

TEXAS HIGHER EDUCATION COORDINATING BOARD

COMMITTEE ON AFFORDABILITY, ACCOUNTABILITY AND PLANNING

1200 EAST ANDERSON LANE, ROOM 1.170
AUSTIN, TEXAS
March 20, 2019
9:00 a.m.

CHAIR
S. Javaid Anwar

VICE CHAIR
Arcilia C. Acosta

Michael J. Plank
Donna N. Williams
Welcome W. Wilson
Michelle Q. Tran
Student Representative, Ex-Officio
Stuart W. Stedman,
Board Chair, Ex-Officio

AGENDA

PUBLIC TESTIMONY: The presiding chair shall designate whether public testimony will be taken at the beginning of the meeting, at the time the related item is taken up by the Board after staff has presented the item, or any other time as determined by the presiding chair. For procedures on testifying, please go to <http://www.thecb.state.tx.us/public-testimony>.

- I. Welcome and Committee Chair's meeting overview
- II. Consideration of approval of the minutes from the December 12, 2018, meeting of the Committee on Affordability, Accountability and Planning
- III. Consideration of approval of the Consent Calendar
- IV. Public Testimony on Agenda Items Relating to the Committee on Affordability, Accountability and Planning
- V. Matters relating to the Committee on Affordability, Accountability and Planning
 - A. Data Highlight: Efficiencies in Student Pathways to Completion
 - B. Report on new data submission practices and outcomes
 - C. Consideration of adopting the Commissioner's recommendation to the Committee relating to the annual report about the financial condition of the state's community college districts (*S.B. 1, 85th Texas Legislature, Regular Session, Rider 12, III-217*)
 - D. Consideration of adopting the Commissioner's recommendation to the Committee relating to the certification of gifts that are fundable through the Texas Research Incentive Program (TRIP) for the Emerging Research Universities
 - E. Update on Texas Regional Alignment Network (TX RAN) activities
 - F. Report on facilities projects that were submitted to the Coordinating Board
 - G. Update on the Board's legislative and budget recommendations to the 86th Texas Legislature
 - H. Consideration of adopting the staff's recommendation to the Committee for approval of the nominated member of the Financial Aid Advisory Committee

Note: Highlighted items in gray are on the Consent Calendar

I. Proposed Rules:

- (1) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 23, Subchapter D, Sections 23.94-23.98 of Board rules, concerning the Loan Repayment Program for Mental Health Professionals

VI. Adjournment

NOTE: The Board will not consider or act upon any item before the Committee on Affordability, Accountability and Planning at this meeting. This meeting is not a regular meeting of the full Board. Because the Board members who attend the committee meeting may create a quorum of the full Board, the meeting of the Committee on Affordability, Accountability and Planning is also being posted as a meeting of the full Board.

Texas Penal Code Section 46.035(c) states: "A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter." Thus, no person can carry a handgun and enter the room or rooms where a meeting of the THECB is held if the meeting is an open meeting subject to Chapter 551, Government Code.

***Please Note** that this governmental meeting is, in the opinion of counsel representing THECB, an open meeting subject to Chapter 551, Government Code and THECB is providing notice of this meeting as required by Chapter 551. In addition, **please note** that the written communication required by Texas Penal Code Sections 30.06 and 30.07, prohibiting both concealed and open carry of handguns by Government Code Chapter 411 licensees, will be posted at the entrances to this governmental meeting.*

Committee on Affordability, Accountability and Planning

AGENDA ITEM I

Welcome and Committee Chair's meeting overview

Mr. S. Javaid Anwar, Chair of the Committee on Affordability, Accountability and Planning, will provide the Committee an overview of the items on the agenda.

Committee on Affordability, Accountability and Planning

AGENDA ITEM II

Consideration of approval of the minutes from the December 12, 2018, meeting of the Committee on Affordability, Accountability and Planning

RECOMMENDATION: Approval

TEXAS HIGHER EDUCATION COORDINATING BOARD

MINUTES

Committee on Affordability, Accountability and Planning

1200 East Anderson Lane, Room 1.170

Austin, Texas

December 12, 2018, 9:00 a.m.

