

# STATE OF NEW YORK

3939--A

Cal. No. 197

2017-2018 Regular Sessions

## IN SENATE

January 30, 2017

Introduced by Sens. YOUNG, HELMING, KENNEDY, LARKIN, ORTT, RANZENHOFER, RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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 6 of part H of chapter 57 of  
3 the laws of 2017, is amended to read as follows:  
4 (d) Physician and dentist loan repayment program. One million nine  
5 hundred sixty thousand dollars for the period January first, two thou-  
6 sand eight through December thirty-first, two thousand eight, one  
7 million nine hundred sixty thousand dollars for the period January  
8 first, two thousand nine through December thirty-first, two thousand  
9 nine, one million nine hundred sixty thousand dollars for the period  
10 January first, two thousand ten through December thirty-first, two thou-  
11 sand ten, four hundred ninety thousand dollars for the period January  
12 first, two thousand eleven through March thirty-first, two thousand  
13 eleven, one million seven hundred thousand dollars each state fiscal  
14 year for the period April first, two thousand eleven through March thir-  
15 ty-first, two thousand fourteen, up to one million seven hundred five  
16 thousand dollars each state fiscal year for the period April first, two  
17 thousand fourteen through March thirty-first, two thousand seventeen,  
18 and up to one million seven hundred five thousand dollars each state  
19 fiscal year for the period April first, two thousand seventeen through  
20 March thirty-first, two thousand twenty, shall be set aside and reserved

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

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

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

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

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

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

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

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

39 § 2. Paragraph (e) of subdivision 5-a of section 2807-m of the public  
40 health law, as amended by section 6 of part H of chapter 57 of the laws  
41 of 2017, is amended to read as follows:

42 (e) Physician and dentist practice support. Four million nine hundred  
43 thousand dollars for the period January first, two thousand eight  
44 through December thirty-first, two thousand eight, four million nine  
45 hundred thousand dollars annually for the period January first, two  
46 thousand nine through December thirty-first, two thousand ten, one  
47 million two hundred twenty-five thousand dollars for the period January  
48 first, two thousand eleven through March thirty-first, two thousand  
49 eleven, four million three hundred thousand dollars each state fiscal  
50 year for the period April first, two thousand eleven through March thir-  
51 ty-first, two thousand fourteen, up to four million three hundred sixty  
52 thousand dollars each state fiscal year for the period April first, two  
53 thousand fourteen through March thirty-first, two thousand seventeen,  
54 and up to four million three hundred sixty thousand dollars for each  
55 state fiscal year for the period April first, two thousand seventeen  
56 through March thirty-first, two thousand twenty, shall be set aside and

1 reserved by the commissioner from the regional pools established pursu-  
2 ant to subdivision two of this section and shall be available for  
3 purposes of physician and dentist practice support. Notwithstanding any  
4 contrary provision of this section, sections one hundred twelve and one  
5 hundred sixty-three of the state finance law, or any other contrary  
6 provision of law, such funding shall be allocated regionally with one-  
7 third of available funds going to New York city and two-thirds of avail-  
8 able funds going to the rest of the state and shall be distributed in a  
9 manner to be determined by the commissioner without a competitive bid or  
10 request for proposal process as follows:

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

16 (ii) After distributions in accordance with subparagraph (i) of this  
17 paragraph, all remaining funds shall be awarded to physicians or  
18 dentists to support the cost of establishing or joining practices in  
19 underserved communities, as determined by the commissioner, and to  
20 hospitals and other health care providers to recruit new physicians or  
21 dentists to provide services in underserved communities, as determined  
22 by the commissioner.

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

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

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

48 (b) Loan repayment awards made to a physician or dentist pursuant to  
49 paragraph (a) of this subdivision shall not exceed the total qualifying  
50 outstanding debt of the physician or dentist from student loans to cover  
51 tuition and other related educational expenses, made by or guaranteed by  
52 the federal or state government, or made by a lending or educational  
53 institution approved under title IV of the federal higher education act.  
54 Loan repayment awards shall be used solely to repay such outstanding  
55 debt.

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

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

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

16 (f)(i) When a physician or dentist is not actually practicing in an  
17 underserved area, he or she shall be deemed to be practicing in an  
18 underserved area if he or she practices in a facility or physician's or  
19 dentist's office that primarily serves an underserved population as  
20 determined by the commissioner, without regard to whether the population  
21 or the facility or physician's or dentist's office is located in an  
22 underserved area.

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

27 § 4. This act shall take effect immediately.