (a) Loan repayment funds under the Repayment Program shall
2 be used according to the following:

3 (1) To repay qualifying educational loans of health
4 care professionals who agree to serve in a medical
5 facility for a specified period of time to be determined
6 by the Department.

7 (2) For educational loans that were obtained prior to
8 the date the recipient submits an application for loan
9 repayment assistance.

10 (3) To retire qualifying educational loans if the
11 loans are the result of consolidated or refinanced debt.
12 To qualify, the consolidated or refinanced loans shall:

13 (A) be a government loan or a loan from a
14 commercial lender; and

15 (B) include only qualifying educational loans of
16 the health care professional.

17 (b) Loan repayment funds under the Repayment Program shall
18 not be used for any of the following:

19 (1) To repay a practice obligation resulting from
20 educational loans or scholarships, whether from
21 Illinois-based institutions or governments or those in
22 other states.

23 (2) To fulfill practice obligations to the federal
24 government, the State, or any other entity under an
25 agreement with the federal government, State, or other
26 entity.

1 (3) To retire qualifying educational loans if the
2 consolidated or refinanced debt is:

3 (A) commingled with nonqualifying debt; or

4 (B) consolidated with a loan owed by another
5 person, such as a spouse or child.

6 (c) Loan repayment funds under the Repayment Program may
7 not be used by the recipient to reimburse himself or herself
8 for a loan that has been repaid.

9 (d) Under the provisions of the federal Treasury Offset
10 Program and the State Comptroller Act, recipients shall have
11 their loan repayment assistance funds offset to fulfill a
12 delinquent federal or State debt. The offset of loan repayment
13 assistance funds shall not reduce, waive, or suspend a
14 recipient's service obligation under this Act.

15 (e) Scholarship Program funds shall be used to cover the
16 costs of training as a medical assistant or dental assistant,
17 or another health care profession training or education
18 program, as deemed appropriate by the Department. Costs shall
19 include the following:

20 (1) The cost of enrollment in a training program
21 offered by an institute of higher learning, accredited
22 online program, Illinois-based community college, or
23 recognized training entity.

24 (2) Lab fees.

25 (3) Materials and test vouchers.

26 (4) Background checks.

1 (5) Drug screenings.

2 (6) Professional equipment and attire, such as scrubs.

3 (f) Applications for loan repayments and scholarships
4 shall be available twice a year, with at least 5 months between
5 the closing date of the last process and application deadline
6 for the next process.

7 (g) An individual who meets the eligibility requirements
8 set forth in this Act may apply for loan repayment or
9 scholarship funds authorized by this Act. In order to promote
10 greater diversity and community representation in health care,
11 the Department shall set forward criteria that prioritizes
12 applicants, including, but not limited to, the following:

13 (1) Those who identify as a person from a race,
14 ethnicity, gender, sexual orientation, gender identity, or
15 disability status that is underrepresented in the health
16 care sector.

17 (2) First generation postsecondary students.

18 (3) Reservists in the U.S. Armed Forces or military
19 veterans.

20 (4) Persons working in rural medical facilities.

21 Section 25. Department powers. The Department may exercise
22 the following powers:

23 (1) To make loan repayment and scholarship awards
24 under the Repayment Program or Scholarship Program with
25 the following priorities:

1 (A) To increase the number of health care
2 providers in MUAs.

3 (B) To increase the number of behavioral health
4 providers in MUAs.

5 (C) To increase the number of accredited, eligible
6 health care provider residencies within the State.

7 (D) To increase the percentage of eligible health
8 care providers establishing practice within the State
9 upon completion of residency.

10 (E) To promote greater diversity and community
11 representation in Illinois' health care workforce.

12 (2) To adopt rules necessary for the establishment and
13 maintenance of the Repayment Program and Scholarship
14 Program required under this Act.

15 Section 30. Administrative procedure. The Illinois
16 Administrative Procedure Act is hereby expressly adopted and
17 incorporated herein as if all of the provisions of the Act were
18 included in this Act.