DRAFT Minutes

The Texas Higher Education Coordinating Board *Committee on Affordability, Accountability and Planning* convened at 9:00 a.m. on December 12, 2018, with the following members present: S. Javaid Anwar, Chair, presiding; Arcilia C. Acosta, Vice Chair; Welcome W. Wilson; Stuart W. Stedman, Board Chair, Ex-Officio; and Michelle Q. Tran, Student Representative, Ex-Officio. Michael J. Plank and Donna N. Williams were not in attendance.

The meeting is available at the following link: <http://www.thecb.state.tx.us/apps/Events/>

AGENDA ITEM	ACTION
I. Welcome and Committee Chair's meeting overview	Mr. S. Javaid Anwar called the meeting to order and advised the meeting was being broadcast over the internet.
II. Consideration of approval of the minutes from the September 27, 2018, Committee meeting	On motion by Ms. Arcilia C. Acosta, seconded by Mr. Welcome W. Wilson, the Committee approved this item.
III. Consideration of approval of the Consent Calendar	There were no items on the Consent Calendar. No action required on this item
IV. Public Testimony on Agenda Items Relating to the Committee on Affordability, Accountability and Planning	Mr. S. Javaid Anwar stated there was no public testimony.
V. Matters relating to the Committee on Affordability, Accountability and Planning A. Presentation on Enrollment Forecast Process	Dr. Julie A. Eklund, Assistant Commissioner for Strategic Planning and Funding, provided a brief presentation and was available for questions. No action required on this item.

AGENDA ITEM	ACTION
<p>B. Data Highlight: How Rising Graduation Rates Support the Completion Goal</p> <p>C. Consideration of adopting the Commissioner’s recommendation to the Committee relating to approval of the Facilities Audit Report</p> <p>D. Report on facilities projects that were submitted to the Coordinating Board</p> <p>E. Report on Financial Aid Advisory Committee activities</p>	<p>Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, provided a brief presentation and was available to answer questions.</p> <p>No action required on this item.</p> <p>Mr. Tom Keaton, Director of Funding and Resource Planning, was available for questions.</p> <p>On motion by Mr. Welcome W. Wilson, seconded by Ms. Arcilia C. Acosta, the Committee approved this item.</p> <p>Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, was available to answer questions.</p> <p>No action required on this item.</p> <p>Ms. Zelma DeLeon, Executive Director, Financial Aid and Scholarships at the University of North Texas, and Chair of the Financial Aid Advisory Committee (FAAC), presented a summary of the FAAC’s recent activities and was available to answer questions.</p> <p>No action required on this item.</p>
<p>VII. Adjournment</p>	<p>On motion by Ms. Arcilia C. Acosta, seconded by Mr. Welcome W. Wilson, the Committee approved this item.</p> <p>The meeting adjourned at 10:20 a.m.</p>

Committee on Affordability, Accountability and Planning

AGENDA ITEM III

Consideration of approval of the Consent Calendar

RECOMMENDATION: Approval

Background Information:

In order to save institutions time and travel costs to attend the Committee on Affordability, Accountability and Planning meetings in Austin, the Committee has a Consent Calendar for items that are noncontroversial. Any item can be removed from the Consent Calendar by a Committee member.

Consent Calendar

V. Matters relating to the Committee on Affordability, Accountability and Planning

H. Consideration of adopting the staff's recommendation to the Committee for approval of the nominated member of the Financial Aid Advisory Committee

I. Proposed Rules:

(1) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 23, Subchapter D, Sections 23.93-23.101 of Board rules, concerning the Loan Repayment Program for Mental Health Professionals

Committee on Affordability, Accountability and Planning

AGENDA ITEM IV

Public Testimony on Agenda Items Relating to the Committee on Affordability, Accountability and Planning

RECOMMENDATION: No action required

Background Information:

PUBLIC TESTIMONY: The presiding chair shall designate whether public testimony will be taken at the beginning of the meeting, at the time the related item is taken up by the Board after staff has presented the item, or at any other time as determined by the presiding chair.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-A

Data Highlight: Efficiencies in Student Pathways to Completion

RECOMMENDATION: No action required

Background Information:

Over the last decade, institutions of higher education have made notable improvements in student success and related operational efficiencies. Graduation rates have increased, and the number of excess semester credit hours (SCH) has fallen. Institutions have decreased the SCH students spend in developmental education and increased the SCH in college-level courses. Strengthening transfer pathways is a priority for the Texas Higher Education Coordinating Board and promises to help further reduce excess SCH for transfer students in the future. SCH reductions can also help reduce student debt, an important priority of the *60x30TX* plan.

