

# STATE OF NEW YORK

1182

2019-2020 Regular Sessions

## IN SENATE

January 11, 2019

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 medical professionals across rural New York state student loan repayment fund pilot program

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-J to read as follows:

### ARTICLE 29-J

#### MEDICAL PROFESSIONALS ACROSS RURAL NEW YORK STATE STUDENT LOAN

#### REPAYMENT FUND

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

4 2999-kk. Administration of funds.

5 2999-ll. Administration agreement.

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

7 2999-nn. Documentation.

8 2999-oo. Commitment.

9 2999-pp. Participating professionals.

10 2999-qq. Compensation.

11 2999-rr. Continued qualification.

12 2999-ss. Conditions barring participation.

13 2999-tt. Minimum qualifications for participation.

14 2999-uu. Application criteria.

15 2999-vv. Healthcare provider scoring and cohort size.

16 2999-ww. Announcement of results.

17 2999-xx. Payments and default.

18 § 2999-jj. Creation of fund and cooperating agencies. The department,  
19 within amounts appropriated, shall establish the medical professionals  
20 across rural New York state student loan repayment fund pilot program,  
21

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

LBD04802-01-9

1 in association with the empire state development corporation. The  
2 department is also directed to consult with the Fort Drum regional  
3 health planning organization and the Iroquois healthcare association as  
4 it deems appropriate. Funds shall be transferred by the commissioner of  
5 taxation and finance to the department for use as described herein.

6 § 2999-kk. Administration of funds. Monies in the fund shall be:

7 1. held by the department pursuant to this section as custodian pursu-  
8 ant to an agreement with the commissioner of taxation and finance, and  
9 the empire state development corporation, until transferred pursuant to  
10 this section; and

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

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

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

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

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

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

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

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

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

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

1 8. after two years, the department shall submit a report to the gover-  
2 nor and legislature detailing the performance participation and impact  
3 of the pilot program; and

4 9. any other term or condition as determined by the department, in  
5 consultation with the commissioner of taxation and finance and the  
6 empire state development corporation.

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

16 § 2999-oo. Commitment. Professionals shall be eligible to participate  
17 in this program provided that in addition to any other requirements set  
18 forth in this article they:

19 1. make a two year commitment to practice in a tract or county defined  
20 by the health resources and services administration as being "rural" or  
21 eligible for a rural health grant; and

22 2. such tract is situated, in whole or in part, in the counties of  
23 Madison, Clinton, Essex, Franklin, Hamilton, Herkimer, Jefferson, Lewis,  
24 Oswego, or St. Lawrence.

25 § 2999-pp. Participating professionals. The following professionals  
26 shall be eligible to receive the benefits of this fund:

27 1. home care service workers, clinical laboratory practitioners, clin-  
28 ical laboratory technologists, clinical laboratory cytotechnologists,  
29 clinical laboratory technicians, or histological technicians;

30 2. licensed psychologists, licensed master social workers, or licensed  
31 clinical social workers;

32 3. midlevel practitioners such as a physical therapist, physiothera-  
33 pist, mechanotherapist, dentist, dental hygienist, dental assistant,  
34 nurse practitioner, psychiatric nurse practitioner, physician assistant,  
35 or psychiatrist who is a diplomate of the American board of psychiatry  
36 and neurology or is eligible to be certified by that board or is certi-  
37 fied by the American osteopathic board of neurology and psychiatry or is  
38 eligible to be certified by that board;

39 4. speech-language pathologists or audiologists, occupational thera-  
40 pists, or respiratory therapists;

41 5. licensed pharmacists;

42 6. nurses in nursing homes, such as registered professional nurses,  
43 licensed practical nurses, or clinical nurse specialists, provided that  
44 their service commitment, in addition to any other criteria listed in  
45 this article, will also be in a licensed nursing home, intermediate care  
46 facility for the developmentally disabled, or hospital if it owns or  
47 operates a licensed nursing home, and the professional will spend at  
48 least half of their working hours in the nursing home; and

49 7. optometrists, as defined in section seventy-one hundred one of the  
50 education law.

51 § 2999-qq. Compensation. Participating professionals shall be compen-  
52 sated in the form of payments against their student loans made in the  
53 following amounts:

54 1. fifty percent of total qualifying debt annually, up to a maximum  
55 annual amount of five thousand dollars for professionals listed in

1 subdivision one of section twenty-nine hundred ninety-nine-pp of this  
2 article;

3 2. fifty percent of total qualifying debt annually, up to a maximum  
4 annual amount of ten thousand dollars for professionals listed in subdi-  
5 vision two of section twenty-nine hundred ninety-nine-pp of this arti-  
6 cle;

7 3. fifty percent of total qualifying debt annually, up to a maximum  
8 annual amount of twenty thousand dollars for professionals listed in  
9 subdivision three of section twenty-nine hundred ninety-nine-pp of this  
10 article;

