

# STATE OF NEW YORK

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3977

2019-2020 Regular Sessions

## IN ASSEMBLY

January 31, 2019

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Introduced by M. of A. AUBRY -- read once and referred 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 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  
21 by the commissioner from the regional pools established pursuant to  
22 subdivision two of this section and shall be available for purposes of  
23 physician and dentist loan repayment in accordance with subdivision ten  
24 of this section. Notwithstanding any contrary provision of this section,  
25 sections one hundred twelve and one hundred sixty-three of the state

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 § 4. This act shall take effect immediately.