19 Section 35. Annual report.

20 (a) The Department shall annually report the results and
21 progress of the Repayment Program and Scholarship Program on
22 or before March 15 of each year to the General Assembly and the
23 Governor.

24 (b) The annual report to the General Assembly and the

1 Governor shall include the impact of the Repayment Program and
2 Scholarship Program on the ability of MUAs to attract and
3 retain eligible health care providers, as well as increase
4 diversity and community representation in Illinois' health
5 care workforce. The report shall include recommendations to
6 improve that ability.

7 (c) The requirement for reporting to the General Assembly
8 shall be satisfied by filing copies of the report as required
9 by Section 3.1 of the General Assembly Organization Act, and
10 filing such additional copies with the State Government Report
11 Distribution Center for the General Assembly as required under
12 paragraph (t) of Section 7 of the State Library Act.

13 Section 40. Failure to fulfill obligations.

14 (a) Loan repayment recipients under the Repayment Program
15 who fail to maintain employment at a medical facility as
16 defined in this Act for the amount of time determined by the
17 Department shall pay to the Department a sum equal to the
18 amount of the annual scholarship grant for each year the
19 recipient fails to fulfill such obligation. A scholarship
20 recipient who fails to fulfill the employment obligation set
21 forth in this Section shall have 30 days from the date on which
22 that failure begins in which to enter into a contract with the
23 Department that sets forth the manner in which that sum is
24 required to be paid. If the contract is not entered into within
25 that 30-day period or if the contract is entered into but the

1 required payments are not made in the amounts and at the times
2 provided in the contract, the scholarship recipient also shall
3 be required to pay to the Department interest at the rate of 9%
4 per annum on the amount of that sum remaining due and unpaid.
5 The amounts paid to the Department under this Section shall be
6 deposited into the Community Health Center Care Fund and shall
7 be used by the Department to improve access to primary health
8 care services as authorized by subsection (a) of Section
9 2310-200 of the Department of Public Health Powers and Duties
10 Law of the Civil Administrative Code of Illinois.

11 (b) Scholarship recipients under the Scholarship Program
12 who fail to maintain employment at a medical facility for the
13 amount of time determined by the Department shall pay to the
14 Department a sum equal to the amount of the annual scholarship
15 grant for each year the recipient fails to fulfill the
16 employment obligation. A scholarship recipient who fails to
17 fulfill the employment obligation shall have 30 days from the
18 date on which that failure begins in which to enter into a
19 contract with the Department that sets forth the manner in
20 which that sum is required to be paid. If the contract is not
21 entered into within that 30-day period, or if the contract is
22 entered into but the required payments are not made in the
23 amounts and at the times provided in the contract, the
24 scholarship recipient shall also be required to pay to the
25 Department interest at the rate of 9% per annum on the amount
26 of that sum remaining due and unpaid. The amounts paid to the

1 Department under this Section shall be deposited into the
2 Community Health Center Care Fund and shall be used by the
3 Department to improve access to primary health care services
4 as authorized by subsection (a) of Section 2310-200 of the
5 Department of Public Health Powers and Duties Law of the Civil
6 Administrative Code of Illinois.

7 Section 45. Transfer of moneys; use of funds.

8 (a) The Department may transfer to the Illinois Finance
9 Authority, into an account outside the State treasury, moneys
10 in the Community Health Center Care Fund as needed, but not to
11 exceed an amount established, by rule, by the Department to
12 establish a reserve or credit enhancement escrow account to
13 support a financing program or a loan or equipment leasing
14 program to provide moneys to support the purposes of
15 subsection (a) of Section 2310-200 of the Department of Public
16 Health Powers and Duties Law of the Civil Administrative Code
17 of Illinois. The disposition of moneys at the conclusion of
18 any financing program under this Section shall be determined
19 by an interagency agreement.

20 (b) The Department may use a reasonable portion of funds
21 appropriated for this Act to increase Department resources as
22 is necessary in order to effectively administer the Repayment
23 Program and Scholarship Program.