

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

**DIVISION OF HIGHER EDUCATION RULES GOVERNING THE
GRADUATE MEDICAL EDUCATION RESIDENCY EXPANSION BOARD**

Effective Date:

1.00 DEFINITIONS

1.01 “Accreditation” means the official decision made by a Review Committee based on its review and assessment of a Sponsoring Institution’s or program’s compliance with the applicable requirements of the Accreditation Council for Graduate Medical Education (ACGME).

1.01.1 The review committee is composed of volunteers that:

1.01.1.1 Sets accreditation standards;

1.01.1.2 Provides peer evaluation of Sponsoring Institutions or programs to assess the degree to which these comply with the applicable published accreditation requirements; and

1.01.1.3 Confirms an accreditation status on each Sponsoring Institution or program regarding substantial compliance with those requirements.

1.01.2 There are three types of Review Committee:

1.01.2.1 Specialty Review Committee;

1.01.2.2 Transitional Year Review Committee; and

1.01.2.3 Institutional Review Committee.

1.02 “Entity” means an Arkansas hospital or medical facility that seeks to provide medical residency opportunities.

1.03 “Fellow” means an individual enrolled in an ACGME-accredited fellowship (subspecialty or sub-subspecialty) program who has completed a residency program in a related specialty and/or a fellowship program in a related subspecialty.

1.03.1 “Fellow” may also refer to other learners by individual institutions or programs.

1.04 “Fellowship” means a program that provides advanced education and training in progressive levels of sub-specialization following completion of education and training in a primary specialty and, if applicable, a related subspecialty.

- 1.04.1 It is a structured educational activity comprising a series of clinical and/or other learning experiences designed to prepare physicians to enter the unsupervised practice of medicine in a subspecialty or sub-subspecialty.
- 1.05 “First-year residency position” means a position during the first year of residency occurring after medical school graduation.
- 1.05.1 This includes students who take a year or more off between medical school graduation and beginning their first year of residency.
- 1.06 “Fiscal Year” means the fiscal year of the state, for the conduct of its financial affairs, commencing on July 1st and ending on June 30th of the following year.
- 1.07 “Graduate Medical Education Program” means the period of education in a particular specialty (residency) or subspecialty (fellowship) following medical school.
- 1.07.1 The ACGME oversees the accreditation of residency and fellowship programs in the United States.
- 1.08 “Institution of Higher Education” means a medical school institution in Arkansas, not exclusive of private institutions, that has received certification from the Higher Education Coordinating Board under Ark. Code Ann. § 6-61-301 et seq. to offer studies leading to a Doctor of Medicine degree or Doctor of Osteopathic Medicine degree.
- 1.09 “Planning Grant” means a grant awarded by the Graduate Medical Education Residency Expansion Board to eligible entities and individuals under these rules.
- 1.10 “Primary Care” refers to the following:
- 1.10.1 Internal medicine;
- 1.10.2 Pediatrics;
- 1.10.3 Family medicine;
- 1.10.4 Obstetrics and gynecology; and
- 1.10.5 General Surgery.
- 1.11 “Resident” means an individual enrolled in an ACGME-accredited residency program.
- 1.12 “Residency Program” means a structured educational activity comprising a series of clinical and/or other learning experiences in graduate medical education.

designed to prepare physicians to enter the unsupervised practice of medicine in a primary specialty.

1.12.1 There are two types of residency programs:

1.12.1.1 Residency programs available for physician admission immediately upon graduation from a medical school or a college of osteopathic medicine as described in the ACGME Institutional Requirements; and

1.12.1.2 Residency programs available for physician admission after completion of prerequisite clinical education and training as described in the relevant specialty-specific Program Requirements.

1.13 “Sponsoring Institution” means the organization (or entity) that assumes the ultimate financial and academic responsibility for a program of graduate medical education consistent with the ACGME Institutional Requirements.

