

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GUNTHER, LIFTON, WALKER -- Multi-Sponsored by --
M. of A. ALFANO, BARRA, McKEVITT, PHEFFER, SWEENEY -- read once and
referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to including dentists in
the regents physician loan forgiveness program

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

1 Section 1. Subdivision 9 of section 605 of the education law, as
2 amended by chapter 523 of the laws of 1992, is amended to read as
3 follows:

4 9. Regents physician AND DENTIST loan forgiveness program. Regents
5 physician AND DENTIST loan forgiveness awards shall be awarded annually
6 to physicians AND DENTISTS who agree to practice medicine OR DENTISTRY
7 in an area of New York state designated by the regents as having a shor-
8 tage of physicians OR DENTISTS. Such awards shall be classified and
9 allocated in accordance with regents rules.

10 a. Eligibility. (1) The applicant must be a resident of New York state
11 and licensed to practice medicine OR DENTISTRY.

12 (2) The applicant must have completed a professional residency program
13 within the five years immediately preceding the period for which the
14 first award would be granted, or be within two years of completion of an
15 accredited residency program in a primary care specialty designated in
16 short supply by the board of regents, OR BE WITHIN FIVE YEARS OF
17 COMPLETION OF A DENTAL DEGREE PROGRAM.

18 (3) The applicant must agree to practice medicine OR DENTISTRY in an
19 area in New York state designated as having a shortage of physicians OR
20 DENTISTS. The regents, after consultation with the commissioners of
21 health, correctional services, mental health, and mental retardation and
22 developmental disabilities, shall designate those regions and facilities

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

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1 of New York state which have a shortage of physicians OR DENTISTS for
 2 the purposes of this section and establish relative rankings thereof.

3 b. Selection. The commissioner, in consultation with the commissioner
 4 of health, shall establish criteria for the selection of participants in
 5 the program. An applicant must satisfy at least one of the criteria
 6 established. A priority shall be accorded to any applicant who is
 7 completing the second year of the service requirement and is reapplying
 8 for a new award. The criteria shall include but not be limited to the
 9 following:

10 (i) reapplication for a new award by a person who is completing the
 11 second year of a service requirement;

12 (ii) receipt of specific training in a primary care specialty or
 13 obstetrics, determined by the regents to be in short supply;

14 (iii) receipt of specific training or experience in serving a shortage
 15 area;

16 (iv) receipt of specific training or experience matching a specific
 17 medical OR DENTAL need existing in a shortage area; and

18 (v) agreement pursuant to [subdivision (d)] PARAGRAPH D of this
 19 [section] SUBDIVISION to practice in an area determined by the regents
 20 to have a severe shortage of primary care physician OR PRIMARY CARE
 21 DENTIST services.

22 c. Notification. (1) The commissioner shall then forward approved
 23 applications to the president and shall notify unsuccessful applicants;

24 (2) The president shall verify the approved applicants':

25 (i) eligibility; and

26 (ii) total undergraduate and medical OR DENTAL school student expense;

27 (3) The president shall notify applicants of their award entitlement.

28 d. Service requirement. Within such time as the commissioner shall by
 29 regulation provide, a recipient of an award shall have agreed to prac-
 30 tice medicine OR DENTISTRY in a specific area designated as having a
 31 shortage of physicians OR DENTISTS for a period of twelve months for
 32 each annual payment to be received by the recipient. Physicians AND
 33 DENTISTS in training who receive an award shall not receive credit
 34 toward their required service for time spent in a training program. In
 35 no case shall the total number of months of service required be less
 36 than twenty-four. The president shall, in consultation with the commis-
 37 sioner, develop and secure from each award recipient, a written agree-
 38 ment to:

39 (i) practice medicine OR DENTISTRY in the designated shortage area;

40 (ii) to accept Medicare [and], Medicaid, CHILD HEALTH AND FAMILY
 41 HEALTH PLUS payments; and

42 (iii) to provide thirty-five hours per week of direct patient care in
 43 the designated shortage area being served, or to the designated popu-
 44 lation being served.

