



## Ohio Administrative Code Rule 3701-6-03 Requirements for contract.

Effective: November 30, 2017

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(A) As used in this rule:

(1) "Full-time practice" means working a minimum of forty hours per week for a minimum of forty-five weeks each service year. Practice related administrative duties may not exceed eight hours per week.

(2) "Part-time practice" means working a minimum of twenty hours and a maximum of thirty-nine hours per week for a minimum of forty-five weeks each service year. Practice related administrative activities may not exceed four hours per week.

(3) "Teaching activities" means providing clinical education to health professions students and residents regarding the normal course of practice and expertise at the practice site(s) specified in the contract. Full-time practitioners may spend up to eight hours per week conducting both practice related administrative activities and teaching in the clinical setting at the approved practice site(s). Part-time practitioners may spend up to four hours per week conducting both practice related administrative duties and teaching in the clinical setting at the approved practice site(s).

In order to qualify as teaching, the physician must be providing clinical education and supervision of students or clinicians in the approved practice site(s) as part of an accredited clinical training program.

All teaching must be conducted at the practice site(s) specified in the physicians contract. If the supervising physician provides primary care services while the student or clinician observes, the activity should be treated as direct patient care rather than teaching.

(4) "Telemedicine activities" means providing primary care services using an interactive telecommunications system, defined as multimedia communication equipment that includes, at a minimum, audio and video equipment permitting two-way real time interactive communication



between the patient at the originating site(s) and the physician at the practice site(s) approved by the department and agreed upon by the physician and the director. Full-time practitioners may count up to eight hours per week in telemedicine activities as patient care at the approved practice site(s). Part-time practitioners may count up to four hours per week in telemedicine activities as patient care at the approved practice site(s).

In order to qualify as telemedicine activities, both the originating site(s) (location of the patient) and the approved practice site(s) must be located in health resource shortage areas.

All telemedicine activities must be conducted at the practice site(s) specified in the physician's contract.

(B) A primary care physician who has signed a letter of intent under paragraph (E) of rule 3701-6-02 of the Administrative Code and the director may enter into a contract providing for the physician's participation in the physician loan repayment program. The physician's employer or another funder may also be a party to the contract.

(C) The contract shall include all of the following obligations:

(1) Agreement by the primary care physician to provide primary care services in the health resource shortage area(s) and practice site(s) approved by the department and agreed upon by the physician and director for the duration specified in the contract.

(2) Agreement by the primary care physician that, in providing primary care services in the health resource shortage area(s), he or she will do all of the following:

(a) Provide primary care services in full-time practice or part-time practice as specified in the contract;

(b) Provide primary care services without regard to a patient's ability to pay;

(c) Meet the conditions prescribed by the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301 as amended (1981), and the Ohio department of medicaid for participation in the medicaid program



established under Chapter 5160. of the Revised Code and enter into a contract with the Ohio department of medicaid and its contracting managed care plans to provide primary care services to recipients of the medicaid program.

(d) Accept into his or her practice a percentage of individuals determined eligible for the medicaid program described in paragraph (C)(2)(c) of this rule at least equal to the percentage of the general population in that health resource shortage area(s) which has been determined eligible for the medicaid program.

(3) Agreement by the department, as provided in section 3702.75 of the Revised Code, to repay, so long as the primary care physician performs the service obligation to which he or she has agreed under paragraph (C)(1) of this rule, all or part of the primary care physician's educational expenses, as defined in paragraph (C) of rule 3701-6-01 of the Administrative Code.

(4) Agreement by the primary care physician to pay the department the following as damages if he or she fails to complete the service obligation to which he or she has agreed under paragraph (C)(1) of this rule:

(a) Three times the amount the department has agreed to repay under paragraph (C)(3) of this rule; or

(b) If funds from another source are used to repay a portion of the physician's loan, damages owed if the physician fails to complete the obligation will be the damages specified by the other source of the funds, or as outlined in paragraph (C)(4)(a) of this rule, whichever is greater.

(5) If the department assumes the physician's duty to pay a portion of the loan, the contract shall set forth the amount of each payment.

(D) The contract shall include the following terms as agreed upon by the parties:

(1) The physician's required length of service in the health resource shortage area(s) which must be at least two years for an initial contract. Contracts may be renewed for no more than two additional one year periods;



- (2) The physicians commitment to full-time practice or part-time practice;
  - (3) The maximum amount that the department will repay on behalf of the physician;
  - (4) The extent to which the physician's teaching activities as defined under paragraph (A)(3) of this rule will be counted toward the physician's full-time or part-time practice hours under the contract;  
and
  - (5) The extent to which the physician's telemedicine activities as defined under paragraph (A)(4) of this rule will be counted toward the physician's full-time or part-time practice hours under the contract.
- (E) In addition to the terms required under paragraph (C) of this rule, the contract may contain other terms agreed upon by the parties.