

STATE OF NEW YORK

5817

2019-2020 Regular Sessions

IN SENATE

May 15, 2019

Introduced by Sens. METZGER, 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 Assem-
bly, do enact as follows:

1 Section 1. Article 29-I and section 2999-gg of the public health law
2 are renumbered article 29-H and section 2999-ff, respectively, and a new
3 article 29-I is added to read as follows:

ARTICLE 29-I

VETERINARIANS ACROSS RURAL NEW YORK STATE STUDENT LOAN REPAYMENT FUND

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

7 2999-hh. Administration of funds.

8 2999-ii. Administration agreement.

9 2999-jj. Responsibilities upon effective date of agreement.

10 2999-kk. Documentation.

11 2999-ll. Participating professionals.

12 2999-mm. Compensation.

13 2999-nn. Continued qualification.

14 2999-oo. Payment cap adjustments.

15 2999-pp. Conditions barring participation.

16 2999-qq. Minimum qualifications for participation.

17 2999-rr. Application criteria.

18 2999-ss. Payments and default.

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

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

LBD10719-01-9

1 existing programs, if any, shall be altered or eliminated to accommodate
2 and complement the program described herein.

3 § 2999-hh. Administration of funds. Monies in the fund shall be:

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

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

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

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

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

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

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

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

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

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

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

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

1 § 2999-kk. Documentation. Payments from the fund shall be made pursu-
2 ant to a written agreement between the department and the participating
3 professional, specifying the terms of the payments. The agreement shall
4 be in such form and content as shall be acceptable to the comptroller
5 and department, and may include such further written documentation
6 and/or agreements as shall be required in the judgment of the comp-
7 troller and department. Terms may include rescission of payments if a
8 participating professional does not comply with this section or the
9 terms of the participating professional's agreement with the department.

10 § 2999-ll. Participating professionals. The following professionals
11 shall be eligible to receive the benefits of this fund:

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

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

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

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

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

32 § 2999-mm. Compensation. Participating professionals shall be compen-
33 sated in the form of payments against their student loans made in the
34 following amounts:

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

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

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

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

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

55 § 2999-nn. Continued qualification. Provided that a professional
56 continues to qualify for this program after two years, then loan payment

amounts will be the balance of any qualifying debt up to the maximum amounts listed in section twenty-nine hundred ninety-nine-mm of this article.

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

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

§ 2999-pp. Conditions barring participation. Participating professionals must not:

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

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

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

§ 2999-ss. Payments and default. Total annual payments shall be disbursed in equal amounts on a monthly basis. 1. In the event of default by a participating professional, within one year of defaulting the participating professional shall repay the state of New York the greater of either thirty-one thousand dollars, or the value of the past seven months of loan payments made by the state on behalf of the participating professional. The outstanding balance after one year shall accrue interest at a rate equal to that owed on underpayments of New

1 York state income tax. Uncollectable amounts will be referred to the New
2 York state attorney general's office for possible legal action.

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

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