45 If a recipient fails to comply fully with such conditions, the president
 46 shall be entitled to receive from such recipient an amount to be deter-
 47 mined by the formula:

$$48 \quad A = 2B \frac{(t-s)}{t}$$

49
 50
 51 in which "A" is the amount the president is entitled to recover; "B" is
 52 the sum of all payments made to the recipient and the interest on such
 53 amount which would be payable if at the times such awards were paid they
 54 were loans bearing interest at the maximum prevailing rate; "t" is the
 55 total number of months in the recipient's period of obligated services;
 56 and "s" is the number of months of service actually rendered by the

1 recipient. Any amount which the president is entitled to recover under
2 this paragraph shall be paid within the five-year period beginning on
3 the date that the recipient failed to comply with this service condi-
4 tion. Nothing in the written agreement shall affect the terms of employ-
5 ment of the individual who shall negotiate, separate and apart from the
6 program, his or her salary and other forms of employment with an agency,
7 institution or a program in which he or she shall be employed.

8 Any obligation to comply with such provisions as outlined in this
9 section shall be cancelled upon the death of the recipient. The commis-
10 sioner shall make regulations to provide for the waiver or suspension of
11 any financial obligation which would involve extreme hardship.

12 e. Reporting. A recipient of an award shall report annually to the New
13 York state higher education services corporation, and the department of
14 health on forms prescribed by the president, as to the performance of
15 the required services, commencing with the calendar year in which the
16 recipient begins to practice medicine OR DENTISTRY in a shortage area
17 and continuing until the recipient shall have completed, or it is deter-
18 mined that he or she shall not be obligated to complete, the required
19 services. If the recipient shall fail to file any report required [here-
20 under] PURSUANT TO THIS PARAGRAPH within thirty days of written notice
21 to the recipient, mailed to the address shown on the last application
22 for an award or last report filed, whichever is later, the president of
23 the corporation may impose a fine of up to one thousand dollars. The
24 president shall have the discretion to waive the filing of a report,
25 excuse a delay in filing or a failure to file a report, or waive or
26 reduce any fine imposed for good cause shown.

27 f. Other awards. Award recipients shall be eligible to apply for one
28 additional award.

29 S 2. Section 677 of the education law, as added by chapter 31 of the
30 laws of 1985, subdivision 1 as amended by chapter 439 of the laws of
31 1988, is amended to read as follows:

32 S 677. Regents physician AND DENTIST loan forgiveness program. 1.
33 Number and certification. Eighty regents physician AND DENTIST loan
34 forgiveness awards shall be awarded each year. Such awards shall be
35 allocated as provided in article thirteen of this [chapter] TITLE to
36 eligible physicians AND DENTISTS as certified to the president by the
37 commissioner.

38 2. Calculation of award amounts. Each award shall consist of two
39 consecutive annual loan forgiveness payments. Each of the annual
40 payments shall be for an amount equal to the total of undergraduate and
41 medical OR DENTAL school student loan expense or ten thousand dollars
42 whichever is less. The president shall be responsible for calculating
43 the dollar amount of each award that [eligibile] ELIGIBLE candidates may
44 receive from this program. For the purposes of this section, student
45 loan expense shall mean the cumulative total of the annual student loans
46 covering the cost of attendance at an undergraduate institution and/or
47 medical OR DENTAL school. Interest paid or due on student loans that an
48 applicant has taken out for use in paying for such undergraduate and/or
49 medical OR DENTAL education shall be considered eligible for reimburse-
50 ment under this program.

51 3. Award disbursement. a. Annual award disbursements shall be the
52 responsibility of the president and shall occur prior to the beginning
53 of each of the required terms of service as specified in the service
54 contract. The board of trustees of the higher education services corpo-
55 ration shall adopt rules and regulations regarding criteria for deter-
56 mining successful completion of the service contract and any appeal

1 process that may be required to implement this paragraph upon recommen-
2 dation of the president in consultation with the commissioner.

3 b. The disbursement of the second annual award shall be dependent upon
4 successful completion of the first year requirement of the service
5 contract as defined by the president, as well as other criteria set
6 forth in this section.

7 S 3. This act shall take effect on the first of July next succeeding
8 the date on which it shall have become a law, provided that the amend-
9 ments to subdivision 9 of section 605 of the education law, made by
10 section one of this act, and to section 677 of the education law, made
11 by section two of this act shall not affect the termination of such
12 provisions of the education law pursuant to section 17 of chapter 31 of
13 the laws of 1985, as amended, and shall terminate therewith.