

# STATE OF NEW YORK

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3939

2017-2018 Regular Sessions

## IN SENATE

January 30, 2017

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Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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 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 dentist loan repay-  
23 ment in accordance with subdivision ten of this section. Notwithstanding  
24 any contrary provision of this section, sections one hundred twelve and  
25 one hundred sixty-three of the state finance law, or any other contrary

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

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

6 (i) Funding shall first be awarded to repay loans of up to twenty-five  
7 physicians who train in primary care or specialty tracks in teaching  
8 general hospitals, and who enter and remain in primary care or specialty  
9 practices in underserved communities, as determined by the commissioner.

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

16 (iii) In no case shall less than fifty percent of the funds available  
17 pursuant to this paragraph be distributed in accordance with subpara-  
18 graphs (i) and (ii) of this paragraph to physicians or dentists identi-  
19 fied by general hospitals.

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

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

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

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

36 (e) Physician and dentist practice support. Four million nine hundred  
37 thousand dollars for the period January first, two thousand eight  
38 through December thirty-first, two thousand eight, four million nine  
39 hundred thousand dollars annually for the period January first, two  
40 thousand nine through December thirty-first, two thousand ten, one  
41 million two hundred twenty-five thousand dollars for the period January  
42 first, two thousand eleven through March thirty-first, two thousand  
43 eleven, four million three hundred thousand dollars each state fiscal  
44 year for the period April first, two thousand eleven through March thir-  
45 ty-first, two thousand fourteen, and up to four million three hundred  
46 sixty thousand dollars each state fiscal year for the period April  
47 first, two thousand fourteen through March thirty-first, two thousand  
48 seventeen, shall be set aside and reserved by the commissioner from the  
49 regional pools established pursuant to subdivision two of this section  
50 and shall be available for purposes of physician and dentist practice  
51 support. Notwithstanding any contrary provision of this section,  
52 sections one hundred twelve and one hundred sixty-three of the state  
53 finance law, or any other contrary provision of law, such funding shall  
54 be allocated regionally with one-third of available funds going to New  
55 York city and two-thirds of available funds going to the rest of the  
56 state and shall be distributed in a manner to be determined by the

1 commissioner without a competitive bid or request for proposal process  
2 as follows:

3 (i) Preference in funding shall first be accorded to teaching general  
4 hospitals for up to twenty-five awards, to support costs incurred by  
5 physicians or dentists trained in primary or specialty tracks who there-  
6 after establish or join practices in underserved communities, as deter-  
7 mined by the commissioner.

8 (ii) After distributions in accordance with subparagraph (i) of this  
9 paragraph, all remaining funds shall be awarded to physicians or  
10 dentists to support the cost of establishing or joining practices in  
11 underserved communities, as determined by the commissioner, and to  
12 hospitals and other health care providers to recruit new physicians or  
13 dentists to provide services in underserved communities, as determined  
14 by the commissioner.

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

18 § 3. Subdivision 10 of section 2807-m of the public health law, as  
19 added by section 75-e of part C of chapter 58 of the laws of 2008, para-  
20 graphs (a) and (c) as amended by section 13 of part B of chapter 58 of  
21 the laws of 2010, is amended to read as follows:

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

40 (b) Loan repayment awards made to a physician or dentist pursuant to  
41 paragraph (a) of this subdivision shall not exceed the total qualifying  
42 outstanding debt of the physician or dentist from student loans to cover  
43 tuition and other related educational expenses, made by or guaranteed by  
44 the federal or state government, or made by a lending or educational  
45 institution approved under title IV of the federal higher education act.  
46 Loan repayment awards shall be used solely to repay such outstanding  
47 debt.

48 (c) In the event that a five-year commitment pursuant to the agreement  
49 referenced in paragraph (a) of this subdivision is not fulfilled, the  
50 recipient shall be responsible for repayment in amounts which shall be  
51 calculated in accordance with the formula set forth in subdivision (b)  
52 of section two hundred fifty-four-o of title forty-two of the United  
53 States Code, as amended.

54 (d) The commissioner is authorized to apply any funds available for  
55 purposes of paragraph (a) of this subdivision for use as matching funds  
56 for federal grants for the purpose of assisting states in operating loan

1 repayment programs pursuant to section three hundred thirty-eight I of  
2 the public health service act.

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

7 (f)(i) When a physician or dentist is not actually practicing in an  
8 underserved area, he or she shall be deemed to be practicing in an  
9 underserved area if he or she practices in a facility or physician's or  
10 dentist's office that primarily serves an underserved population as  
11 determined by the commissioner, without regard to whether the population  
12 or the facility or physician's or dentist's office is located in an  
13 underserved area.

14 (ii) In making criteria and determinations as to whether an area is an  
15 underserved area or whether a facility or physician's or dentist's  
16 office primarily serves an underserved population, the commissioner may  
17 make separate criteria and determinations for different specialties.

18 § 4. This act shall take effect immediately.