

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Equity
5 and Representation in Health Care Act.

6 Section 5. Findings; purpose.

7 (a) The General Assembly finds that:

8 (1) Every Illinois resident deserves access to high
9 quality, affordable health care regardless of his or her
10 race, ethnicity, zip code, gender identification, or
11 sexual orientation. Moreover, Illinois residents deserve
12 support from a strong, diverse health care workforce that
13 reflects, represents, and understands the patients they
14 serve.

15 (2) Establishing and building trusted relationships
16 between patients and health care providers can lead to
17 more compassionate care and improved outcomes. This is
18 particularly important for communities of color and
19 populations that experience systemic racism and other
20 barriers to obtaining equitable high quality care that
21 improves health.

22 (3) A 2004 report from Johns Hopkins University and
23 the Commonwealth Fund focused on the disparities in

1 patient experience brought on by a lack of racial and
2 ethnic diversity among health care providers. From the
3 article:

4 "In what is called 'race-discordant'
5 relationships, patients from ethnic groups frequently
6 are treated by professionals from a different ethnic
7 background. The research reviewed here documents
8 ongoing racial and ethnic disparities in health care
9 and links patient-physician race and ethnic
10 concordance with higher patient satisfaction and
11 better health care processes. Based on this research,
12 the authors issue the following recommendation: ...
13 health policy should be revised to encourage workforce
14 diversity by funding programs that support the
15 recruitment of minority students and medical
16 faculty..."

17 (4) Another 2021 study by the National Center for
18 Biotechnology Information at the National Institutes of
19 Health analyzed minority representation across 10
20 different health care provider designations and found
21 significant underrepresentation among Black, Hispanic, and
22 Native American people across all 10 designations. This
23 study makes specific mention of the disproportionate
24 impact that the COVID-19 pandemic had on minority
25 communities and how greater diversity in our health care
26 workforce could lead to increased cultural competence and

1 improved health outcomes.

2 (5) These are just 2 studies among the countless that
3 make clear the importance of diversity in our health care
4 workforce. Illinois is no exception. More must be done to
5 increase the diversity and community representation of our
6 State's health care workforce in order to better meet the
7 needs of underrepresented communities. This Act is
8 intended to support workforce development programs
9 specifically aimed at this mission.

10 (b) The purpose of this Act is to recognize and address the
11 historic and systemic barriers that have prevented
12 proportional representation by race, ethnicity, language,
13 gender, sexual orientation, gender identity, and disability
14 status in the health care provider community and address
15 access to care and health disparities by prioritizing
16 scholarship and loan repayment programs to individuals from
17 underrepresented communities pursuing health care careers.

18 These scholarship and loan repayment programs shall
19 encourage health care providers to locate and practice in
20 areas of greatest need, as determined by provider shortage
21 area data or health disparity data, and to support efforts for
22 health care providers to better reflect the communities they
23 serve.

24 Section 10. Definitions.

25 "Accredited school" means a college or university in which

1 a degree in allopathic medicine, osteopathic medicine,
2 dentistry, physical therapy, or an equivalent credential for a
3 health program is earned and for which the Council for Higher
4 Education Accreditation or its affiliates has determined that
5 the school meets specific standards for its programs, faculty,
6 and curriculum.

7 "Advanced practice registered nurse" or "APRN" means an
8 advanced practice registered nurse as defined under Section
9 50-10 of the Nurse Practice Act.

10 "Allopathic medicine" means the use of pharmacological
11 agents or physical interventions to treat or suppress symptoms
12 or processes of diseases or conditions.

13 "Applicant" means a health care professional or medical
14 facility who applies for loan repayment assistance or
15 scholarship funds under this Act.

16 "Approved graduate training" means training in medicine,
17 dentistry, or any other health profession that leads to
18 eligibility for board certification, provides evidence of
19 completion, and is approved by the appropriate health care
20 professional's body.

21 "Behavioral health provider" means a provider of a
22 commonly recognized discipline in the behavioral health
23 industry, including, but not limited to, licensed clinical
24 social workers, behavioral health therapists, certified
25 marriage and family counselors, licensed social workers, and
26 addiction counselors.

1 "Breach of service obligation" means failure for any
2 reason to begin or complete a contractual service commitment.

