

This is an amendment to 5.7.3 NMAC Sections 7 and 9 effective 5/16/2023.

5.7.3.7 DEFINITIONS:

- A.** "Department" means the New Mexico higher education department.
 - B.** "Committee" means the health professions advisory committee of the department.
 - C.** "Eligible educational loan" means government and commercial loans for actual costs paid for tuition, reasonable education expenses including fees, books, supplies and materials; and reasonable living expenses including room and board and other itemized expenses incurred during an individual's enrollment at a post-secondary institution in a health occupation educational program. Expenses incurred must be related to the acquiring of said education.
 - D.** "Eligible participant" includes primary care physicians, physician assistants, advanced practice nurses, registered nurses, dentists, pediatricists, optometrists and allied health care providers. Other specialties may be considered at the discretion of the committee.
 - E.** "Extenuating circumstances" means circumstances not within the control of the recipient.
 - F.** "Health professional shortage area" means an area of the state or a facility which has been determined by the health professions advisory committee as an acceptable practice site in which program participants may fulfill their commitment.
 - G.** "Primary care physician" means a physician, allopathic or osteopathic with a specialty in family or general medicine, general internal medicine, general pediatrics and obstetrics and gynecology. Other specialties may be considered at the discretion of the committee.
- [7/15/1998; 5.7.3.7 NMAC - Rn & A, 5 NMAC 7.3.7, 7/31/2005; A, 5/16/2023]

5.7.3.9 PARTICIPANT ELIGIBILITY: To be eligible for this program, an applicant must:

- A.** submit an application containing biographical, educational and health profession education loan information including lender name, address, telephone number, loan numbers, loan balances, interest rates and remaining payments for review;
- B.** be licensed or certified in the state of New Mexico to practice their profession;
- C.** be a citizen of the United States or a permanent resident alien and a resident of New Mexico;
- D.** provide service in a clinical practice of their profession full time (~~[40]~~ 36 hours per week), the committee may consider part-time service, with prorated awards, on a case-by-case basis;
- E.** practice in an approved health professional shortage area for a minimum period of two years, the committee may consider longer periods of service on a case-by-case basis;
- F.** charge for their professional services at the usual and customary rates prevailing in the areas in which such services are provided, except that if a person is unable to pay such a charge, such person shall be charged at a reduced rate or not charged any fee;
- G.** agree that, in providing health services, they will not, in the case of an individual seeking care, discriminate on the basis of the ability of the individual to pay for such care or on the basis that payment for such care will be made pursuant to the program established in Title XVIII (medicare) of the Social Security Act or pursuant to the program established in Title XIX (medicaid) of such act; and
- H.** agree that they will accept assignment under Section 1842(b)(3)(B)(ii) of the Social Security act for all services for which payment may be made under Part B of Title XVIII and will enter into an appropriate agreement with the state agency that administers the state plan for medical assistance under Title XIX of such act to provide service to individuals entitled to medical assistance under the plan.

[7/15/1998; 5.7.3.9 NMAC - Rn, 5 NMAC 7.3.9, 7/31/2005; A, 5/16/2023]