

July 1, 2021

The Honorable Miguel Cardona  
Secretary of Education  
US Department of Education  
400 Maryland Ave, SW  
Washington, DC 20202

Re: Comments on Notice of Intent to Establish Negotiated Rulemaking Committees,  
Docket ID ED-2021-OPE-0077

Dear Secretary Cardona,

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

AACOM leads and advocates for the full continuum of osteopathic medical education to improve the health of the public. Founded in 1898 to support and assist the nation's osteopathic medical schools, AACOM represents all 37 colleges of osteopathic medicine—**educating nearly 31,000 future physicians, 25 percent of all US medical students**—at 58 teaching locations in 33 US states, as well as osteopathic graduate medical education professionals and trainees at US medical centers, hospitals, clinics, and health systems.

AACOM appreciates the Department's willingness to engage the public and relevant stakeholders through negotiated rulemaking to examine existing statutes and regulations. Additionally, we recognize the importance of appropriate oversight and understand the Department's commitment to advancing equitable outcomes for all students. Throughout the negotiated rulemaking process, we encourage the Department to protect students and promote principles of accountability across Title IV federal financial aid programs to ensure students are well-informed.

**Importantly, AACOM strongly recommends the Department consider factors unique to medical education and the training of future physicians as it evaluates existing regulations and devises new regulatory policy. We urge the Department to reject a one-size-fits-all approach.**

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.

### **Addressing Burdensome Gainful Employment Provisions**

AACOM appreciates the intent of the gainful employment (GE) regulations, originally promulgated in 2014, and recognizes the importance of protecting students from fraud or misrepresentation by an institution. Although the GE regulation was rescinded on July 1, 2019, AACOM had [serious concerns](#) with its one-size-fits-all approach, which completely disregarded factors unique to medical

education. **Consequently, AACOM urges the Department to provide flexibility for all US medical schools and students pursuing medical education and exempt all US graduate terminal degree medical education programs from any GE-related requirements.**

We have consistently recommended that the Department exempt all US graduate terminal degree medical education programs, whether for-profit, non-profit, or public, from any GE-related requirements. Medical school graduates, both osteopathic and allopathic, must attend four years of medical school. Graduates are also required to complete graduate medical education training, which takes between three to seven years. During this post-graduate training, medical residents earn a stipend. However, that income is generally not sufficient to begin full repayment of educational loans and is certainly not indicative of a future practicing physician's salary.

Medical students and residents depend on federal financial aid options such as income-based repayment and forbearance to postpone or reduce their obligations until they become licensed physicians earning a full salary. When calculating debt-to-earnings (D/E) rates, AACOM maintains that income during residency training is not an appropriate measure.

**As the Department reviews the GE regulations, AACOM believes there is a more comprehensive method beyond use of D/E as a condition of Title IV eligibility. It is critical that policies and regulations related to loan repayment rate calculations, D/E rates, and Title IV eligibility decisions account for the distinctions of medical education training.** Failure to do so could severely jeopardize or penalize medical students who rely on these programs to finance their education and exacerbate the nation's physician workforce shortage.

### **Addressing the Public Service Loan Forgiveness Program Administrative Process**

**AACOM urges the Department to take steps to remove the barriers that prevent many public servants, including osteopathic physicians, from obtaining student loan forgiveness under the Public Service Loan Forgiveness (PSLF) and the Temporary Expanded PSLF program (TEPSLF). We encourage the Department to improve the integrity of PSLF.** Current PSLF regulations are often implemented narrowly and arbitrarily. The Department should issue revised regulations that are consistent with Congress' intent to establish PSLF as a broad-based program for service and loan forgiveness.

The PSLF Program has encouraged physicians and other health care professionals to work in full-time public service positions in exchange for partial forgiveness after ten years of consecutive payments. The program has been critical in recruiting physicians, especially in medically underserved areas, to meet our nation's growing health care needs. Non-profit hospitals and underserved areas have been employing the PSLF Program as a competitive recruiting tool to encourage physicians to practice in these communities, and it is critical to preserve this program for future borrowers. In the 2019 – 2020 academic year, [80 percent](#) of graduating osteopathic medical students who reported entering a loan forgiveness program planned on entering the PSLF Program.

Only a small fraction of borrowers who have completed their ten years of service and made the necessary loan repayments have been found eligible for loan discharge. According to the most recent report from [Federal Student Aid](#), approximately 98% of all borrowers that applied for PSLF between November 9, 2020 to April 30, 2021 were rejected. This affects our ability to use the promise of

PSLF as an effective way to recruit medical and other health professions students pursuing careers to care for patients who need them most. AACOM urges the Department to revise the Public Service Loan Forgiveness program to increase eligibility and allow the program to serve as an effective health care workforce recruitment tool.

Thank you for providing the opportunity to share our views. We look forward to working with the Department throughout the regulatory process. If you have any questions or require further information, please contact David Bergman, JD, Vice President of Government Relations, at (301) 968-4174 or [dbergman@aacom.org](mailto:dbergman@aacom.org).

Respectfully,

A handwritten signature in black ink that reads "Robert A. Cain, DO". The signature is written in a cursive, slightly slanted style.

Robert A. Cain, DO, FACOI, FAODME  
President and CEO