3 "Commercial loan" means a loan made by a bank, credit
4 union, savings and loan association, insurance company,
5 school, or other financial institution.

6 "Community health center" means a migrant health center,
7 community health center, health care program for the homeless
8 or for residents of public housing supported under Section 330
9 of the federal Public Health Service Act, or FQHC, including
10 an FQHC Look-Alike, as designated by the U.S. Department of
11 Health and Human Services, that operates at least one
12 federally designated primary health care delivery site in
13 Illinois.

14 "Default" means failure to meet a legal obligation or
15 condition of a loan.

16 "Department" means the Department of Public Health.

17 "Dental assistant" means a person who serves as a member
18 of a dental care team, working directly with a dentist to
19 perform duties that include, but are not limited to, assisting
20 with dental procedures, preparing patients for procedures,
21 preparing examinations, and sterilizing equipment.

22 "Dentist" means a person licensed to practice dentistry
23 under the Illinois Dental Practice Act.

24 "Director" means the Director of Public Health.

25 "Equity and Representation in Health Care Workforce
26 Repayment Program" or "Repayment Program" means the Equity and

1 Representation in Health Care Workforce Repayment Program
2 created under subsection (a) of Section 15.

3 "Equity and Representation in Health Care Workforce
4 Scholarship Program" or "Scholarship Program" means the Equity
5 and Representation in Health Care Workforce Scholarship
6 Program created under subsection (b) of Section 15.

7 "Federally Qualified Health Center" or "FQHC" means a
8 health center funded under Section 330 of the federal Public
9 Health Service Act.

10 "Federally Qualified Health Center Look-Alike" or "FQHC
11 Look-Alike" means a health center that meets the requirements
12 for receiving a grant under Section 330 of the federal Public
13 Health Service Act but does not receive funding under that
14 authority.

15 "Government loan" means a loan made by a federal, State,
16 county, or city agency authorized to make the loan.

17 "Health care professional" means a physician, physician
18 assistant, advanced practice registered nurse, certified nurse
19 midwife, chiropractic physician, podiatrist, physical
20 therapist, physical therapist assistant, occupational
21 therapist, speech therapist, behavioral health provider,
22 psychiatrist, psychologist, pharmacist, dentist, medical
23 assistant, dental assistant, or dental hygienist.

24 "Health professional shortage area" or "HPSA" means a
25 designation from the U.S. Department of Health and Human
26 Services that indicates the shortage of primary medical care

1 or dental or mental health providers. The designation may be
2 geographic, such as a county or service area; demographic,
3 such as low-income population; or institutional, such as a
4 comprehensive health center, FQHC, or other public facility.

5 "Lender" means the commercial or government entity that
6 makes a qualifying loan.

7 "Loan repayment award" or "award" means the amount of
8 funding awarded to a recipient based upon his or her
9 reasonable educational expenses, up to a maximum established
10 by the program.

11 "Loan repayment agreement" or "agreement" means the
12 written instrument defining a legal relationship entered into
13 between the Department and a recipient.

14 "Medical assistant" means a person who serves as a member
15 of a medical care team working directly with other providers
16 to perform duties that include, but are not limited to,
17 gathering patient information, taking vital signs, preparing
18 patients for examinations, and assisting physicians during
19 examinations.

20 "Medical facility" means a facility in which the delivery
21 of health services is provided. A medical facility must be a
22 nonprofit or public facility located in Illinois and includes
23 the following:

- 24 (1) A Federally Qualified Health Center.
25 (2) An FQHC Look-Alike.
26 (3) A hospital system operated by a county with more

1 than 3,000,000 residents.

2 "Medically underserved area" or "MUA" means an area
3 designated by the U.S. Department of Health and Human
4 Services' Health Resources and Services Administration as
5 having too few primary care providers, high infant mortality,
6 high poverty, or a high elderly population.

7 "Osteopathic medicine" means medical practice based upon
8 the theory that diseases are due to loss of structural
9 integrity, which can be restored by manipulation of the parts
10 and supplemented by therapeutic measures.

11 "Physical therapist" means an individual licensed as a
12 physical therapist under the Illinois Physical Therapy Act.

13 "Physical therapist assistant" means an individual
14 licensed as a physical therapist assistant under the Illinois
15 Physical Therapy Act.

16 "Physician" means a person licensed to practice medicine
17 in all of its branches under the Medical Practice Act of 1987.