11 4. fifty percent of total qualifying debt annually, up to a maximum  
12 annual amount of twelve thousand dollars for professionals listed in  
13 subdivision four of section twenty-nine hundred ninety-nine-pp of this  
14 article;

15 5. fifty percent of total qualifying debt annually, up to a maximum  
16 annual amount of fifteen thousand dollars for professionals listed in  
17 subdivision five of section twenty-nine hundred ninety-nine-pp of this  
18 article;

19 6. fifty percent of total qualifying debt annually, up to a maximum  
20 annual amount of five thousand dollars for professionals listed in  
21 subdivision six of section twenty-nine hundred ninety-nine-pp of this  
22 article; and

23 7. fifty percent of total qualifying debt annually, up to a maximum  
24 annual amount of twelve thousand dollars for professionals listed in  
25 subdivision seven of section twenty-nine hundred ninety-nine-pp of this  
26 article.

27 § 2999-rr. Continued qualification. Provided that a professional  
28 continues to qualify for this program after two years and such pilot  
29 program is still in operation, then loan payment amounts will be the  
30 balance of any qualifying debt up to the maximum amounts listed in  
31 section two thousand nine hundred ninety-nine-qq of this article.

32 § 2999-ss. Conditions barring participation. Participating profes-  
33 sionals shall not:

34 1. have any outstanding service obligations to the federal government,  
35 state, or other entity; or

36 2. have any judgment liens arising from federal or state debt, and  
37 must not be delinquent in child support payments.

38 § 2999-tt. Minimum qualifications for participation. Participating  
39 professionals must possess a fully-executed employment contract, or must  
40 be able to submit sufficient evidence of intent to establish a private  
41 practice and subsequently do so, and must possess all licenses required  
42 to practice their chosen profession in the state of New York. Partic-  
43 ipating professionals must also be a U.S. citizen or permanent resident,  
44 and become a legal resident of New York state within ninety days of  
45 beginning employment.

46 § 2999-uu. Application criteria. The entities involved in this program  
47 may establish additional application criteria at their discretion,  
48 provided that such criteria does not narrow the availability of funds or  
49 conflict with the intent of this article.

50 § 2999-vv. Healthcare provider scoring and cohort size. Regardless of  
51 funding levels, no more than thirty-two participating professionals may  
52 enter the program in any fiscal year. Applications shall be collected  
53 throughout the year, with a new cohort of no more than eight participat-  
54 ing professionals approved each quarter. Each application received shall  
55 receive a score which will be calculated as described herein:

1 1. the maximum score an applicant may receive is fifty. Two independ-  
2 ent reviewers, blind to each other's evaluation, will score each appli-  
3 cant. The average of the scores given by each reviewer will be the  
4 applicant's final score. In the event any two applicants for the same  
5 cohort receive the same score, each of their applications will be  
6 reviewed a third time and a new average score computed from all three  
7 scores received;

8 2. scores will be calculated by taking the discipline specific health  
9 professional shortage areas score for the applicant's practice location,  
10 and adding a maximum of ten points based on the diversity of medical  
11 cases or issues treated at the practice location, and adding a maximum  
12 of fifteen points based on the diversity of the patient population in  
13 the tract or county where the applicant intends to practice; and

14 3. if a health professional shortage areas score is not available for  
15 the applicant's intended practice location then the department shall  
16 attempt to estimate one based on the same discipline specific criteria  
17 used by the health resources and services administration to generate a  
18 health professional shortage areas score.

19 § 2999-ww. Announcement of results. All applicants granted admission  
20 to the program will be notified by email and United States mail within  
21 twenty-one business days following the conclusion of the quarter during  
22 which their application was received. Following the announcement of  
23 awards, applicants may request a debriefing from the department no later  
24 than ten calendar days from the date of the announcement. This debrief-  
25 ing will be limited to the positive and negative aspects of the specific  
26 applicant's application. In the event unsuccessful applicants wish to  
27 protest their results they must follow the protest procedures estab-  
28 lished by the office of the state comptroller in effect at the time  
29 their protest is entered.

30 § 2999-xx. Payments and default. Total annual payments shall be  
31 disbursed in equal amounts on a monthly basis.

32 1. In the event of default by a participating professional, within one  
33 year of defaulting the participating professional shall repay the state  
34 of New York the greater of either thirty-one thousand dollars, or the  
35 value of the past seven months of loan payments made by the state on  
36 behalf of the participating professional. The outstanding balance after  
37 one year shall accrue interest at a rate equal to that owed on underpay-  
38 ments of New York state income tax. Uncollectable amounts will be  
39 referred to the New York state attorney general's office for possible  
40 legal action.

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

43 § 2. This act shall take effect on the ninetieth day after it shall  
44 have become a law. Effective immediately, the addition, amendment and/or  
45 repeal of any rule or regulation necessary for the implementation of  
46 this act on its effective date are authorized to be made and completed  
47 on or before such effective date.