

4343

2009-2010 Regular Sessions

I N S E N A T E

April 22, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend chapter 576 of the laws of 1975, relating to authorizing the commissioner of education to contract with certain schools for the purpose of expanding opportunities for residents of New York state to study medicine or dentistry, in relation to authorizing the commissioner of education to contract with the university of Padua, Padua, Italy, the Royal College of Surgeons, Dublin, Ireland, St. George's University school of medicine, Grenada and the Sophie Davis school of biomedical education, the city university of New York medical school for the purpose of expanding opportunities for residents of New York state to study medicine and dentistry

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

1 Section 1. The title and sections 1 and 2 of chapter 576 of the laws
2 of 1975, relating to authorizing the commissioner of education to
3 contract with certain schools for the purpose of expanding opportunities
4 for residents of New York state to study medicine or dentistry, the
5 title and section 1 as amended by chapter 856 of the laws of 1980,
6 section 2 as amended by chapter 31 of the laws of 1985, are amended to
7 read as follows:
8 AN ACT to authorize the commissioner of education to contract with
9 [the university of Vermont, the school of medicine at Morehouse college,
10 Meharry medical college and school of dentistry, the university of Puer-
11 to Rico medical school and the Sackler school of medicine of the univer-
12 sity of Tel Aviv] CERTAIN SCHOOLS OF MEDICINE AND DENTISTRY for the
13 purpose of expanding opportunities for residents of New York state to
14 study medicine and dentistry[.]
15 Section 1. The commissioner of education is hereby authorized, upon
16 the approval of the director of the budget, to enter into a contract
17 with the university of Vermont, the school of medicine at Morehouse

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

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college, Meharry medical college and school of dentistry, the university of Puerto Rico medical school [and], the Sackler school of medicine of the university of Tel Aviv, THE UNIVERSITY OF PADUA, PADUA, ITALY, THE ROYAL COLLEGE OF SURGEONS, DUBLIN, IRELAND, ST. GEORGE'S UNIVERSITY SCHOOL OF MEDICINE, GRENADA AND THE SOPHIE DAVIS SCHOOL OF BIOMEDICAL EDUCATION, THE CITY UNIVERSITY OF NEW YORK MEDICAL SCHOOL and such contracts shall contain the following provisions:

a. Commencing with the first-year class to be admitted for the [nineteen hundred seventy-six] 1976 to [nineteen hundred seventy-seven] 1977 academic school year the university of Vermont medical school shall reserve at least ten but not more than twenty places and for each first-year class thereafter at least ten but not more than forty and in the Sackler school of the university of Tel Aviv at least twenty but not more than forty in each class for residents of New York state [that] WHO have been certified as eligible by the commissioner of education. Commencing with the first-year class under the contract with the school of medicine at Morehouse college, the school shall reserve at least four but not more than eight places in each class for residents of New York state who are from a disadvantaged or minority background, and who have been certified as eligible by the commissioner of education. COMMENCING WITH THE FIRST-YEAR CLASS TO BE ADMITTED FOR THE 2010-2011 ACADEMIC SCHOOL YEAR AND FOR EACH FIRST-YEAR CLASS THEREAFTER THE UNIVERSITY OF PADUA, PADUA, ITALY, THE ROYAL COLLEGE OF SURGEONS, DUBLIN, IRELAND, ST. GEORGE'S UNIVERSITY SCHOOL OF MEDICINE, GRENADA AND THE SOPHIE DAVIS SCHOOL OF BIOMEDICAL EDUCATION, THE CITY UNIVERSITY OF NEW YORK MEDICAL SCHOOL SHALL RESERVE AT LEAST TWENTY BUT NOT MORE THAN FORTY PLACES IN EACH CLASS FOR RESIDENTS OF NEW YORK STATE WHO HAVE BEEN CERTIFIED AS ELIGIBLE BY THE COMMISSIONER OF EDUCATION.

b. Commencing with the first year class under this contract with the school of medicine at Meharry medical college, the school, shall reserve at least eight but not more than ten places in each class for the study of medicine and at least three but not more than five places in each class for the study of dentistry for residents of New York state who are from a disadvantaged or minority background and who have been certified as eligible by the commissioner of education. Commencing with the first year class under this contract, the university of Puerto Rico medical school shall reserve at least eight but not more than fifteen places in each class for residents of New York state who are from a disadvantaged OR minority background and who have been certified as eligible by the commissioner of education. Admission of eligible applicants shall be based solely upon merit and each contracting medical school shall permit the commissioner of education, in his discretion, to periodically review the admission procedures and admission records of the medical school to ascertain that the admission procedures comply with the terms of each contract. Applicants admitted pursuant to each contract shall be eligible for all financial assistance in the same manner as if they were attending an institution of higher education in New York state.