These improvements are beneficial not only for students. They also represent efficiencies in institutional operations and use of public and private resources. When students complete more quickly, there may be increased capacity for advising other students or providing academic tutoring or supplemental instruction. When students take fewer excess SCH, there can be more openings for students to enroll in high-demand classes, and enrollment constrained institutions can increase the size of their entering cohorts. The changes can reduce the number of credit hours or contact hours the state funds per student, which can be reinvested in helping more students complete a degree or credential.

Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, will provide a presentation on some of the trends associated with increasing institutional efficiency and the financial impacts of these changes for students, institutions, and the state and will be available to answer questions.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-B

Report on new data submission practices and outcomes

RECOMMENDATION: No action required

Background Information:

The Texas Higher Education Coordinating Board (THECB) is authorized by Texas Education Code, Section 61.051(a)(3) to collect and make accessible state higher education data and aggregate and analyze the data to support policy recommendations. Data reported to the THECB by public institutions of higher education are used by the Board for funding, planning, and analysis.

As part of agency strategic planning activities, the Strategic Planning and Funding Division has identified operational priorities for the next several years. One of those priorities is to work closely with institutions to improve the timeliness of the data submission and certification process. When even a single institution is late in submitting data, THECB staff cannot conduct the statewide analyses needed for the accountability system, the *Almanac*, and uses related to state funding and policy analysis for higher education.

After examining the issue with internal and external audiences, a number of strategies are now in place or under development to support more timely data submission. Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, will report on progress to date and will be available to answer questions.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-C

Consideration of adopting the Commissioner's recommendation to the Committee relating to the annual report about the financial condition of the state's community college districts (S.B. 1, 85th Texas Legislature, Regular Session, Rider 12, III-217)

RECOMMENDATION: Approval

Background Information:

An annual report about the financial condition of the state's community colleges is required as referenced in the General Appropriations Act, Senate Bill 1, 85th Texas Legislature, Rider 12 (page III-217). The rider states:

"Each community college shall provide to the Texas Higher Education Coordinating Board financial data related to the operation of each community college using the specific content and format prescribed by the Coordinating Board. Each community college shall provide the report no later than January 1st of each year. The Coordinating Board shall provide an annual report due on May 1 to the Legislative Budget Board and Governor's Office about the financial condition of the state's community college districts."

The objective of this report is to provide an assessment of the overall financial health of public community colleges and to identify institutions in which the potential for financial stress exists. The analysis included is intended to be a broad financial evaluation. Other key performance indicators must be taken into account to gain a more robust and complete understanding of institutional strength. This analysis is not intended for peer group comparisons or for benchmarking purposes.

A draft report was provided to the community colleges, with a response due by March 2, 2018. [No comments were received from community colleges. OR number of comments will be added here once the deadline has passed]

A draft report will be sent under separate cover.

Mr. Thomas Keaton, Director of Funding and Resource Planning, Strategic Planning and Funding, will be available to answer questions.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-D

Consideration of adopting the Commissioner's recommendation to the Committee relating to the certification of gifts that are fundable through the Texas Research Incentive Program (TRIP) for the Emerging Research Universities

RECOMMENDATION: Approval

Background Information:

The 81st Texas Legislature in 2009 created the Texas Research Incentive Program (TRIP), establishing a research matching fund for the emerging research universities.

The legislation requires the Texas Higher Education Coordinating Board to certify that the gifts or endowments received by each emerging research university were donated for the purpose of enhancing research activities at the institution, such as endowed chairs, professorships, research facilities, research equipment, program costs, or graduate research stipends or fellowships. Once the gifts are certified, the percentage matched is statutorily mandated leaving no discretion in the amount of matching funds that the institutions receive, subject to the amount appropriated.

