

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

3020--A

Cal. No. 254

2015-2016 Regular Sessions

I N S E N A T E

February 2, 2015

Introduced by Sens. YOUNG, AVELLA, GOLDEN, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to expanding the Doctors Across New York program to include dentists

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

1 Section 1. Paragraph (d) of subdivision 5-a of section 2807-m of the
2 public health law, as amended by section 9 of part B of chapter 60 of
3 the laws of 2014, subparagraphs (iv), (v) and (vi) as added by section 4
4 of part W of chapter 57 of the laws of 2015, is amended to read as
5 follows:
6 (d) Physician AND/OR DENTIST loan repayment program. One million nine
7 hundred sixty thousand dollars for the period January first, two thou-
8 sand eight through December thirty-first, two thousand eight, one
9 million nine hundred sixty thousand dollars for the period January
10 first, two thousand nine through December thirty-first, two thousand
11 nine, one million nine hundred sixty thousand dollars for the period
12 January first, two thousand ten through December thirty-first, two thou-
13 sand ten, four hundred ninety thousand dollars for the period January
14 first, two thousand eleven through March thirty-first, two thousand
15 eleven, one million seven hundred thousand dollars each state fiscal
16 year for the period April first, two thousand eleven through March thir-
17 ty-first, two thousand fourteen, and up to one million seven hundred
18 five thousand dollars each state fiscal year for the period April first,
19 two thousand fourteen through March thirty-first, two thousand seven-
20 teen, shall be set aside and reserved by the commissioner from the
21 regional pools established pursuant to subdivision two of this section
22 and shall be available for purposes of physician AND/OR DENTIST loan

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

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1 repayment in accordance with subdivision ten of this section. Notwith-
2 standing any contrary provision of this section, sections one hundred
3 twelve and one hundred sixty-three of the state finance law, or any
4 other contrary provision of law, such funding shall be allocated
5 regionally with one-third of available funds going to New York city and
6 two-thirds of available funds going to the rest of the state and shall
7 be distributed in a manner to be determined by the commissioner without
8 a competitive bid or request for proposal process as follows:

9 (i) Funding shall first be awarded to repay loans of up to twenty-five
10 physicians AND/OR DENTISTS who train in primary care or specialty tracks
11 in teaching general hospitals, and who enter and remain in primary care
12 or specialty practices in underserved communities, as determined by the
13 commissioner.

14 (ii) After distributions in accordance with subparagraph (i) of this
15 paragraph, all remaining funds shall be awarded to repay loans of physi-
16 cians AND/OR DENTISTS who enter and remain in primary care or specialty
17 practices in underserved communities, as determined by the commissioner,
18 including but not limited to physicians AND/OR DENTISTS working in
19 general hospitals, or other health care facilities.

20 (iii) In no case shall less than fifty percent of the funds available
21 pursuant to this paragraph be distributed in accordance with subpara-
22 graphs (i) and (ii) of this paragraph to physicians AND/OR DENTISTS
23 identified by general hospitals.

24 (iv) In addition to the funds allocated under this paragraph, for the
25 period April first, two thousand fifteen through March thirty-first, two
26 thousand sixteen, two million dollars shall be available for the
27 purposes described in subdivision ten of this section;

28 (v) In addition to the funds allocated under this paragraph, for the
29 period April first, two thousand sixteen through March thirty-first, two
30 thousand seventeen, two million dollars shall be available for the
31 purposes described in subdivision ten of this section;

32 (vi) Notwithstanding any provision of law to the contrary, and subject
33 to the extension of the Health Care Reform Act of 1996, sufficient funds
34 shall be available for the purposes described in subdivision ten of this
35 section in amounts necessary to fund the remaining year commitments for
36 awards made pursuant to subparagraphs (iv) and (v) of this paragraph.

37 S 2. Paragraph (e) of subdivision 5-a of section 2807-m of the public
38 health law, as amended by section 9 of part B of chapter 60 of the laws
39 of 2014, is amended to read as follows:

40 (e) Physician AND/OR DENTIST practice support. Four million nine
41 hundred thousand dollars for the period January first, two thousand
42 eight through December thirty-first, two thousand eight, four million
43 nine hundred thousand dollars annually for the period January first, two
44 thousand nine through December thirty-first, two thousand ten, one
45 million two hundred twenty-five thousand dollars for the period January
46 first, two thousand eleven through March thirty-first, two thousand
47 eleven, four million three hundred thousand dollars each state fiscal
48 year for the period April first, two thousand eleven through March thir-
49 ty-first, two thousand fourteen, and up to four million three hundred
50 sixty thousand dollars each state fiscal year for the period April
51 first, two thousand fourteen through March thirty-first, two thousand
52 seventeen, shall be set aside and reserved by the commissioner from the
53 regional pools established pursuant to subdivision two of this section
54 and shall be available for purposes of physician AND/OR DENTIST practice
55 support. Notwithstanding any contrary provision of this section,
56 sections one hundred twelve and one hundred sixty-three of the state

