

# STATE OF NEW YORK

4589

2017-2018 Regular Sessions

## IN SENATE

February 21, 2017

Introduced by Sen. RITCHIE -- 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 creating the veterinarians across rural New York state student loan repayment fund

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new article  
2 29-H to read as follows:

### ARTICLE 29-H

#### VETERINARIANS ACROSS RURAL NEW YORK STATE STUDENT LOAN REPAYMENT FUND

3 Section 2999-gg. Creation of fund and cooperating agencies.

4 2999-hh. Administration of funds.

5 2999-ii. Administration agreement.

6 2999-jj. Responsibilities upon effective date of agreement.

7 2999-kk. Documentation.

8 2999-ll. Participating professionals.

9 2999-mm. Compensation.

10 2999-nn. Continued qualification.

11 2999-oo. Payment cap adjustments.

12 2999-pp. Conditions barring participation.

13 2999-qq. Minimum qualifications for participation.

14 2999-rr. Application criteria.

15 2999-ss. Payments and default.

16 § 2999-gg. Creation of fund and cooperating agencies. The department,  
17 within amounts appropriated, shall establish the veterinarians across  
18 rural New York state student loan repayment fund, in association with  
19 the empire state development corporation and the office of the  
20 professions. Funds shall be transferred by the commissioner of taxation  
21 and finance to the department for use as described herein. Similar  
22 existing programs, if any, shall be altered or eliminated to accommodate  
23 and complement the program described herein.  
24  
25

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

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1     § 2999-hh. Administration of funds. Monies in the fund shall be:

2     1. held by the department pursuant to this article as custodian,  
3     pursuant to an agreement with the commissioner of taxation and finance,  
4     the office of the professions, and the empire state development corpo-  
5     ration, until transferred pursuant to this article; and

6     2. invested by the department in accordance with the investment guide-  
7     lines of the comptroller during said custodial period. All investment  
8     income shall be credited to, and shall be deposited in such fund.

9     § 2999-ii. Administration agreement. The commissioner of taxation and  
10    finance, the office of the professions, the empire state development  
11    corporation, and the department shall enter into an agreement, subject  
12    to the approval of the director of the budget, for the purpose of admin-  
13    istering the fund. A copy of such agreement, and any amendments thereto,  
14    shall be provided to the chair of the senate finance committee, the  
15    director of the division of budget, and the chair of the assembly ways  
16    and means committee. The agreement shall specify that the department  
17    shall administer the fund in a manner that will benefit the public by  
18    encouraging the availability of professional service providers, in  
19    compliance with all applicable laws, rules, regulations and other  
20    requirements.

21    § 2999-jj. Responsibilities upon effective date of agreement. Upon the  
22    effective date of the agreement, custody of, and responsibility for, the  
23    fund shall be taken up by the department, subject to the requirements of  
24    its agreement with the commissioner of taxation and finance and the  
25    empire state development corporation. Such agreement shall include, but  
26    not be limited to, the following provisions:

27    1. the department shall be responsible for the receipt, management and  
28    expenditure of monies held in the fund;

29    2. the department shall maintain books and records pertaining to all  
30    monies received and disbursed pursuant to this section and the agree-  
31    ment;

32    3. monies in such fund shall be utilized for the purpose of providing  
33    student loan repayment funding to qualifying professionals;

34    4. participating professionals shall be chosen by the department  
35    through an application process approved by the department, the empire  
36    state development corporation, and the comptroller;

37    5. the department shall report quarterly on transactions pertaining to  
38    the fund in a form and manner specified by the comptroller in consulta-  
39    tion with the commissioner of taxation and finance, and the empire state  
40    development corporation, including but not limited to: receipts or  
41    deposits to the fund, disbursements, loans or credit enhancement made  
42    from the fund, investment income, and the balance on hand as of the end  
43    of the month for each such quarter;

44    6. the department shall be required to invest monies on deposit in the  
45    fund in accordance with investment guidelines meeting the requirements  
46    of the comptroller, and all investment income shall be credited to the  
47    fund, and spent therefrom only for the purposes set forth in this  
48    section;

49    7. fund monies shall be held in trust and used for the benefit of  
50    participating professionals; and

51    8. any other term or condition as determined by the department, in  
52    consultation with the commissioner of taxation and finance and the  
53    empire state development corporation.

54    § 2999-kk. Documentation. Payments from the fund shall be made pursu-  
55    ant to a written agreement between the department and the participating  
56    professional, specifying the terms of the payments. The agreement shall

1 be in such form and content as shall be acceptable to the comptroller  
2 and department, and may include such further written documentation  
3 and/or agreements as shall be required in the judgment of the comp-  
4 troller and department. Terms may include rescission of payments if a  
5 participating professional does not comply with this section or the  
6 terms of the participating professional's agreement with the department.