2.00 DUTIES AND RESPONSIBILITIES OF THE BOARD

2.01 The Graduate Medical Education Residency Expansion Board shall serve a single term of three (3) years and be composed of the following members:

2.01.1 One (1) representative appointed by the Governor from each medical school institution in Arkansas that has received certification from the Higher Education Coordinating Board under § 6-61-301 et seq. to offer studies leading to a Doctor of Medicine degree or Doctor of Osteopathic Medicine degree;

2.01.2 One (1) physician member appointed by the Governor, giving preference to a physician who has received a rural medical practice loan, a community match loan, or an income incentive;

2.01.3 One (1) representative from a hospital in Arkansas who shall be appointed by the Speaker of the House of Representatives;

2.01.4 One (1) representative from a hospital in Arkansas who shall be appointed by the President Pro Tempore of the Senate; and

2.01.5 One (1) representative appointed by the Governor based on the recommendation from the Accreditation Council for Graduate Medical Education-designated sponsoring institution in this state that has the largest number of residency positions approved by the council.

- 2.02 The Graduate Medical Education Residency Expansion Board shall be responsible for:
- 2.02.1 Prescribing forms for and regulating the submission of grant applications;
 - 2.02.2 Determining the eligibility of applicants;
 - 2.02.3 Managing, operating, and controlling all funds and property appropriated or otherwise contributed for this purpose;
 - 2.02.4 Accepting gifts, grants, bequests, or devises and applying them as a part of the program;
 - 2.02.5 Suing and be sued as the board; and
 - 2.02.6 Accepting money from federal programs that may be used for furtherance of the purposes herein.
- 2.03 The members of the Graduate Medical Education Residency Expansion Board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.
- 2.04 The Division of Higher Education shall administer the Graduate Medical Education Fund under § 19-5-1265 and disburse the funds at the direction of the Graduate Medical Education Residency Expansion Board.

3.00 PLANNING GRANTS

- 3.01 The Graduate Medical Education Residency Expansion Board shall allocate funds for the award of a one-time planning grant to an entity in this state that is:
- 3.01.1 In the process of creating a graduate medical education program; or
 - 3.01.2 Expanding an existing graduate medical education program;
- 3.02 The board, within its discretion, shall award planning grants on a competitive basis upon consideration of, but not limited to:
- 3.02.1 Development of new or expanded programs with specialties defined in these rules;
 - 3.02.2 Increasing positions for medical specialties having shortages within the state; and
 - 3.02.3 Increasing positions in medically underserved areas.

3.03 Planning Grant applications shall be submitted to the Arkansas Division of Higher Education no later than July 15th of the year preceding the year for which the planning grant will be used.

3.03.1 Planning Grants shall be awarded to the selected eligible entities no later than August 15th of the year the application was submitted.

3.03.2 An entity that establishes additional first-year residency positions after the receipt of a planning grant awarded that same year is eligible for additional funds for each position established.

4.00 PLANNING GRANTS FOR PROGRAM EXPANSION OR NEW PROGRAMS CRITERIA

4.01 The Graduate Medical Education Residency Expansion Board shall award planning grants to enable entities with existing graduate medical education programs to:

4.01.1 Increase the number of first-year residency positions; and

4.01.2 Provide for the establishment of new graduate medical education programs with first-year residency positions.

4.01.2.1 Once awarded, these grants shall be in effect for no more than three (3) consecutive fiscal years.

4.02 These grants shall be used to support the direct resident costs to the graduate medical education program, including without limitation:

4.02.1 Stipends;

4.02.2 Benefits; and

4.02.3 Start-up costs, at the board's discretion.

4.03 An entity applying for a planning grant under this section shall:

4.03.1 Submit a plan for receiving accreditation for the increased number of residency positions or for the new graduate medical education program, as applicable; and

4.03.1.1 The plan shall include, without limitation:

4.03.1.1.1 A timeline;

4.03.1.1.2 A budget;

4.03.1.1.3 A proposed program;

4.03.1.1.4 The size of the program;

4.03.1.1.5 Proof of accreditation application;

4.03.1.1.6 Letters of support from both the sponsoring institution and entity; and

4.03.1.1.7 The number of current residency slots available and the number of new residency slots that will be established.