18 "Physician assistant" means an individual licensed under
19 the Physician Assistant Practice Act of 1987.

20 "Primary care" means health care that encompasses
21 prevention services, basic diagnostic and treatment services,
22 and support services, including laboratory, radiology,
23 transportation, and pharmacy services.

24 "Psychiatrist" means a physician licensed to practice
25 medicine in Illinois under the Medical Practice Act of 1987
26 who has successfully completed an accredited residency program

1 in psychiatry.

2 "Qualifying loan" means a government loan or commercial
3 loan used for tuition and reasonable educational and living
4 expenses related to undergraduate or graduate education that
5 was obtained by the recipient prior to his or her application
6 for loan repayment and that is contemporaneous with the
7 education received.

8 "Reasonable educational expenses" means costs for
9 education, exclusive of tuition. These costs include, but are
10 not limited to, fees, books, supplies, clinical travel,
11 educational equipment, materials, board certification, or
12 licensing examinations. "Reasonable educational expenses" do
13 not exceed the estimated standard budget for expenses for the
14 degree program and for the years of enrollment.

15 "Reasonable living expenses" means room and board,
16 transportation, and commuting costs associated with the
17 applicant's attendance and participation in educational and
18 workforce training program. "Reasonable living expenses" do
19 not exceed the estimated standard budget for the recipient's
20 degree program and for the years of enrollment.

21 "Recognized training entity" means an entity approved by
22 the Department to provide training and education for medical
23 assistants and dental assistants.

24 "Recipient" means a health care professional or medical
25 facility that may use loan repayment funds.

26 "Rural" has the same meaning that is used by the federal

1 Health Resources and Services Administration to determine
2 eligibility for Rural Health Grants.

3 "State" means the State of Illinois.

4 Section 15. Repayment Program; Scholarship Program;
5 eligibility requirements.

6 (a) The Department shall create and administer an Equity
7 and Representation in Health Care Workforce Repayment Program.
8 A health care professional may apply to the Department for
9 loan repayment assistance under the Repayment Program. In
10 order to be eligible for loan repayment under this Act, the
11 health care professional or behavioral health provider shall
12 comply with the following:

13 (1) Either:

14 (A) be working at a medical facility; or

15 (B) have accepted an offer of employment at a
16 medical facility and will begin employment at that
17 medical facility within 90 calendar days after the
18 submission of the application.

19 (2) Either:

20 (A) have a degree in allopathic or osteopathic
21 medicine, nursing, dentistry, physical therapy, or
22 other eligible health profession from an accredited
23 school; have completed an approved training program;
24 and have a current, valid, and unencumbered license to
25 practice the health profession in Illinois; or

1 (B) have a degree in a relevant field of study,
2 such as behavioral health or social work.

3 (3) As necessary to his or her field of work, agree to
4 see and treat all patients at the medical facility
5 regardless of the patient's ability to pay for services.

6 (4) Submit an application to participate in the
7 Program.

8 (5) Not be in breach of a health professional service
9 obligation to the federal, State, or a local government.

10 (6) Not have any judgment liens arising from federal
11 debt.

12 (7) Not be excluded, suspended, or disqualified by a
13 federal agency.

14 (8) Sign a written agreement attesting to accepting
15 repayment of health professional educational loans and to
16 serve (i) for the applicable period of obligated service
17 in a medical facility and (ii) all patients regardless of
18 their ability to pay. The written agreement shall outline
19 details of the loan repayment service obligations,
20 including, but not limited to, the time frame required for
21 the recipient to fulfill the service obligation, the
22 amount of service required based on the award, and
23 penalties that may be levied for breach of a service
24 obligation.

25 (9) Be a current resident of Illinois or intend to
26 reside in Illinois within 90 days after receiving notice

1 of a loan repayment or scholarship award under this Act.

2 (b) The Department shall create and administer an Equity
3 and Representation in Health Care Workforce Scholarship
4 Program. A medical facility or an individual may apply to the
5 Department to receive funds under the Scholarship Program. A
6 medical facility may apply for a scholarship that covers
7 expenses described under subsection (e) of Section 20. If an
8 individual is the applicant, the individual shall either:

9 (1) be working at a medical facility; or

10 (2) have accepted an offer of employment at a medical
11 facility and will begin employment at that medical
12 facility within 90 calendar days after the submission of
13 the application.

