

# Proposed Rulemaking

## Title

Promulgated by:  
Division of Higher Education

### Title 6. Education

#### Chapter IV. Division of Higher Education, Department of Education

##### Subchapter A. Generally

#### Part 373. Rules Governing the Graduate Medical Education Residency

##### Expansion Board

##### Subpart 1. Generally

#### 6 CAR § 373-101. Definitions.

As used in this part:

~~(1)(A) "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.~~

~~\_\_\_\_\_ (B) The review committee is composed of volunteers that:~~

~~\_\_\_\_\_ (i) Sets accreditation standards;~~

~~\_\_\_\_\_ (ii) Provides peer evaluation of sponsoring institutions or programs to assess the degree to which these comply with the applicable published accreditation requirements; and~~

~~\_\_\_\_\_ (iii) Confirms an accreditation status on each sponsoring institution or program regarding substantial compliance with those requirements.~~

~~\_\_\_\_\_ (C) There are three (3) types of review committee:~~

~~\_\_\_\_\_ (i) Specialty Review Committee;~~

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~~\_\_\_\_\_ (ii) Transitional Year Review Committee; and~~  
~~\_\_\_\_\_ (iii) Institutional Review Committee; “Accreditation Council for Graduate Medical Education” means the private, not-for-profit organization that oversees the accreditation of residency and fellowship programs for physicians in the United States;~~

(2) “Entity” means an ~~Arkansas hospital or medical facility that seeks to provide medical residency opportunities;~~

(A) Arkansas hospital or medical facility that seeks to provide medical residency opportunities; and

(B) Accreditation Council for Graduate Medical Education sponsoring institution;

(3)(A) “Fellow” means an individual enrolled in an Accreditation Council for Graduate Medical Education-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, or both.

(B) “Fellow” may also refer to other learners by individual institutions or programs;

(4)(A) “Fellowship” means a program that provides advanced education and training in progressive levels of subspecialization following completion of education and training in a primary specialty and, if applicable, a related subspecialty.

(B) It is a structured educational activity comprising a series of either clinical, ~~and/or~~ other learning experiences, or both, designed to prepare physicians to enter the unsupervised practice of medicine in a subspecialty or sub-subspecialty;

(5)(A) “First-year residency position” means a position during the first year of residency occurring after medical school graduation.

(B) This includes students who take a year or more off between medical school graduation and beginning their first year of residency;

(6) “Fiscal year” means the fiscal year of the state for the conduct of its financial affairs commencing on July 1 and ending on June 30 of the following year;

(7)(A) “Graduate medical education program” means the period of education

in a particular specialty ~~(residency)~~ or residency or subspecialty ~~(fellowship) or fellowship~~ following medical school.

(B) The Accreditation Council for Graduate Medical Education oversees the accreditation of residency and fellowship programs in the United States;

~~(8) "Implementation grant" means a grant awarded by the Graduate Medical Education Residency Expansion Board to eligible entities and individuals under the provisions of this part;~~

~~(9)(A) "Implementation period" means the amount of time in years to establish a new program or expanded slots for a program.~~

~~(B) "Implementation period" includes the number of years required for a resident or fellow to complete the program plus up to two (2) years of start-up costs before enrolling the first resident or fellow.~~

~~(8)(10) "Institution of higher education" means a medical school institution in Arkansas, not exclusive of private institutions, that has received certification from the Arkansas Higher Education Coordinating Board under Arkansas Code § 6-61-301 et seq., to offer studies leading to a Doctor of Medicine degree or Doctor of Osteopathic Medicine degree;~~

~~(9) "Planning grant" means a grant awarded by the Graduate Medical Education Residency Expansion Board to eligible entities and individuals under this part;~~

~~(10)(11)(A) "Primary care" means the following: includes without limitation the following:~~

~~(A)(i) Internal medicine;~~

~~(B)(ii) Pediatrics;~~

~~(C)(iii) Family medicine;~~

~~(D)(iv) Obstetrics and gynecology; and~~

~~(E)(v) General surgery; and~~

~~(vi) Psychiatry.~~

~~(B) "Primary care" also includes without limitation the transitional year;~~

~~(11)(12) "Resident" means an individual enrolled in an Accreditation Council for Graduate Medical Education-accredited residency program;~~

~~(12)~~(13)(A) "Residency program" means a structured educational activity comprising a series of clinical, ~~and/or~~ other learning experiences, or both in graduate medical education designed to prepare physicians to enter the unsupervised practice of medicine in a primary specialty.

(B) ~~There are two (2) types of residency programs: "Residency program" includes a program available for physician admission:~~

(i) ~~Residency programs available for physician admission immediately~~Immediately upon graduation from a medical school or a college of osteopathic medicine as described in the institutional requirements of the Accreditation Council for Graduate Medical Education Institutional Requirements; and

(ii) ~~Residency programs available for physician admission after~~After completion of prerequisite clinical education and training as described in the relevant specialty-specific program requirements; ~~and~~

~~(13)~~(14) "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 Accreditation Council for Graduate Medical Education Institutional Requirements~~an entity that oversees, supports, and administers one (1) or more Accreditation Council for Graduate Medical Education-accredited residency or fellowship programs; and

(15) "Start-up costs" means a cost associated with program planning, Accreditation Council for Graduate Medical Education application preparation and submission, and other preliminary activities before a resident is present in the program.

## **6 CAR § 373-102. Duties and responsibilities of the Graduate Medical Education Residency Expansion Board.**

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

(1) One (1) representative appointed by the Governor from each medical school institution in Arkansas that has received certification from the Arkansas Higher Education Coordinating Board under Arkansas Code § 6-61-301 et seq., to offer studies

leading to a Doctor of Medicine degree or Doctor of Osteopathic Medicine degree;

(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;

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

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

(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 Accreditation Council for Graduate Medical Education.

