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 Assembly, do enact as follows:

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

ARTICLE 29-I

VETERINARIANS ACROSS RURAL NEW YORK STATE STUDENT LOAN REPAYMENT FUND

Section 2999-gg. Creation of fund and cooperating agencies.
2999-hh. Administration of funds.
2999-ii. Administration agreement.
2999-jj. Responsibilities upon effective date of agreement.
2999-kk. Documentation.
2999-ll. Participating professionals.
2999-mm. Compensation.
2999-nn. Continued qualification.
2999-oo. Payment cap adjustments.
2999-pp. Conditions barring participation.
2999-qq. Minimum qualifications for participation.
2999-rr. Application criteria.
2999-ss. Payments and default.

§ 2999-gg. Creation of fund and cooperating agencies. The department, within amounts appropriated, shall establish the veterinarians across rural New York state student loan repayment fund, in association with the empire state development corporation and the office of the professions. Funds shall be transferred by the commissioner of taxation 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.

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

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

1. held by the department pursuant to this article as custodian, pursuant to an agreement with the commissioner of taxation and finance, the office of the professions, and the empire state development corporation, until transferred pursuant to this article; and

2. invested by the department in accordance with the investment guidelines of the comptroller during said custodial period. All investment income shall be credited to, and shall be deposited in such fund.

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

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

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

2. the department shall maintain books and records pertaining to all monies received and disbursed pursuant to this section and the agreement;

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

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

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

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

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

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

§ 2999-kk. Documentation. Payments from the fund shall be made pursuant to a written agreement between the department and the participating professional, specifying the terms of the payments. The agreement shall be in such form and content as shall be acceptable to the comptroller and department, and may include such further written documentation and/or agreements as shall be required in the judgment of the comptroller and department. Terms may include rescission of payments if a participating professional does not comply with this section or the terms of the participating professional's agreement with the department.

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

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

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

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

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

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

§ 2999-mm. Compensation. Participating professionals shall be compensated in the form of payments against their student loans made in the following amounts:

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

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

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

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

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

§ 2999-nn. Continued qualification. Provided that a professional 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

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

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

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