

AN ACT concerning health.

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

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

Section 5. Findings; purpose.

(a) The General Assembly finds that:

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

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

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

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

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

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

improved health outcomes.

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

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

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

Section 10. Definitions.

"Accredited school" means a college or university in which

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

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

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

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

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

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

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

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

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

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

"Department" means the Department of Public Health.

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

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

"Director" means the Director of Public Health.

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

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

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

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

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

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

"Health care professional" means a physician, physician assistant, advanced practice registered nurse, nurse, chiropractic physician, podiatrist, physical therapist, physical therapist assistant, occupational therapist, speech therapist, behavioral health provider, psychiatrist, psychologist, pharmacist, dentist, medical assistant, dental assistant, or dental hygienist.

"Health professional shortage area" or "HPSA" means a designation from the U.S. Department of Health and Human Services that indicates the shortage of primary medical care

or dental or mental health providers. The designation may be geographic, such as a county or service area; demographic, such as low-income population; or institutional, such as a comprehensive health center, FQHC, or other public facility.

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

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

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

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

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

- (1) A Federally Qualified Health Center.
- (2) An FQHC Look-Alike.
- (3) A hospital system operated by a county with more

than 3,000,000 residents.

"Medically underserved area" or "MUA" means an area designated by the U.S. Department of Health and Human Services' Health Resources and Services Administration as having too few primary care providers, high infant mortality, high poverty, or a high elderly population.

"Nurse" means a person who is licensed as a licensed practical nurse or as a registered nurse under the Nurse Practice Act.

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

"Physical therapist" means an individual licensed as a physical therapist under the Illinois Physical Therapy Act.

"Physical therapist assistant" means an individual licensed as a physical therapist assistant under the Illinois Physical Therapy Act.

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

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

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

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

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

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

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

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

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

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

"State" means the State of Illinois.

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

(a) The Department shall create and administer an Equity and Representation in Health Care Workforce Repayment Program. A health care professional may apply to the Department for loan repayment assistance under the Repayment Program. In order to be eligible for loan repayment under this Act, the health care professional or behavioral health provider shall comply with the following:

(1) Either:

(A) be working at a medical facility; or

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

(2) Either:

(A) have a degree in allopathic or osteopathic medicine, nursing, dentistry, physical therapy, or other eligible health profession from an accredited

school; have completed an approved training program; and have a current, valid, and unencumbered license to practice the health profession in Illinois; or

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

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

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

(5) Not be in breach of a health professional service obligation to the federal, State, or a local government.

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

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

(8) Sign a written agreement attesting to accepting repayment of health professional educational loans and to serve (i) for the applicable period of obligated service in a medical facility and (ii) all patients regardless of their ability to pay. The written agreement shall outline details of the loan repayment service obligations, including, but not limited to, the time frame required for the recipient to fulfill the service obligation, the amount of service required based on the award, and penalties that may be levied for breach of a service

obligation.

(9) Be a current resident of Illinois or intend to reside in Illinois within 90 days after receiving notice of a loan repayment or scholarship award under this Act.

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

(1) be working at a medical facility; or

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

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

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

(a) Subject to appropriation, loan repayment funds under the Repayment Program shall be used according to the following:

(1) To repay qualifying educational loans of health care professionals who agree to serve in a medical

facility for a specified period of time to be determined by the Department.

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

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

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

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

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

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

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

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

(A) commingled with nonqualifying debt; or

(B) consolidated with a loan owed by another

person, such as a spouse or child.

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

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

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

(1) The cost of enrollment in a training program offered by an Illinois-based institution of higher education, an online program accredited in Illinois, an Illinois-based community college, or a recognized Illinois-based training entity.

(2) Lab fees.

(3) Materials and test vouchers.

(4) Background checks.

(5) Drug screenings.

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

(f) Applications for loan repayments and scholarships may be available twice a year, with at least 5 months between the closing date of the last process and application deadline for the next process. In order to meet the goal of this Act of improving diversity and community representation in the health care workforce, applications shall include questions that request demographic data from the applicant, including, but not limited to, race, ethnicity, disability status, gender identity, and sexual orientation.

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

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

(2) First generation postsecondary students.

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

(4) Persons working in rural medical facilities.

(h) An individual who is awarded a loan repayment under this Act shall not receive a concurrent loan repayment through any other Illinois or federal loan repayment program. Nothing

in this Act prevents an individual from receiving consecutive loan repayment awards under this Act or any other State or federal program.

Section 25. Department powers and duties.

(a) The Department may exercise the following powers:

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

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

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

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

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

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

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

(b) The Department shall share information about the application process for a scholarship or loan repayment under this Act prominently on the Department's website, as well as

with Illinois-based health care training programs and institutions of higher education that offer associate, undergraduate, and graduate degree programs in health care.

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

Section 35. Annual report.

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

(b) The annual report to the General Assembly and the Governor shall include the impact of the Repayment Program and Scholarship Program on the ability of MUAs to attract and retain eligible health care providers, as well as increase diversity and community representation in Illinois' health care workforce. The report shall include recommendations to improve that ability.

Section 40. Failure to fulfill obligations.

(a) Loan repayment recipients under the Repayment Program who fail to meet the obligations set forth in this Act and outlined in the signed agreement with the Department shall pay

to the Department a sum of no less than 1.5 times the amount of the annual loan repayment for each year the recipient fails to fulfill the obligation, plus interest at the rate of 7% annually. Repayment to the Department shall be made as a lump sum payment or over a period of no more than 6 years with interest compounded over that period. An individual who fulfills a portion of his or her obligation may have his or her repayment amount adjusted accordingly by the Department.

(b) Scholarship recipients under the Scholarship Program who fail to meet the obligations set forth in this Act and outlined in the signed agreement with the Department shall pay to the Department a sum of no less than 1.5 times the amount of the annual scholarship grant for each year the recipient fails to fulfill the employment obligation, plus interest at the rate of 7% annually. Repayment to the Department shall occur as a lump sum payment or over a period of no more than 6 years with interest compounded over that period. An individual who fulfills a portion of his or her obligation may have his or her repayment amount adjusted accordingly by the Department.

(c) Moneys paid to the Department under this Section shall be used by the Department to support awards, scholarships, and Department operations related to the awards and scholarships authorized under this Act.

(d) A waiver or deferment request of a recipient's obligation under this Act may be submitted to the Department for consideration. The request must be submitted in writing

and shall be consistent with criteria that are in place for waiver or deferment from obligations in other State health care loan repayment programs.

(e) The Department may allow an individual who completes a different course of study or pursues a different health care profession to meet his or her obligations under his or her original application if he or she submits the request in writing along with any other information requested by the Department and continues to meet his or her obligations under this Act.

Section 45. Transfer of moneys; use of funds.

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

(b) The Department may use a reasonable portion of funds appropriated for this Act to increase Department resources as

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is necessary in order to effectively administer the Repayment Program and Scholarship Program.

Section 99. Effective date. This Act takes effect January 1, 2023.