

September 14, 2018

Comment on Notice of Intent to Establish Negotiated Rulemaking Committee, Docket ID ED-2018-OPE-0076

On behalf of the American Association of Colleges of Osteopathic Medicine (AACOM), thank you for the opportunity to provide comments on the U.S. Department of Education's notice of intent to establish a negotiated rulemaking committee to review and prepare proposed regulations under Title IV of the *Higher Education Act (HEA) of 1965*, as amended.

AACOM represents the 34 accredited colleges of osteopathic medicine in the United States. These colleges are accredited to deliver instruction at 51 teaching locations in 32 states. In the current academic year, these colleges are educating nearly 29,000 future physicians—more than 20 percent of all U.S. medical students. Six of the colleges are public and 28 are private institutions.

AACOM strongly supports the Department's willingness to engage the public and relevant stakeholders through negotiated rulemaking to reassess existing statutes and regulations.

Additionally, we recognize the importance of appropriate oversight and understand that a fundamental function of the Department is to ensure that students are well-served by Title IV. As such, throughout the negotiated rulemaking process, we encourage the Department to work to protect students and promote principles of accountability across Title IV federal financial aid programs to ensure that students are well-informed.

According to the Department's notice, it proposes to create one committee and two subcommittees to review nearly a dozen issues related to Title IV of the HEA. However, each of these issues is complex, and it is highly unlikely that the same group of expert stakeholders would be able to thoroughly and thoughtfully assess and debate these important issues and come to consensus in the limited amount of time provided for the negotiations. ***Therefore, AACOM strongly recommends that the Department create multiple committees to more appropriately and effectively evaluate the complicated regulatory issues proposed. Moreover, AACOM encourages the Department to provide ample opportunity for public comment and stakeholder engagement throughout this process.***

Specifically, AACOM [has urged](#) the Department to review and reassess the state authorization regulations, provisions 34 C.F.R. 600.9(a) and (b), implemented on July 1, 2015, as well as the regulations on state authorization of postsecondary distance education that were slated to take effect on July 1, 2018. AACOM [strongly supports](#) the Department's decision to delay state authorization of postsecondary distance education to allow time for negotiated rulemaking, and we commend the Department for including state authorization among the list of proposed issues. ***Accordingly, AACOM recommends that the Department convene a separate negotiated rulemaking committee on state authorization regulations implemented on July 1, 2015 and state authorization of postsecondary distance education, which has been delayed until July 1, 2020. The Department should establish a committee to deliberate these regulations to***

determine how to move forward in a manner that best serves graduate students and considers factors unique to medical education and training.

Unintended Consequences of State Authorization on Medical Education

Osteopathic medical schools must navigate an already complex regulatory system. AACOM has previously expressed its [serious concerns](#) regarding the adverse effects that implementation of state authorization provisions 34 C.F.R. 600.9(a) and (b) have already had on medical education. These provisions significantly increased the financial and administrative burdens for AACOM's member institutions, specifically as they work to offer robust learning experiences for medical students during core clinical rotations in years three and four.

Osteopathic medical schools, many of which are located in rural areas, often lack in-state training opportunities, and therefore send their students out-of-state to complete their core clinical rotations. This instruction is a mandatory component of the student's curriculum and of the educational pathway to becoming a licensed physician. Additionally, some schools participate in multi-state consortium training models to enhance educational experiences and produce physicians capable of practicing in a variety of clinical settings. In doing so, institutions must meet individual states' criteria for physical presence, and since July 1, 2015, many states have begun charging exorbitant fees and applying onerous administrative mandates. Although AACOM supports state reciprocity agreements, which have helped alleviate some of these challenges while promoting the integrity of Title IV funding, our institutions still face unnecessary burdens, particularly when sending students to rotation sites located in states that do not participate in a reciprocity agreement.

Consequently, AACOM reinstates its [previous position](#) and maintains serious concerns that the distance education regulation, as finalized in 2016, does not provide the necessary clarification regarding how the Department will treat core clinical rotations under the regulation. Students who are sent out-of-state to complete their core clinical rotations regularly receive remote instruction from their medical school in their home state. However, the regulation does not prohibit states from imposing additional fees or further complicating administrative requirements with respect to distance education. As a result, our member institutions could again face an extremely heavy lift and unnecessary administrative and financial burdens should this regulation go into effect in its current form.

Moreover, as the Department considers this multifaceted issue, it should be mindful of the process, time, and resources required for states, institutions, and other entities to comply. If the Department continues to link Title IV institutional eligibility decisions to provisions as outlined in our comments, it could severely jeopardize or penalize medical students who rely on various federal financial aid assistance programs to help fund their education as they become licensed physicians, thereby further exacerbating the nation's physician workforce shortage.

Additional Issues for Consideration

AACOM's mission is to promote excellence in osteopathic medical education, in research and in service, and to foster innovation and quality among osteopathic medical colleges to improve the health of the American public. Should the Department move forward to evaluate regulations related to accrediting agencies, it is critical that policies provide flexibility and do not interfere with unique institutional missions, accounting for institutional autonomy conducive to learning

environments necessary to prepare medical students to care for the nation's diverse patient populations. In addition, AACOM requests that the Department carefully review the definition of the term "credit hour." Regulatory policy should aim to avoid federal interference in the core academic decisions surrounding curriculum and be mindful of unnecessary federal overreach. We encourage the Department to hold an open and collaborative process with the convening of appropriate stakeholders to closely study the impact of these policies and address any unintended consequences.

Thank you for providing the opportunity to share our views. As the nation faces a physician workforce shortage, it is critical to educate and sustain a future health care workforce to meet the nation's health care needs. Federal policies must support the educational pathway of the future health care workforce. ***While we understand the importance of accountability and appropriate oversight of Title IV programs, we strongly urge the Department to reject a one-size-fits-all approach and consider factors unique to medical education and the training of future physicians as it evaluates existing regulations and devises new regulatory policy.***

AACOM looks forward to working closely with the Department to ensure that medical schools and students are well served by the Title IV federal financial aid programs. If you have any questions or require further information, please contact Pamela Murphy, Senior Vice President of Government Relations, at (202) 844-4217 or pmurphy@aacom.org, or Julie Crockett, Senior Federal Regulatory Affairs Manager, at (202) 844-4231 or jcrockett@aacom.org.