4.04 Distribution of a planning grant for a residency position, under this section, will only occur after the board receives verification that the applicable residency position(s) has been filled.

4.04.1 Verification will be completed by sending the following to the Division of Higher Education upon receipt:

4.04.1.1 The notification of decision from the ACGME; and

4.04.1.2 Verification of resident contract.

4.05 For each first-year residency position for which an entity with a graduate medical education program receives an initial planning grant, the board shall award the entity with the graduate medical education program an equal subsequent grant amount for the following fiscal year, not to exceed three (3) fiscal years.

5.00 PRIORITY OF PLANNING GRANTS – ADJUSTMENT AMOUNTS

5.01 If the Graduate Medical Education Residency Expansion Board determines that the number of first-year residency positions proposed by eligible applicants under 4.00 exceeds the amount of funding appropriated for the planning grants, the board:

5.01.1 May give priority for up to fifty percent (50%) of the funded first-year residency positions to be in:

5.01.1.1 Primary care; or

5.01.1.2 A field in which this state has less than eighty percent (80%) of the national average of physicians per one hundred thousand (100,000) people, as determined by the board, based on the Association of American Medical Colleges State Physician Workforce Data Report; and

5.01.2 Shall not reduce planning grant amounts awarded for each resident position but may proportionately reduce the number of positions funded for each graduate medical education program.

5.02 If the board determines that, based on the applications it has received for planning grants under 4.00, the entire appropriation for planning grants under this subchapter shall not be awarded for a particular year, the board may transfer and use the funds appropriated to award planning grants under 3.00.

6.00 PLANNING GRANTS FOR ADDITIONAL YEARS OF NEW FELLOWSHIPS

6.01 If the Graduate Medical Education Residency Expansion Board determines that funds appropriated are available after all eligible planning grant applications have been funded, the board shall award planning grants from excess funds to support new medical fellows who:

6.01.1 Have completed at least three (3) years of residency; and

6.01.2 Are enrolled in a new fellowship program in a field in which this state has less than eighty percent (80%) of the national average of physicians per one hundred thousand (100,000) people, as determined by the board.

6.02 A planning grant under this section shall be used to support the direct fellowship costs to the graduate medical education program, including without limitation:

6.02.1 Stipends; and

6.02.2 Benefits.

6.03 Distribution of a planning grant for a new fellowship position, under this section, will only occur after the board receives verification that the applicable new fellowship position has been filled.

6.03.1 Verification will be completed by sending the following to the Division of Higher Education upon receipt:

6.03.1.1 The notification of decision from the ACGME; and

6.03.1.2 Verification of the new fellowship contract.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



Division of Higher Education

101 E. Capitol Ave., Suite 300 • Little Rock, Arkansas • 72201-3827 • (501) 371-2000 • Fax (501) 371-2001

Jacob Oliva
Secretary

Ken Warden, Ed.
Commissioner

September 11, 2024

Dr. Jim Carr
Secretary

Proposed Rules Governing the Graduate Medical Education Residency Expansion Board

**Higher Education
Coordinating
Board**

PURPOSE

The Division of Higher Education is seeking the Governor's review of proposed Rules Governing the Graduate Medical Education Residency Expansion Board.

**Mrs. Graycen
Bigger**
*Academic/Finance
Committees
Chair*

BACKGROUND

Pursuant to Act 844 of 2023, the Division is charged with promulgating rules regarding the Graduate Medical Education Residency Expansion Board, codified at Ark. Code Ann. § 6-82-2001 et al. The Division is charged with creating a new rule to establish the duties and responsibilities of the Board and guidelines for awarding planning and subsequent grants for medical education entities in Arkansas, for which the Department believes that rulemaking is required.