The amounts are being certified so the Legislature will have a basis for determining the amounts to appropriate for the 2020-21 biennium. After the Governor signs the appropriations bill for the 2020-21 biennium, the Board will approve the distribution of the state match among institutions.

Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, will be available to answer questions.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-E

Update on Texas Regional Alignment Network (TX RAN) activities

RECOMMENDATION: No action required

Background Information:

Changes in assessment, P-16 curricula, and the growing economic challenges facing today's students require creative approaches to improving student achievement. The Texas Regional Alignment Networks (formerly Pathways) strive to boost student success through innovative and collaborative efforts between public school districts and higher education partners within different regions of Texas. In the Texas Regional Alignment Network partnerships, each partner appoints faculty to collaborate in subject-area teams. Team efforts focus on using aggregate student data to help identify curricular and other areas for improving alignment between colleges and high schools. Teams also develop educational and student support interventions to ease student transitions from high school to and through college.

Currently, there are 10 Texas Regional Alignment Networks. These networks are led by Alamo Community College District, Austin Community College, Dallas County Community College District, El Paso Community College District, Houston Community College System, San Jacinto Community College District, South Plains College, University of North Texas, The University of Texas at Arlington, and The University of Texas Rio Grande Valley. These networks have received startup funds and/or additional funding assistance when funds have been available.

Dr. Melissa Humphries, Senior Research Specialist, Strategic Planning and Funding Division, will provide a presentation about recent activities and accomplishments of the Texas Regional Alignment Networks and will be available to answer questions.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-F

Report on facilities projects that were submitted to the Coordinating Board

RECOMMENDATION: No action required

Background Information:

Senate Bill 215, 83rd Texas Legislature, Regular Session, shifted the authority to approve capital projects from the Texas Higher Education Coordinating Board (THECB) to the Boards of Regents. However, it requires that institutions continue to report projects to the Board and that THECB staff continue to review facilities projects. Additional information is provided for projects that do not meet one or more standards. The Board must submit a report to the governor, lieutenant governor, speaker of the house, and Legislative Budget Board on all projects that do not meet standards.

Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, will present this item and be available to answer questions.

Reviewed Projects

Institution Project Name	Project Cost	Standard Met Yes/No			
		Space Usage	Space Need	Cost	Building Efficiency
The University of Texas at Austin <i>Construct Energy Engineering Building</i>	\$168,000,000	Yes	Yes	Yes	Yes
The University of Texas Rio Grande Valley – Medical School <i>Construct School of Medicine Team Based Learning Center</i>	\$13,700,000	NA ¹	Yes	Yes	Yes

1 Space Usage Efficiency (SUE) is not calculated for health related institutions.

Project Type	Space Usage	Space Need	Cost	Building Efficiency
New Construction and Addition	Space Usage Efficiency (SUE) score of: <ul style="list-style-type: none"> • 75 points in the classroom score for classroom type facilities • 75 points in the class laboratory score for lab type facilities • 150 points overall for all others 	Does not create nor add to a surplus as predicted in the space projection model	Does not exceed the annually published cost standard	The ratio of net assignable square feet (NASF) to gross square feet (GSF) shall not exceed: <ul style="list-style-type: none"> • Classroom and general – 0.60 • Office – 0.65 • Clinical, diagnostic support labs, and technical research – 0.50 For parking structures: <ul style="list-style-type: none"> • Automobile – 400 SF per space • Boathouses – 500 SF per space • Airplanes – 3,000 SF per space
Repair and Renovation (including repairs and renovations as part of a real property purchase)	Not applicable	Does not create nor add to a surplus as predicted in the space projection model	Does not exceed the annually published cost standard	Does not reduce existing ratio of NASF to GSF more than ten percent
Real Property Purchases	Not applicable	Does not create nor add to a surplus as predicted in the space projection model	Should not exceed the higher of two appraisals. If the cost exceeds this amount, institution must demonstrate the need to purchase at the higher price	Not applicable

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-G

Update on the Board's legislative and budget recommendations to the 86th Texas Legislature

RECOMMENDATION: No action required

Background Information:

The 86th Texas Legislature is currently in session through May 27, 2019. The budget and policies adopted during this session will carry Texas through the first third of the *60x30TX* timeframe, and will be crucial for determining whether the state will achieve its long-range goals.

