

# STATE OF NEW YORK

3305

2017-2018 Regular Sessions

## IN ASSEMBLY

January 27, 2017

Introduced by M. of A. RAIA, GOODELL, SALADINO, MONTESANO, GRAF, LALOR, FINCH -- Multi-Sponsored by -- M. of A. BARCLAY, CROUCH, DiPIETRO, HAWLEY, JOHNS, LOPEZ, M. G. MILLER, THIELE -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing the physicians, dentists and clinics charity care credit

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The tax law is amended by adding a new section 43 to read as follows:

§ 43. Physicians, dentists and clinics charity care credit. (a) Allowance of credit. A taxpayer subject to tax under article nine-A or twenty-two of this chapter shall be allowed a credit against such tax, pursuant to the provisions referenced in subdivision (c) of this section. The amount of the credit shall be cost of the care provided up to five percent of the individuals' or practices' net taxable income or twenty thousand dollars, whichever is the lesser amount.

(b) Definition. The term "clinic" means any clinic located within New York state, including clinics staffed by nurse practitioners and physician assistants.

(c) Cross-references. For application of the credit provided for in this section, see the following provisions of this chapter:

(1) Article 9-A: Section 210-B, subdivision 52

(2) Article 22: Section 606, subsections (i) and (ccc)

§ 2. Section 210-B of the tax law is amended by adding a new subdivision 52 to read as follows:

52. Physicians, dentists and clinics charity care credit. (a) Allowance of credit. A taxpayer shall be allowed a credit against the tax imposed by this article in an amount to be computed as hereinafter provided, for physicians, dentists and clinics providing pro bono or charity care during the taxable year.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 (b) Definition. The term "clinic" means any clinic located within New  
2 York state, including clinics staffed by nurse practitioners and physi-  
3 cian assistants.

4 (c) Amount of credit. The amount of the credit shall be the care  
5 provided up to five percent of the individuals' or practices' net taxa-  
6 ble income or twenty thousand dollars, whichever is the lesser amount.

7 § 3. Subparagraph (B) of paragraph 1 of subsection (i) of section 606  
8 of the tax law is amended by adding a new clause (xlili) to read as  
9 follows:

|                                          |                             |
|------------------------------------------|-----------------------------|
| 10 <u>(xlili) Credit for physicians,</u> | <u>Amount of credit</u>     |
| 11 <u>dentists and clinics who</u>       | <u>under subdivision</u>    |
| 12 <u>provide pro bono or</u>            | <u>fifty-two of section</u> |
| 13 <u>charity care to individuals</u>    | <u>two hundred ten-B</u>    |
| 14 <u>under subsection (ccc)</u>         |                             |

15 § 4. Section 606 of the tax law is amended by adding a new subsection  
16 (ccc) to read as follows:

17 (ccc) Physicians, dentists and clinics charity care credit. (1) Allow-  
18 ance of credit. A taxpayer shall be allowed a credit against the tax  
19 imposed by this article in an amount to be computed as provided in  
20 subdivision fifty-two of section two hundred ten-B of this chapter, for  
21 physicians, dentists and clinics providing pro bono or charity care  
22 during the taxable year.

23 (2) Definition. The term "clinic" means any clinic located within New  
24 York state, including clinics staffed by nurse practitioners and physi-  
25 cian assistants.

26 (3) Application of credit. If the amount of the credit allowed under  
27 this subsection for any taxable year shall exceed the taxpayer's tax for  
28 such year, the excess shall be treated as an overpayment of tax to be  
29 credited or refunded in accordance with the provisions of section six  
30 hundred eighty-six of this article, provided, however, that no interest  
31 shall be paid thereon.

32 § 5. This act shall take effect immediately and shall apply to taxable  
33 years beginning on and after January 1, 2018.