(b) The Graduate Medical Education Residency Expansion Board shall be responsible for:

(1) Prescribing forms for and regulating the submission of grant applications;

(2) Determining the eligibility of applicants;

(3) Managing, operating, and controlling all funds and property appropriated or otherwise contributed for this purpose;

(4) Accepting gifts, grants, bequests, or devises and applying them as a part of the program;

(5) Suing and being sued as the Graduate Medical Education Residency Expansion Board; and

(6) Accepting money from federal programs that may be used for furtherance of the purposes herein.

(c) The members of the Graduate Medical Education Residency Expansion Board may receive expense reimbursement and stipends in accordance with Arkansas Code § 25-16-901 et seq.

(d) The Division of Higher Education shall administer the Graduate Medical Education Fund under Arkansas Code § 19-5-1265 and disburse the funds at the direction of the Graduate Medical Education Residency Expansion Board.

**6 CAR § 373-103. Planning-Implementation grants.**

(a) The Graduate Medical Education Residency Expansion Board shall allocate funds for the award of a one-time planning-implementation grant to an entity in this state that is:

- (1) In the process of creating a new graduate medical education program; or
- (2) Expanding an existing graduate medical education program.

(b) The board, within its discretion, shall award planning-implementation grants on a competitive basis upon consideration of, but not limited to:

- (1) Development of new or expanded programs with specialties defined in this part;
- (2) Increasing positions for medical specialties having shortages within the state; and
- (3) Increasing graduate medical education positions in medically underserved areas in this state.

(c) The board shall determine:

(1) The number of implementation grants awarded and the amount of each implementation grant; and

(2) The annual amount of grant award and the total amount of grant award to be provided over the implementation period of the new or expanding program.

~~—(c)(1) Planning grant applications shall be submitted to the Division of Higher Education no later than July 15 of the year preceding the year for which the planning grant will be used.~~

~~—(2) Planning grants shall be awarded to the selected eligible entities no later than August 15 of the year the application was submitted.~~

~~—(3) 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.~~

**6 CAR § 373-104. Planning-Implementation grants for program expansion**

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**or new programs criteria.**

(a) The Graduate Medical Education Residency Expansion Board shall award ~~planning~~implementation grants to enable entities ~~with existing graduate medical education programs~~ to:

(1) Increase the number of first-year residency or fellowship positions in existing graduate medical education programs; and

(2)(A) Provide for the establishment of new graduate medical education programs with first-year residency positions.

(B) Once awarded, these grants shall be in effect for no more than ~~three~~ (3) consecutive fiscal years the number of years of the program plus two (2) years for implementation and accreditation before enrolling a resident or fellow.

(b) These grants shall be used to support the ~~direct resident~~start-up costs to the graduate medical education program, ~~including without limitation:~~

~~————(1) Stipends;~~

~~————(2) Benefits; and~~

~~————(3) Start-up costs;~~ at the board's discretion.

(c) An entity applying for ~~a planning~~an implementation grant under this section shall:

(1) Submit a plan ~~by October 1~~ for receiving accreditation for the increased number of residency positions or for the new graduate medical education program, as applicable; and

(2) The plan shall include, without limitation:

(A) A timeline;

(B) A budget;

(C) A proposed program;

(D) The ~~size of the~~ number of existing slots within a proposed program expansion;

(E) Proof of accreditation application;

(F) Letters of support from both the sponsoring institution and entity clinical site; ~~and~~

(G) The number of current residency slots available; and

(H) theThe number of new residency slots that will be established in a new program.

~~(d)(1) 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 or positions has been filled.~~

~~————(2) Verification will be completed by sending the following to the Division of Higher Education upon receipt:~~

~~————(A) The notification of decision from the Accreditation Council for Graduate Medical Education; and~~

~~————(B) Verification of resident contract.~~

~~——(e) 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.~~

The board shall award an implementation grant under this part in the fourth calendar quarter on an annual basis as funding is available.

(e) An entity awarded an implementation grant under this section shall provide a progress report to the board before the distribution of grant funds for the following year.

## **6 CAR § 373-105. Priority of planningimplementation grants —**

### **Adjustment amounts.**

(a) If the Graduate Medical Education Residency Expansion Board determines that the number of first-year residency positions proposed by eligible applicants under 6 CAR § 373-104 exceeds the amount of funding appropriated for the planningimplementation grants, the board:

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

(A) Primary care; ~~or~~

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~~(B) 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 there is a shortage in the state as determined by the board; and or~~

~~(C) A new program or a program expansion that:~~

~~(i) Has the earliest start date; or~~

~~(ii) Will expand the cap of an Arkansas hospital.~~

~~————(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.~~

~~——(b) If the board determines that, based on the applications it has received for planning grants under 6 CAR § 373-104, the entire appropriation for planning grants under this section shall not be awarded for a particular year, the board may transfer and use the funds appropriated to award planning grants under 6 CAR § 373-103.~~

~~—— **6 CAR § 373-106. Planning grants for additional years of new fellowships.**~~

~~——(a) 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:~~

~~————(1) Have completed at least three (3) years of residency; and~~

~~————(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.~~

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

~~————(1) Stipends; and~~

~~—————(2) Benefits:~~

~~————(c)(1) 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.~~

~~—————(2) Verification will be completed by sending the following to the Division of Higher Education upon receipt:~~

~~—————(A) The notification of decision from the Accreditation Council for Graduate Medical Education; and~~

~~—————(B) Verification of the new fellowship contract.~~