Linda Battles, Deputy Commissioner for Agency Operations and Communications/COO, will provide an update on the Board's budget priorities, and John Wyatt, Director for External Relations, will provide an update on the Board's legislative recommendations and other pertinent legislation.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-H

Consideration of adopting the staff's recommendation to the Committee for approval of the nominated member of the Financial Aid Advisory Committee

Recommendation: Appoint Member

Background Information:

Coordinating Board staff are requesting a new member appointment for the Financial Aid Advisory Committee (FAAC). Board staff will seek confirmation of this appointment at the April 2019 Board meeting.

In accordance with Texas Education Code, Section 61.0776, and Texas Government Code, Section 2110.0012, the FAAC was created to make recommendations regarding the development, implementation, and evaluation of state financial aid programs for college students. To strengthen student access to higher education, the committee also advises the Board regarding strategies for communicating financial aid information to students, parents, secondary school counselors, and others.

The FAAC consists of individuals representing public and private institutions of higher education, public school counselors, and other stakeholders. All members of the advisory committee have student financial aid, admissions, or enrollment background experience. The FAAC meets quarterly, and most members serve for a term of three years.

The appointment is needed to replace a member who is no longer associated with the institution who submitted his nomination. The candidate recommended for appointment to the FAAC appears on the following page.

Dr. Charles W. Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer questions.

Recommended new member:

Shannon Crossland, Interim Director, Student Financial Aid and Scholarships
Texas Tech University

(Term ending 2020, to serve the remainder of unexpired term due to Arnold Trejo vacating his position on the committee.)

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-I (1)

Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 23, Subchapter D, Sections 23.94 -23.98 of Board rules, concerning the Loan Repayment Program for Mental Health Professionals

RECOMMENDATION: Approval

Background Information:

The Loan Repayment Program for Mental Health Professionals was established in 2015 by the 85th Legislative Session to assist in the repayment of student loans for mental health professionals. Seven different categories of mental health professionals are eligible to receive funding.

Specifically, the amendments will incorporate into existing rules new provisions enacted by House Bill 3803 and House Bill 3088, 85th Texas Legislature, Regular Session, which require the Texas Higher Education Coordinating Board (THECB) to seek the maximum amount of federal grant matching funds available through the National Health Service Corps State Loan Repayment Program (SLRP). The U.S. Health Resources and Services Administration approved the THECB's first application for SLRP funds in August 2018, providing \$850,000 in FY19, with payments to eligible SLRP providers beginning in FY 2020.

The amendment in Section 23.94 clarifies the definition of "full-time service" for SLRP and non-SLRP providers: 40 hours per week for SLRP providers and 32 hours per week for non-SLRP providers. Additionally, a new definition for "SLRP-State Loan Repayment Program" has been added to provide the federal authority under which the SLRP is authorized. The amendment to Section 23.95(6) specifies the degree requirements for licensed chemical dependency counselors applying for enrollment in the SLRP. Section 23.96(6) is amended to describe the contract terms, including monetary penalties for failure to meet the service obligation and completion of counseling procedures, to which SLRP applicants must agree. The former language has been stricken. The amendments to Section 23.97(d)(2) and (f) add SLRP providers to the priority ranking order for each practice specialty and allow the maximum award amounts to be adjusted in the event state funds for all eligible applicants are not sufficient. Section 23.98 adds new language to address additional requirements that SLRP providers must meet in order to receive SLRP funds.

Dr. Charles W. Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer questions.

Date Approved by the Commissioner for Publication in the *Texas Register*: 1/9/2019

Date Published in the *Texas Register*: 1/25/2019

The 30-day comment period with the *Texas Register* ends on: 2/25/2019

No comments were received regarding this rule.