14 (c) A person who earns a degree from an unaccredited
15 school may not participate in the Repayment Program.

16 Section 20. Use of Repayment Program and Scholarship
17 Program funds.

18 (a) Subject to appropriation, loan repayment funds under
19 the Repayment Program shall be used according to the
20 following:

21 (1) To repay qualifying educational loans of health
22 care professionals who agree to serve in a medical
23 facility for a specified period of time to be determined
24 by the Department.

25 (2) For educational loans that were obtained prior to

1 the date the recipient submits an application for loan
2 repayment assistance.

3 (3) To retire qualifying educational loans if the
4 loans are the result of consolidated or refinanced debt.
5 To qualify, the consolidated or refinanced loans shall:

6 (A) be a government loan or a loan from a
7 commercial lender; and

8 (B) include only qualifying educational loans of
9 the health care professional.

10 (b) Loan repayment funds under the Repayment Program shall
11 not be used for any of the following:

12 (1) To repay a practice obligation resulting from
13 educational loans or scholarships, whether from
14 Illinois-based institutions or governments or those in
15 other states.

16 (2) To fulfill practice obligations to the federal
17 government, the State, or any other entity under an
18 agreement with the federal government, State, or other
19 entity.

20 (3) To retire qualifying educational loans if the
21 consolidated or refinanced debt is:

22 (A) commingled with nonqualifying debt; or

23 (B) consolidated with a loan owed by another
24 person, such as a spouse or child.

25 (c) Loan repayment funds under the Repayment Program may
26 not be used by the recipient to reimburse himself or herself

1 for a loan that has been repaid.

2 (d) Under the provisions of the federal Treasury Offset
3 Program and the State Comptroller Act, recipients shall have
4 their loan repayment assistance funds offset to fulfill a
5 delinquent federal or State debt. The offset of loan repayment
6 assistance funds shall not reduce, waive, or suspend a
7 recipient's service obligation under this Act.

8 (e) Subject to appropriation, Scholarship Program funds
9 shall be used to cover the costs of training as a medical
10 assistant or dental assistant, or another health care
11 profession training or education program, as deemed
12 appropriate by the Department. Costs shall include the
13 following:

14 (1) The cost of enrollment in a training program
15 offered by an Illinois-based institution of higher
16 education, an online program accredited in Illinois, an
17 Illinois-based community college, or a recognized
18 Illinois-based training entity.

19 (2) Lab fees.

20 (3) Materials and test vouchers.

21 (4) Background checks.

22 (5) Drug screenings.

23 (6) Professional equipment and attire, such as scrubs.

24 (f) Applications for loan repayments and scholarships may
25 be available twice a year, with at least 5 months between the
26 closing date of the last process and application deadline for

1 the next process. In order to meet the goal of this Act of
2 improving diversity and community representation in the health
3 care workforce, applications shall include questions that
4 request demographic data from the applicant, including, but
5 not limited to, race, ethnicity, disability status, gender
6 identity, and sexual orientation.

7 (g) An individual who meets the eligibility requirements
8 set forth in this Act may apply for loan repayment or
9 scholarship funds authorized by this Act. In order to promote
10 greater diversity and community representation in health care,
11 the Department shall set forward criteria that prioritizes
12 applicants, including, but not limited to, the following:

13 (1) Those who identify as a person from a race,
14 ethnicity, gender, sexual orientation, gender identity, or
15 disability status that is underrepresented in the health
16 care sector.

17 (2) First generation postsecondary students.

18 (3) Reservists in the U.S. Armed Forces or military
19 veterans.

20 (4) Persons working in rural medical facilities.

21 (h) An individual who is awarded a loan repayment under
22 this Act shall not receive a concurrent loan repayment through
23 any other Illinois or federal loan repayment program. Nothing
24 in this Act prevents an individual from receiving consecutive
25 loan repayment awards under this Act or any other State or
26 federal program.

1 Section 25. Department powers and duties.

2 (a) The Department may exercise the following powers:

3 (1) To make loan repayment and scholarship awards
4 under the Repayment Program or Scholarship Program with
5 the following priorities:

6 (A) To increase the number of health care
7 providers in MUAs.

8 (B) To increase the number of behavioral health
9 providers in MUAs.