7 § 2999-ll. Participating professionals. The following professionals  
8 shall be eligible to receive the benefits of this fund:

9 1. veterinarians, provided they make a two year commitment to practice  
10 in a tract or county defined by the health resources and services admin-  
11 istration as being "rural" or eligible for a rural health grant;

12 2. veterinarians whose practice is at least fifty percent equine,  
13 provided they make a two year commitment to practice in a tract or coun-  
14 ty defined by the health resources and services administration as being  
15 "rural" or eligible for a rural health grant;

16 3. veterinarians whose practice is at least fifty percent beef cattle,  
17 provided they make a two year commitment to practice in a tract or coun-  
18 ty defined by the health resources and services administration as being  
19 "rural" or eligible for a rural health grant;

20 4. veterinarians whose practice is at least fifty percent dairy  
21 animals, including goats, provided they make a two year commitment to  
22 practice in a tract or county defined by the health resources and  
23 services administration as being "rural" or eligible for a rural health  
24 grant; and

25 5. veterinarians whose practice is at least fifty percent swine,  
26 provided they make a two year commitment to practice in a tract or coun-  
27 ty defined by the health resources and services administration as being  
28 "rural" or eligible for a rural health grant.

29 § 2999-mm. Compensation. Participating professionals shall be compen-  
30 sated in the form of payments against their student loans made in the  
31 following amounts:

32 1. fifty percent of total qualifying debt annually, up to a maximum  
33 annual amount of ten thousand dollars, for professionals listed in  
34 subdivision one of section twenty-nine hundred ninety-nine-ll of this  
35 article;

36 2. fifty percent of total qualifying debt annually, up to a maximum  
37 annual amount of fourteen thousand dollars, for professionals listed in  
38 subdivision two of section twenty-nine hundred ninety-nine-ll of this  
39 article;

40 3. fifty percent of total qualifying debt annually, up to a maximum  
41 annual amount of fourteen thousand dollars, for professionals listed in  
42 subdivision three of section twenty-nine hundred ninety-nine-ll of this  
43 article;

44 4. fifty percent of total qualifying debt annually, up to a maximum  
45 annual amount of fourteen thousand dollars, for professionals listed in  
46 subdivision four of section twenty-nine hundred ninety-nine-ll of this  
47 article; and

48 5. fifty percent of total qualifying debt annually, up to a maximum  
49 annual amount of fourteen thousand dollars, for professionals listed in  
50 subdivision five of section twenty-nine hundred ninety-nine-ll of this  
51 article.

52 § 2999-nn. Continued qualification. Provided that a professional  
53 continues to qualify for this program after two years, then loan payment  
54 amounts will be the balance of any qualifying debt up to the maximum  
55 amounts listed in section twenty-nine hundred ninety-nine-mm of this  
56 article.

1     § 2999-oo. Payment cap adjustments. Participating professionals with  
2 demonstrable training or skill in any of the following areas, will have  
3 the maximum annual payment amount raised by two thousand dollars:

- 4     1. anesthesia;
- 5     2. animal welfare;
- 6     3. animal behavior;
- 7     4. dentistry;
- 8     5. dermatology;
- 9     6. emergency or critical care;
- 10    7. internal medicine, particularly cardiology, neurology, or oncology;
- 11    8. laboratory animal medicine;
- 12    9. microbiology;
- 13    10. nutrition, provided that training is in excess of that received as  
14 part of the professional's initial degree or degree in veterinary medi-  
15 cine;
- 16    11. ophthalmology;
- 17    12. pathology;
- 18    13. pharmacology;
- 19    14. the care of poultry;
- 20    15. preventative medicine and biosecurity;
- 21    16. radiology;
- 22    17. sports medicine and rehabilitation;
- 23    18. surgery, particularly orthopedics or soft tissue;
- 24    19. theriogenology; or
- 25    20. toxicology.

26    § 2999-pp. Conditions barring participation. Participating profes-  
27 sionals must not:

- 28    1. have any outstanding service obligations to the federal government,  
29 state, or other entity; or
- 30    2. have any judgment liens arising from federal or state debt, and  
31 must not be delinquent in child support payments.

32    § 2999-qq. Minimum qualifications for participation. Participating  
33 professionals must possess a fully-executed employment contract, or must  
34 be able to submit sufficient evidence of intent to establish a private  
35 practice and subsequently do so, and must possess all licenses required  
36 to practice their chosen profession in the state of New York. Partic-  
37 ipating professionals must also be a United States citizen or permanent  
38 resident, and become a legal resident of New York state within ninety  
39 days of beginning employment.

40    § 2999-rr. Application criteria. The agencies involved in this program  
41 may establish additional application criteria at their discretion,  
42 provided that such criteria does not narrow the availability of funds or  
43 conflict with the intent of this article. Additional criteria such as  
44 those used in section 4.3 of the primary care service corps may not be  
45 applied to this program.

46    § 2999-ss. Payments and default. Total annual payments shall be  
47 disbursed in equal amounts on a monthly basis. 1. In the event of  
48 default by a participating professional, within one year of defaulting  
49 the participating professional shall repay the state of New York the  
50 greater of either thirty-one thousand dollars, or the value of the past  
51 seven months of loan payments made by the state on behalf of the partic-  
52 ipating professional. The outstanding balance after one year shall  
53 accrue interest at a rate equal to that owed on underpayments of New  
54 York state income tax. Uncollectable amounts will be referred to the New  
55 York state attorney general's office for possible legal action.

1     2. Where default results from an action made by the department the  
2     participating professional will not be penalized.

3     § 2. This act shall take effect on the ninetieth day after it shall  
4     have become a law; provided however, that effective immediately, the  
5     addition, amendment and/or repeal of any rule or regulation necessary  
6     for the implementation of this act on its effective date are authorized  
7     to be made and completed on or before such effective date.