

June 11, 2018

Jean-Didier Gaina
U.S. Department of Education
Office of Postsecondary Education
400 Maryland Avenue, SW
Mail Stop 294-20
Washington, DC 20202

Via electronic submission at regulations.gov

Re: Comments on NPRM, Program Integrity and Improvement (State Authorization), Docket ID ED-2018-OPE-0041

Dear Mr. Gaina:

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 proposed rulemaking (NPRM), and we support the Department's decision to delay state authorization of postsecondary distance education to allow time for negotiated rulemaking. AACOM represents the 34 accredited colleges of osteopathic medicine (COMs) 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.

AACOM strongly supports the Department's willingness to receive public comment and conduct negotiated rulemaking to reconsider state authorization of distance education and the unintended consequences of the increased administrative and financial burdens that interfere with the educational missions of postsecondary institutions who train the nation's future physician workforce. ***While we understand the importance of accountability and appropriate oversight of regulations affecting postsecondary institutions and Title IV programs, we have [continued to 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 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. COMs, many of which are located in rural areas, often lack in-state training opportunities, and send their students out-of-state to complete their core clinical rotations during years three and four. This instruction is a mandatory component of the student's curriculum and of the educational pathway to becoming a licensed physician. Specifically, the new fees and onerous administrative mandates charged by states have had a particularly negative impact on AACOM member institutions as they work to offer robust learning experiences for medical students during core clinical rotations and produce physicians capable of practicing in a variety of clinical settings.

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.

Furthermore, as noted, both in comments previously submitted by AACOM and in the NPRM, regulatory policy surrounding this multifaceted issue 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.

Therefore, as the Department moves forward through the regulatory process, we strongly urge the Department to thoroughly evaluate the unintended consequences of these policies on medical education and revise state authorization provisions 34 C.F.R. 600.9(a), (b), and (c), to explicitly exempt U.S. medical schools and clinical rotations as a condition of Title IV eligibility.

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.

AACOM looks forward to working closely with the Department to ensure that medical schools and students are well served by 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, Federal Regulatory Affairs Manager, at (202) 844-4231 or jcrockett@aacom.org.

Respectfully,

A handwritten signature in black ink, appearing to read "SC Shannon". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Stephen C. Shannon, DO, MPH
President and CEO