10 (C) To increase the number of accredited, eligible
11 health care provider residencies within the State.

12 (D) To increase the percentage of eligible health
13 care providers establishing practice within the State
14 upon completion of residency.

15 (E) To promote greater diversity and community
16 representation in Illinois' health care workforce.

17 (2) To adopt rules necessary for the establishment and
18 maintenance of the Repayment Program and Scholarship
19 Program required under this Act.

20 (b) The Department shall share information about the
21 application process for a scholarship or loan repayment under
22 this Act prominently on the Department's website, as well as
23 with Illinois-based health care training programs and
24 institutions of higher education that offer associate,
25 undergraduate, and graduate degree programs in health care.

1 Section 30. Administrative procedure. The Illinois
2 Administrative Procedure Act is hereby expressly adopted and
3 incorporated herein as if all of the provisions of the Act were
4 included in this Act.

5 Section 35. Annual report.

6 (a) The Department shall annually report the results and
7 progress of the Repayment Program and Scholarship Program on
8 or before March 15 of each year to the General Assembly and the
9 Governor.

10 (b) The annual report to the General Assembly and the
11 Governor shall include the impact of the Repayment Program and
12 Scholarship Program on the ability of MUAs to attract and
13 retain eligible health care providers, as well as increase
14 diversity and community representation in Illinois' health
15 care workforce. The report shall include recommendations to
16 improve that ability.

17 Section 40. Failure to fulfill obligations.

18 (a) Loan repayment recipients under the Repayment Program
19 who fail to meet the obligations set forth in this Act and
20 outlined in the signed agreement with the Department shall pay
21 to the Department a sum of no less than 1.5 times the amount of
22 the annual loan repayment for each year the recipient fails to
23 fulfill the obligation, plus interest at the rate of 7%

1 annually. Repayment to the Department shall be made as a lump
2 sum payment or over a period of no more than 6 years with
3 interest compounded over that period. An individual who
4 fulfills a portion of his or her obligation may have his or her
5 repayment amount adjusted accordingly by the Department.

6 (b) Scholarship recipients under the Scholarship Program
7 who fail to meet the obligations set forth in this Act and
8 outlined in the signed agreement with the Department shall pay
9 to the Department a sum of no less than 1.5 times the amount of
10 the annual scholarship grant for each year the recipient fails
11 to fulfill the employment obligation, plus interest at the
12 rate of 7% annually. Repayment to the Department shall occur
13 as a lump sum payment or over a period of no more than 6 years
14 with interest compounded over that period. An individual who
15 fulfills a portion of his or her obligation may have his or her
16 repayment amount adjusted accordingly by the Department.

17 (c) Moneys paid to the Department under this Section shall
18 be used by the Department to support awards, scholarships, and
19 Department operations related to the awards and scholarships
20 authorized under this Act.

21 (d) A waiver or deferment request of a recipient's
22 obligation under this Act may be submitted to the Department
23 for consideration. The request must be submitted in writing
24 and shall be consistent with criteria that are in place for
25 waiver or deferment from obligations in other State health
26 care loan repayment programs.

1 (e) The Department may allow an individual who completes a
2 different course of study or pursues a different health care
3 profession to meet his or her obligations under his or her
4 original application if he or she submits the request in
5 writing along with any other information requested by the
6 Department and continues to meet his or her obligations under
7 this Act.

8 Section 45. Transfer of moneys; use of funds.

9 (a) The Department may transfer to the Illinois Finance
10 Authority, into an account outside the State treasury, moneys
11 in the Community Health Center Care Fund as needed, but not to
12 exceed an amount established, by rule, by the Department to
13 establish a reserve or credit enhancement escrow account to
14 support a financing program or a loan or equipment leasing
15 program to provide moneys to support the purposes of
16 subsection (a) of Section 2310-200 of the Department of Public
17 Health Powers and Duties Law of the Civil Administrative Code
18 of Illinois. The disposition of moneys at the conclusion of
19 any financing program under this Section shall be determined
20 by an interagency agreement.

21 (b) The Department may use a reasonable portion of funds
22 appropriated for this Act to increase Department resources as
23 is necessary in order to effectively administer the Repayment
24 Program and Scholarship Program.

25 Section 99. Effective date. This Act takes effect January

1 1, 2023.