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

5384

2011-2012 Regular Sessions

I N A S S E M B L Y

February 17, 2011

Introduced by M. of A. AMEDORE, GOODELL, BURLING, SALADINO, KATZ -- Multi-Sponsored by -- M. of A. CORWIN, JOHNS, P. LOPEZ, M. MILLER, N. RIVERA -- 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 35 to read as follows:

S 35. 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, SUBDIVISION 43

(2) ARTICLE 22: SECTION 606, SUBSECTIONS (I) AND (SS)

S 2. Section 210 of the tax law is amended by adding a new subdivision 43 to read as follows:

43. 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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(B) DEFINITION. THE TERM "CLINIC" MEANS ANY CLINIC LOCATED WITHIN NEW YORK STATE, INCLUDING CLINICS STAFFED BY NURSE PRACTITIONERS AND PHYSICIAN ASSISTANTS.

(C) AMOUNT OF CREDIT. THE AMOUNT OF THE CREDIT SHALL BE THE CARE PROVIDED UP TO FIVE PERCENT OF THE INDIVIDUALS' OR PRACTICES' NET TAXABLE INCOME OR TWENTY THOUSAND DOLLARS, WHICHEVER IS THE LESSER AMOUNT.

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

(XXXII) CREDIT FOR PHYSICIANS, DENTISTS AND CLINICS WHO PROVIDE PRO BONO OR CHARITY CARE TO INDIVIDUALS UNDER SUBSECTION (SS)	AMOUNT OF CREDIT UNDER SUBDIVISION FORTY-THREE OF SECTION TWO HUNDRED TEN

S 4. Section 606 of the tax law is amended by adding a new subsection (ss) to read as follows:

(SS) PHYSICIANS, DENTISTS AND CLINICS CHARITY CARE CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE IN AN AMOUNT TO BE COMPUTED AS PROVIDED IN SUBDIVISION FORTY-THREE OF SECTION TWO HUNDRED TEN OF THIS CHAPTER, FOR PHYSICIANS, DENTISTS AND CLINICS PROVIDING PRO BONO OR CHARITY CARE DURING THE TAXABLE YEAR.

(2) DEFINITION. THE TERM "CLINIC" MEANS ANY CLINIC LOCATED WITHIN NEW YORK STATE, INCLUDING CLINICS STAFFED BY NURSE PRACTITIONERS AND PHYSICIAN ASSISTANTS.

(3) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

S 5. This act shall take effect immediately and shall apply to taxable years beginning on and after January 1, 2012.