CHAPTER 23. EDUCATION LOAN REPAYMENT PROGRAMS

SUBCHAPTER D. LOAN REPAYMENT PROGRAM FOR MENTAL HEALTH PROFESSIONALS

Section

23.93.	Authority and Purpose.
23.94.	Definitions.
23.95.	Eligible Practice Specialties.
23.96.	Eligibility for Conditional Approval of Applications.
23.97.	Selection of Eligible Applicants and Limitations.
23.98.	Eligibility for Disbursement of Loan Repayment Assistance.
23.99.	Eligible Lender and Eligible Education Loan.
23.100.	Amount of Repayment Assistance.
23.101.	Dissemination of Information.

23.93. Authority and Purpose.

(a) Authority. Authority for this subchapter is provided in the Texas Education Code, Chapter 61, Subchapter K, Repayment of Certain Mental Health Professional Education Loans. These rules establish procedures to administer the subchapter as prescribed in the Texas Education Code, §§61.601 - 61.609.

(b) Purpose. The primary purpose of the Loan Repayment Program for Mental Health Professionals is to encourage qualified mental health professionals to practice in a mental health professional shortage area designated by the U. S. Department of Health and Human Services, and provide mental health care services to recipients under the medical assistance program authorized by the Texas Human Resources Code, Chapter 32, and to enrollees under the child health plan program authorized by the Texas Health and Safety Code, Chapter 62.

23.94. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Board--The Texas Higher Education Coordinating Board.

(2) CHIP--The Children's Health Insurance Program, authorized by the Texas Health and Safety Code, Chapter 62.

(3) Full-time Service--Employed or contracted full-time (at least 32 hours per week for providers participating only in the state-funded program, or at least 40 hours per week for SLRP providers) by an agency or facility in a mental health professional shortage area for the primary purpose of providing direct mental health services to:

(A) Medicaid recipients;

(B) CHIP enrollees;

(C) persons in facilities operated by or under contract with the Texas Juvenile Justice Department; and/or

(D) persons in facilities operated by or under contract with the Texas Department of Criminal Justice.

(4) MHPSAs--Mental Health Professional Shortage Areas (MHPSAs) are designated by the U.S. Department of Health and Human Services (HHS) as having shortages of mental health providers and may be geographic (a county or service area), demographic (low income population) or institutional (comprehensive health center, federally qualified health center or other public facility). Designations meet the requirements of Sec. 332 of the Public Health Service Act, 90 Stat. 2270-2272 (42 U.S.C. 254e). Texas MHPSAs are recommended for designation by HHS based on analysis of data by the Department of State Health Services.

(5) Medicaid--The medical assistance program authorized by Chapter 32, Human Resources Code.

(6) Service Period--A period of 12 consecutive months qualifying a mental health professional for loan repayment.

(7) SLRP – State Loan Repayment Program, a subset of the Loan Repayment Program for Mental Health Professionals that is funded by grants to states authorized by the Public Health Service Act, Title III, Section 3381(a)-(i)(42 U.S.C. 254q-1(a)-(i)), through the Health Resources and Services Administration of the U.S. Department of Health and Human Services. SLRP loan repayment awards are supported by an equal match of state and federal funds.

(8) [(7)] Psychiatrist--A licensed physician who is a graduate of an accredited psychiatric residency training program.

23.95. Eligible Practice Specialties.

For purposes of this subchapter, the following mental health providers may apply for enrollment in the program:

- (1) a psychiatrist;
- (2) a psychologist, as defined by §501.002, Occupations Code;
- (3) a licensed professional counselor, as defined by §503.002, Occupations Code;
- (4) an advanced practice registered nurse, as defined by §301.152, Occupations Code, who holds a nationally recognized board certification in psychiatric or mental health nursing; ~~and~~
- (5) a licensed clinical social worker, as defined by §505.002, Occupations Code;

(6) a licensed chemical dependency counselor, as defined by Section 504.001, Occupations Code, and, if applying for enrollment in the SLRP, must hold a master's degree in a related field; and

(7) a licensed marriage and family therapist, as defined by Section 502.002, Occupations Code.

