S T A T E O F N E W Y O R K

4775

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to establishing a physician loan forgiveness program for geriatric medicine

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new section 6529-a to read as follows:

S 6529-A. PHYSICIAN LOAN FORGIVENESS PROGRAM FOR GERIATRIC MEDICINE. 1. PHYSICIAN LOAN FORGIVENESS AWARDS SHALL BE ISSUED ANNUALLY TO PHYSICIANS WHO AGREE TO PRACTICE IN THE SPECIALTY OF GERIATRIC MEDICINE AS DEFINED BY THE COMMISSIONER IN CONSULTATION WITH THE COMMISSIONER OF HEALTH AND THE DIRECTOR OF THE OFFICE FOR THE AGING.

2. SUCH PARTICIPATING PHYSICIANS SHALL RECEIVE AN EDUCATIONAL LOAN FORGIVENESS AWARD OF UP TO FIFTEEN THOUSAND DOLLARS PER YEAR FOR A MAXIMUM OF FIVE YEARS. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS TO ADMINISTER SUCH LOAN FORGIVENESS PROGRAM.

3. THE PHYSICIAN APPLICANT MUST BE A RESIDENT OF NEW YORK STATE, LICENSED TO PRACTICE MEDICINE, AND CERTIFIED IN THE PRACTICE OF GERIATRIC MEDICINE OR HAVE A CONCENTRATION IN THAT SPECIALTY. THE APPLICANT MUST HAVE COMPLETED A PROFESSIONAL RESIDENCY PROGRAM WITHIN THE FIVE YEARS IMMEDIATELY PRECEDING THE PERIOD FOR WHICH THE FIRST AWARD WOULD BE GRANTED, OR BE WITHIN TWO YEARS OF COMPLETION OF AN ACCREDITED RESIDENCY PROGRAM IN GERIATRIC MEDICINE. THE APPLICANT MUST AGREE TO PRACTICE MEDICINE WITHIN NEW YORK STATE.

4. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HEALTH, SHALL ESTABLISH CRITERIA FOR THE SELECTION OF PARTICIPANTS IN THE PROGRAM. A PRIORITY SHALL BE ACCORDED TO ANY APPLICANT WHO IS COMPLETING A YEAR OF THE SERVICE REQUIREMENT AND IS RE-APPLYING FOR A NEW AWARD. THE COMMISSIONER SHALL VERIFY THE PHYSICIAN'S ELIGIBILITY AND THE PHYSICIAN'S TOTAL MEDICAL EDUCATIONAL LOAN EXPENSES.

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

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5. WITHIN SUCH TIME AS THE COMMISSIONER SHALL BY REGULATION PROVIDE, A PARTICIPATING PHYSICIAN SHALL HAVE AGREED TO PRACTICE GERIATRIC MEDICINE FOR A PERIOD OF TWELVE MONTHS FOR EACH ANNUAL PAYMENT TO BE RECEIVED BY THE PARTICIPANT. IN NO CASE SHALL THE TOTAL SERVICE REQUIRED BE LESS THAN TWO YEARS NOR BE MORE THAN FIVE YEARS.

6. THE COMMISSIONER SHALL DEVELOP AND SECURE FROM EACH PARTICIPANT, A WRITTEN AGREEMENT TO:

(A) PRACTICE GERIATRIC MEDICINE;

(B) ACCEPT MEDICARE AND MEDICAID PAYMENTS; AND

(C) PROVIDE AT LEAST THIRTY-FIVE HOURS PER WEEK OF DIRECT PATIENT CARE IN THE AREA BEING SERVED.

IF A RECIPIENT FAILS TO COMPLY FULLY WITH SUCH CONDITIONS, THE COMMISSIONER SHALL BE ENTITLED TO RECEIVE FROM SUCH PARTICIPANT REIMBURSEMENT OF SUCH AWARD IN AN AMOUNT TO BE DETERMINED BY THE COMMISSIONER. ANY AMOUNT WHICH THE COMMISSIONER IS ENTITLED TO RECOVER UNDER THIS SUBDIVISION SHALL BE PAID WITHIN THE FIVE-YEAR PERIOD BEGINNING ON THE DATE THAT THE PARTICIPANT FAILED TO COMPLY WITH THE PROGRAM CRITERIA. NOTHING IN A WRITTEN AGREEMENT UNDER THIS SECTION SHALL AFFECT THE TERMS OF EMPLOYMENT OF THE INDIVIDUAL WHO SHALL NEGOTIATE, SEPARATE AND APART FROM THE PROGRAM, HIS OR HER SALARY AND OTHER FORMS OF EMPLOYMENT WITH AN AGENCY, PRACTICE, INSTITUTION OR PROGRAM IN WHICH HE OR SHE SHALL BE EMPLOYED.

7. ANY OBLIGATION TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL BE CANCELLED UPON THE DEATH OF THE PARTICIPANT. THE COMMISSIONER SHALL PROMULGATE REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

8. A PARTICIPANT OF THE PROGRAM SHALL REPORT ANNUALLY TO THE DEPARTMENT ON FORMS PRESCRIBED BY THE COMMISSIONER, AS TO THE PERFORMANCE OF THE REQUIRED SERVICES, COMMENCING WITH THE CALENDAR YEAR IN WHICH THE PARTICIPANT BEGINS TO PRACTICE GERIATRIC MEDICINE AND CONTINUING UNTIL THE RECIPIENT SHALL HAVE COMPLETED, OR IT IS DETERMINED THAT HE OR SHE SHALL NOT BE OBLIGATED TO COMPLETE, THE PROGRAM. THE COMMISSIONER SHALL HAVE THE DISCRETION TO WAIVE THE FILING OF A REPORT, EXCUSE A DELAY IN FILING OR A FAILURE TO FILE A REPORT FOR GOOD CAUSE SHOWN.

9. PARTICIPATION IN THE PROGRAM SHALL NOT PREVENT PARTICIPANTS FROM BEING ELIGIBLE TO APPLY FOR OTHER PROGRAMS OR AWARDS.

10. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.