1 finance law, or any other contrary provision of law, such funding shall
2 be allocated regionally with one-third of available funds going to New
3 York city and two-thirds of available funds going to the rest of the
4 state and shall be distributed in a manner to be determined by the
5 commissioner without a competitive bid or request for proposal process
6 as follows:

7 (i) Preference in funding shall first be accorded to teaching general
8 hospitals for up to twenty-five awards, to support costs incurred by
9 physicians AND/OR DENTISTS trained in primary or specialty tracks who
10 thereafter establish or join practices in underserved communities, as
11 determined by the commissioner.

12 (ii) After distributions in accordance with subparagraph (i) of this
13 paragraph, all remaining funds shall be awarded to physicians AND/OR
14 DENTISTS to support the cost of establishing or joining practices in
15 underserved communities, as determined by the commissioner, and to
16 hospitals and other health care providers to recruit new physicians
17 AND/OR DENTISTS to provide services in underserved communities, as
18 determined by the commissioner.

19 (iii) In no case shall less than fifty percent of the funds available
20 pursuant to this paragraph be distributed to general hospitals in
21 accordance with subparagraphs (i) and (ii) of this paragraph.

22 S. 3. Subdivision 10 of section 2807-m of the public health law, as
23 added by section 75-e of part C of chapter 58 of the laws of 2008, and
24 paragraphs (a) and (c) as amended by section 13 of part B of chapter 58
25 of the laws of 2010, is amended to read as follows:

26 10. Physician AND/OR DENTIST loan repayment program. (a) Beginning
27 January first, two thousand eight, the commissioner is authorized, with-
28 in amounts available pursuant to subdivision five-a of this section, to
29 make loan repayment awards to primary care physicians AND/OR DENTISTS or
30 other physician AND/OR DENTIST specialties determined by the commission-
31 er to be in short supply, licensed to practice medicine AND/OR DENTISTRY
32 in New York state, who agree to practice for at least five years in an
33 underserved area, as determined by the commissioner. Such physician
34 AND/OR DENTIST shall be eligible for a loan repayment award of up to one
35 hundred fifty thousand dollars over a five year period distributed as
36 follows: fifteen percent of total loan debt not to exceed twenty thou-
37 sand dollars for the first year; fifteen percent of total loan debt not
38 to exceed twenty-five thousand dollars for the second year; twenty
39 percent of total loan debt not to exceed thirty-five thousand dollars
40 for the third year; and twenty-five percent of total loan debt not to
41 exceed thirty-five thousand dollars per year for the fourth year; and
42 any unpaid balance of the total loan debt not to exceed the maximum
43 award amount for the fifth year of practice in such area.

44 (b) Loan repayment awards made to a physician AND/OR DENTIST pursuant
45 to paragraph (a) of this subdivision shall not exceed the total qualify-
46 ing outstanding debt of the physician AND/OR DENTIST from student loans
47 to cover tuition and other related educational expenses, made by or
48 guaranteed by the federal or state government, or made by a lending or
49 educational institution approved under title IV of the federal higher
50 education act. Loan repayment awards shall be used solely to repay such
51 outstanding debt.

52 (c) In the event that a five-year commitment pursuant to the agreement
53 referenced in paragraph (a) of this subdivision is not fulfilled, the
54 recipient shall be responsible for repayment in amounts which shall be
55 calculated in accordance with the formula set forth in subdivision (b)

1 of section two hundred fifty-four-o of title forty-two of the United
2 States Code, as amended.

3 (d) The commissioner is authorized to apply any funds available for
4 purposes of paragraph (a) of this subdivision for use as matching funds
5 for federal grants for the purpose of assisting states in operating loan
6 repayment programs pursuant to section three hundred thirty-eight I of
7 the public health service act.

8 (e) The commissioner may postpone, change or waive the service obli-
9 gation and repayment amounts set forth in paragraphs (a) and (c),
10 respectively of this subdivision in individual circumstances where there
11 is compelling need or hardship.

12 (f)(i) When a physician AND/OR DENTIST is not actually practicing in
13 an underserved area, he or she shall be deemed to be practicing in an
14 underserved area if he or she practices in a facility or physician's
15 AND/OR DENTIST'S office that primarily serves an underserved population
16 as determined by the commissioner, without regard to whether the popu-
17 lation or the facility or physician's AND/OR DENTIST'S office is located
18 in an underserved area.

19 (ii) In making criteria and determinations as to whether an area is an
20 underserved area or whether a facility or physician's AND/OR DENTIST'S
21 office primarily serves an underserved population, the commissioner may
22 make separate criteria and determinations for different specialties.

23 S 4. This act shall take effect immediately.