23.96 Eligibility for Conditional Approval of Applications.

To be eligible for the Board to reserve loan repayment funds, a mental health professional must:

(1) ensure that the Board has received the completed application by the established deadline, which will be posted on the program web page;

(2) be a U.S. citizen or a Legal Permanent Resident and have no license restrictions;

(3) not be currently fulfilling another obligation to provide mental health services as part of a scholarship agreement, a student loan agreement, or another student loan repayment agreement;

(4) agree to provide five consecutive years of eligible service in a Mental Health Professional Shortage Area, with the understanding that the professional will be released from the agreement if funding for continued loan repayment is not appropriated;

(5) agree to provide mental health services to:

(A) Individuals enrolled in Medicaid or CHIP or both, or

(B) persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or persons confined in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice.

(6) A completed application for enrollment in the SLRP includes an agreement to all contract terms, including monetary penalties for failure to complete the service obligation, in addition to completion of counseling procedures established by Board staff to ensure the applicant's understanding of contract terms. [the Board may make financial commitments for service periods ending by August 31 of the two-year period following the biennium for which the program funds are appropriated].

23.97. Selection of Eligible Applicants and Limitations.

(a) Each fiscal year an application deadline will be posted on the program web page.

(b) Not more than 10 percent of the number of repayment assistance grants paid under

this subchapter each year may be awarded to mental health professionals providing mental health services to persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or persons confined in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice. Applications from these professionals will be selected on a first-come-first-served basis.

(c) Not more than 30 percent of the number of repayment assistance grants paid under this subchapter each fiscal year may be awarded to mental health professionals in any one of the eligible practice specialties, unless excess funds remain available after the 30 percent maximum has been met.

(d) For each practice specialty, applications will be ranked in order of the following priorities:

(1) providers who benefitted from awards the previous year;

(2) providers who sign SLFP contracts;

(3) [~~2~~] providers whose employers are located in areas having MHPSA scores that reflect the highest degrees of shortage. If a provider works for an agency located in an MHPSA that has satellite clinics and the provider works in more than one of the clinics, the highest MHPSA score where the provider works shall apply. If a provider travels to make home visits, the provider's agency base location and its MHPSA score shall apply. If a provider works for different employers in multiple MHPSAs having different degrees of shortage, the location having the highest MHPSA score shall apply;

(4) [~~3~~] providers whose employers are located in rural areas, if, in the case of providers serving at multiple sites, at least 75% of their work hours are spent serving in those areas; and

(5) [~~4~~] providers whose applications were received on the earliest dates.

(e) If funds remain available after loan repayment awards have been reserved for applicants selected according to the criteria stated in 23.97 (d), applications will be ranked in order of the following priorities, regardless of the applicant's practice specialty:

(1) providers whose employers are located in areas having MHPSA scores that reflect the highest degrees of shortage. If a provider works for an agency located in an MHPSA that has satellite clinics and the provider works in more than one of the clinics, the highest MHPSA score where the provider works shall apply. If a provider travels to make home visits, the provider's agency base location and its MHPSA score shall apply. If a provider works for different employers in multiple MHPSAs having different degrees of shortage, the location having the highest MHPSA score shall apply;

(2) providers whose employers are located in rural areas, if, in the case of providers serving at multiple sites, at least 75% of their work hours are spent

serving in those areas; and

(3) providers whose applications were received on the earliest dates.

(f) If state funds are not sufficient to allow for maximum award amounts stated in §23.100 (2) and (3) of this title (relating to Amount of Repayment Assistance) for all eligible applicants, the Board may adjust in an equitable manner the state-funded distribution amounts for a fiscal year, in accordance with TEC 61.607 (d).

23.98. Eligibility for Disbursement of Loan Repayment Assistance.

To be eligible to receive loan repayment assistance, a mental health provider must:

(1) have completed one, two, three, four, or five consecutive years of practice in an MHPSA providing direct patient care to Medicaid enrollees and/or CHIP enrollees, if the practice serves children, or to persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or its successor or in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice or its successor;

(2) after an award is disbursed for a third consecutive year of service, a psychiatrist must have earned certification from the American Board of Psychiatry and Neurology or the American Osteopathic Board of Psychiatry and Neurology to qualify for continued loan repayment assistance ; and [-]

(3) if applying for SLRP funds, have met any additional requirements stated in the completed SLRP application for enrollment.