c. The commissioner of education shall pay to the university of Vermont, Meharry medical college and school of dentistry, the university of Puerto Rico medical school and the school of medicine at Morehouse college the cost of instruction less tuition and federal per capita aid for each eligible student in attendance pursuant to the contract. The commissioner of education shall pay to the Sackler school of medicine of the university of Tel Aviv, THE UNIVERSITY OF PADUA, PADUA, ITALY, THE ROYAL COLLEGE OF SURGEONS, DUBLIN, IRELAND, ST. GEORGE'S UNIVERSITY SCHOOL OF MEDICINE, GRENADA AND THE SOPHIE DAVIS SCHOOL OF BIOMEDICAL

1 EDUCATION, THE CITY UNIVERSITY OF NEW YORK MEDICAL SCHOOL the cost of
2 instruction less tuition and other aid received by [the school] SUCH
3 SCHOOLS on a per capita basis for each eligible student in attendance
4 pursuant to the contract. Such charges shall not exceed the per student
5 charges paid by the commissioner of education to the university of
6 Vermont under this section. Each contracting medical school shall charge
7 the student only the tuition and fees required of non-resident students.
8 A showing of discriminatory practice against students admitted pursuant
9 to a contract authorized under this section by means of tuition level,
10 financial aid level, instructional or housing quality or by other means
11 shall be grounds for rescission of the contract by the commissioner of
12 education.

13 d. The university of Vermont medical school shall, at a time agreed
14 upon with the commissioner of education, implement a resident training
15 program at the Champlain Valley physicians hospital center in Platts-
16 burgh, New York and shall assist such hospital to become a teaching
17 hospital in cooperation with the university of Vermont medical school.
18 At a time agreed upon with the commissioner of education, the university
19 of Vermont medical school shall assign an agreed upon number of its
20 medical faculty to permanent full-time duty at the Champlain Valley
21 physicians hospital center. The Meharry medical college and school of
22 dentistry, the university of Puerto Rico medical school and the school
23 of medicine at Morehouse college shall, at a time agreed upon with the
24 commissioner of education, implement a resident training program with
25 New York state hospitals where it is deemed such out of state resident
26 training program is not available. Any contract entered into with the
27 school of medicine at Morehouse college shall be contingent upon such
28 school maintaining provisional or permanent accreditation.

29 S 2. To be certified by the commissioner of education as eligible for
30 admission to the university of Vermont medical school, Meharry medical
31 college and school of dentistry, the school of medicine at Morehouse
32 college, the university of Puerto Rico Medical school [or], the Sackler
33 school of medicine of the university of Tel Aviv, THE UNIVERSITY OF
34 PADUA, PADUA, ITALY, THE ROYAL COLLEGE OF SURGEONS, DUBLIN, IRELAND, ST.
35 GEORGE'S UNIVERSITY SCHOOL OF MEDICINE, GRENADA AND THE SOPHIE DAVIS
36 SCHOOL OF BIOMEDICAL EDUCATION, THE CITY UNIVERSITY OF NEW YORK MEDICAL
37 SCHOOL pursuant to a contract authorized in section one hereof, an
38 applicant must be a resident of New York state and must enter into a
39 written agreement whereby the applicant agrees to practice medicine, or
40 dentistry, as appropriate, for at least three years following the
41 completion of training in an area of New York state designated by the
42 commissioner of education as an area with a shortage of physicians, or
43 dentists, as appropriate. With respect to agreements on behalf of which
44 payments were made prior to the [nineteen hundred eighty-two--nineteen
45 hundred eighty-three] 1982-1983 academic year, such agreement shall
46 provide that if the applicant, upon licensure as a physician or dentist,
47 fails to practice for three years in the designated area in New York
48 state, he or she shall be liable to reimburse the state the amount paid
49 by the commissioner of education to the particular school or university
50 to support the individual's education. Commencing with agreements on
51 behalf of which payments are first made beginning with the [nineteen
52 hundred eighty-two--nineteen hundred eighty-three] 1982-1983 academic
53 year, such agreement shall provide that if the applicant, upon receipt
54 of a medical or dental degree and completion of professional training,
55 or active military service, or both, fails to be licensed as a physician
56 or dentist by New York state and fails either to begin the practice of

1 medicine or dentistry in the designated area in New York state or to
2 complete his or her obligated service, he or she shall be liable to
3 reimburse the state an amount determined by the formula:

$$A = \frac{2B}{36 - S}$$

5
6 in which "A" is the amount the state is entitled to recover; "B" is the
7 sum of all payments made pursuant to this section on behalf of the indi-
8 vidual and the interest on such amount which would be payable if at the
9 times such payments were made they were loans bearing interest at the
10 maximum legal prevailing rate; "36" is the period of obligated service
11 in months, and "s" is the number of months of service actually rendered
12 in fulfillment of the agreement. Reimbursements pursuant to this formula
13 shall be made to the state within the one year period beginning on the
14 date of the breach of the written agreement. Every agreement entered
15 into after the effective date of this section shall contain a clause
16 whereby the applicant consents to the exercise of jurisdiction over this
17 cause of action by the courts of New York state and the execution of a
18 judgment rendered by New York courts in any jurisdiction. The commis-
19 sioner of education, in his discretion, may waive the requirement of
20 reimbursement upon a showing by the individual of a hardship satisfac-
21 tory to the commissioner.

22 S 2. This act shall take effect immediately.