Dr. Jerry Cash
*Academic
Committee*

KEY POINTS

**Dr. Katherine
Dudley**
*Academic
Committee*

- Amends the composition of the Graduate Medical Education Residency Expansion Board.
- Provides the duties and responsibilities of the new Graduate Medical Education Residency Expansion Board members.
- Outlines the criteria for the Board allocating funds for awarding one-time planning grants to medical entities within Arkansas that are either creating or expanding a graduate medical education program.
- Stipulates funding for medical fellows from excess planning grants if deemed appropriate by the Board.

Mr. Chad Hooten
Finance Committee

DISCUSSION

Act 844 of 2023 amends the composition of the Graduate Medical Education Residency Expansion Board and calls for Governor appointment of Board members. The Graduate Medical Education Residency Expansion Board is codified at Ark. Code Ann. § 6-82-2001. The Board was seated in Spring 2024 and as such, new rules are being promulgated to provide the duties and responsibilities of its members. The rule will also outline the criteria for allocating one-time planning grants to medical entities within Arkansas that are either creating or expanding a graduate medical education program. It also stipulates funding for medical fellows from excess planning grants if deemed appropriate by the Board.

**Mrs. Heather
Maxey**
Finance Committee

Dr. Kyle Miller
Finance Committee

Mr. Lucas Pointer
Finance Committee

**Mrs. Carolyn
Rhinehart**
*Academic
Committee*

RECOMMENDATION

The Division of Higher Education recommends Governor's Office approval of this rule.

Notice of Rulemaking
Public Comment Period: September 13 – October 13

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Division of Higher Education is considering new administrative rules. Public comment hearings will be held for the following rules:

- DHE Rule Governing the Osteopathic Rural Medical Practice Student Loan and Scholarship Program;
- DHE Rule Governing the Arkansas Geographical Critical Needs Scholarship Program;
- DHE Rule Governing Emergency Response Equipment at Institutions of Higher Education;
- DHE Rule Governing the Student Undergraduate Research Fellowship Program;
- DHE Rule Governing the Arkansas Academic Challenge Scholarship;
- DHE Rule Governing the Graduate Medical Education Residency Expansion Board.

All hearings will be held October 8, 2024, at 10 a.m. at the Arkansas Department of Education, Arch Ford Building, Four Capitol Mall, Little Rock, AR, 72201. The public comment period for these rules ends on October 13, 2024. Written comments regarding these proposed rules may be mailed to ADE Legal Services, Four Capitol Mall, Room 302A, Little Rock, AR, 72201.

Comments may be emailed to ADE.RulesComments@ade.arkansas.gov. A copy of the proposed rules can be found on the Division of Higher Education's website at: <https://adhe.edu/data-publications/pending-policies>. Copies also may be obtained by contacting ADE's Office of Legal Services at the above address, via phone at (501) 683-1390, or via email at legal@ade.arkansas.gov.

From: [Legal Ads](#)
To: [Alisha N. Price \(ADE\)](#)
Subject: Re: ADHE Rules for Public Comment
Date: Tuesday, September 10, 2024 8:36:07 AM
Attachments: [image001.png](#)

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Will run Fri 9/13, Sat 9/14, and Sun 9/15. Sunday will be billed separately.

Thank you,

Gregg Sterne, Legal Advertising
Arkansas Democrat-Gazette
legalads@arkansasonline.com

From: "Alisha N. Price, ADE" <Alisha.Price@ade.arkansas.gov>
To: "legalads" <legalads@arkansasonline.com>
Cc: "LaBria Brown, ADE" <LaBria.Brown@ade.arkansas.gov>
Sent: Monday, September 9, 2024 1:52:32 PM
Subject: ADHE Rules for Public Comment

Good afternoon,

Please see the attached list of Arkansas Division of Higher Education rules that we would like to run a notice for public comment on. We request that the attached notice run this Friday, September 13, 2024, through Sunday, September 15, 2024.

Please let me know if you have any questions or need anything else from us.

Thanks, and have a great day!



Alisha Price
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