23.99. Eligible Lender and Eligible Education Loan.

(a) The Board shall retain the right to determine the eligibility of lenders and holders of education loans to which payments may be made. An eligible lender or holder shall, in general, make or hold education loans made to individuals for purposes of undergraduate, graduate, and professional education of the mental health professional and shall not be any private individual. An eligible lender or holder may be, but is not limited to, a bank, savings and loan association, credit union, institution of higher education, secondary market, governmental agency, or private foundation. A credit card debt is not considered an educational loan eligible for repayment.

(b) To be eligible for repayment, an education loan must:

(1) be evidenced by a promissory note for loans to pay for the cost of attendance for the undergraduate, graduate, or professional education of the individual applying for repayment assistance;

(2) not have been made during residency or to cover costs incurred after completion of graduate or professional education;

(3) not be in default at the time of the professional's application;

(4) not have an existing obligation to provide service for loan forgiveness through another program;

(5) not be subject to repayment through another student loan repayment or loan forgiveness program or as a condition of employment; and

(6) if the loan was consolidated with other loans, the applicant must provide documentation of the portion of the consolidated debt that was originated to pay for the cost of attendance for his or her undergraduate, graduate, or medical education.

23.100. Amount of Repayment Assistance.

Loan repayment awards will be disbursed directly to lenders in behalf of eligible mental health professionals and:

(1) Repayment assistance for each year of full-time service will be in an amount determined by applying the following applicable percentage to the maximum total amount of assistance allowed for the professional:

(A) for the first year, 10 percent;

(B) for the second year, 15 percent;

(C) for the third year, 20 percent;

(D) for the fourth year, 25 percent; and

(E) for the fifth year, 30 percent.

(2) The total amount of state appropriated repayment assistance received by a mental health professional under this subchapter may not exceed:

(A) \$160,000, for a psychiatrist;

(B) \$80,000, for:

(i) a psychologist;

(ii) a licensed clinical social worker, if the social worker has received a doctoral degree related to social work; or

(iii) a licensed professional counselor, if the counselor has received a doctoral degree related to counseling; or

(iv) a licensed marriage and family therapist, if the marriage and

family therapist had received a doctoral degree related to marriage and family therapy;

(C) \$60,000, for an advanced practice registered nurse;

(D) \$40,000, for a licensed clinical social worker, a licensed marriage and family therapist, or a licensed professional counselor who has not received a doctoral degree related to social work or counseling; and

(E) \$10,000, for assistance received by a licensed chemical dependency counselor, if the chemical dependency counselor has received an associate[~~s~~] degree related to chemical dependency counseling or behavioral science.

(3) If a mental health provider's total student loan indebtedness is less than the total amount of repayment assistance allowed for the provider's practice specialty, the annual loan repayment award amounts based on full-time service will be the following percentages of the student loan debt owed at the time of application for enrollment in the program: 10% for year one, 15% for year two, 20% for year three, 25% for year four, and 30% for year five.

(4) An eligible professional may receive prorated loan repayment assistance based on the percentage of full-time service provided for each service period, for a minimum of 20 hours per week if employed or contracted by an agency or facility in a mental health professional shortage area for the primary purpose of providing direct mental health services to:

(A) Medicaid recipients;

(B) CHIP enrollees;

(C) persons in facilities operated by or under contract with the Texas Juvenile Justice Department; and/or,

(D) persons in facilities operated by or under contract with the Texas Department of Criminal Justice.

(5) Failure to meet the program requirements will result in non-payment for the applicable service period(s) and, except under circumstances determined by the Board to constitute good cause, removal from the program.

23.101. Dissemination of Information.

The Board shall disseminate information about the Mental Health Professional Education Loan Repayment program to each institution of higher education or private or independent institution of higher education and to any appropriate state agency and professional association.