CHAPTER 421

POSTGRADUATE EDUCATION IN THE FIELD OF MEDICINE

§11801. Legislative intent

1. Admission of Maine residents to educational institutions. It is the intent of the Legislature to assure, to the greatest extent possible, the admission of qualified Maine residents to educational institutions providing programs of instruction leading to doctoral degrees in allopathic medicine, dentistry, optometry and veterinary medicine.
[PL 1981, c. 693, §§5, 8 (NEW).]

2. Responsibility for program. It is the intent of the Legislature, consistent with the purposes of this chapter, that the Chief Executive Officer of the Finance Authority of Maine shall administer the program and develop a plan that ensures, to the extent practicable, that Maine contract students, or a similar number of out-of-state medical school graduates, return to practice their profession within the State, in underserved areas.
[PL 1989, c. 698, §14 (AMD); PL 1989, c. 698, §76 (AFF).]

3. Advisory committee. The Advisory Committee on Medical Education, established by Title 5, section 12004-I, subsection 7, shall assist the chief executive officer in planning and administration of the professional health program and particularly in the development of clinical education sites and continuing education, which are funded primarily by sources other than patient charges.
[PL 1989, c. 698, §15 (AMD); PL 1989, c. 698, §76 (AFF).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 812, §111 (AMD). PL 1985, c. 455, §§1,11 (AMD). PL 1989, c. 503, §B77 (AMD). PL 1989, c. 698, §§14,15 (AMD).

§11802. Definitions

For the purposes of this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1981, c. 693, §§5, 8 (NEW).]

1. Clinical education site. "Clinical education site" includes both clinical clerkship sites and preceptorship sites.

A. "Clinical clerkship site" means an on-location teaching environment in conjunction with residency training. [PL 1981, c. 693, §§5, 8 (NEW).]

B. "Preceptorship site" means a training site ranging from a one-to-one training site between a physician and medical student to a training site in a health clinic or hospital without a residency program. [PL 1981, c. 693, §§5, 8 (NEW).]
[PL 1981, c. 693, §§5, 8 (NEW).]

1-A. Authority. "Authority" means the Finance Authority of Maine.
[PL 1989, c. 698, §16 (NEW); PL 1989, c. 698, §76 (AFF).]

1-B. Chief executive officer. "Chief executive officer" means the Chief Executive Officer of the Finance Authority of Maine.
[PL 1989, c. 698, §16 (NEW); PL 1989, c. 698, §76 (AFF).]

2. Final determination of residency. "Final determination of residency" means the decision on residency made subject to rules of the department. Criteria for these rules shall include length of residence, secondary school attended, legal residence of parent, voting registration and place where taxes are paid.

[PL 1981, c. 693, §§5, 8 (NEW).]

3. Primary care. "Primary care" means the practice of general or family medicine, internal medicine, pediatrics, obstetrics and gynecology.
[PL 1981, c. 693, §§5, 8 (NEW).]

4. State capitation payment. "State capitation payment" means the amount agreed on between the State and the institution for the purchase of the student space.
[PL 1981, c. 693, §§5, 8 (NEW).]

5. State contract student. A "state contract student" means a Maine resident who is enrolled in an educational program at an educational institution for which program the State:

A. Has entered into a contractual arrangement with the institution; and [PL 1981, c. 693, §§5, 8 (NEW).]

B. Expends funds under this arrangement in return for a guarantee on the part of the institution that student positions will be made available to Maine residents. [PL 1981, c. 693, §§5, 8 (NEW).]
[PL 1981, c. 693, §§5, 8 (NEW).]

6. Underserved area. "Underserved area" means an underserved geographic area, underserved specialty area, underserved population group or any combination of these in the State.
[PL 1985, c. 455, §§2, 11 (RPR).]

7. Obligated national service. "Obligated national service" means:

A. An Armed Forces service obligation incurred in return for financial assistance provided during undergraduate and graduate education; [PL 1985, c. 455, §§3, 11 (NEW).]

B. An obligation incurred for internship or residency training in the Armed Forces of the United States; or [PL 1985, c. 455, §§3, 11 (NEW).]

C. An obligation for compulsory national service required by Act of Congress. [PL 1985, c. 455, §§3, 11 (NEW).]
[PL 1985, c. 455, §§3, 11 (NEW).]

8. Nonresident tuition. "Nonresident tuition" means tuition charged persons who do not hold residency in the State where the institution is located. If no distinction is made at the institution between the tuition charged resident and nonresident students, then nonresident tuition means the tuition charged all students.
[PL 1985, c. 455, §§3, 11 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1985, c. 455, §§2,3,11 (AMD). PL 1989, c. 698, §16 (AMD).

§11803. Agreement of state contract student

1. Agreement. State contract students commencing their professional education between September 1, 1977, and June 30, 1981, shall, as a condition precedent to the commencement of that education, enter into an agreement with the State under which the student shall agree:

A. To pay tuition to the institution; [PL 1981, c. 693, §§5, 8 (NEW).]

B. That, on the conclusion of the student's professional education, including internship, residency and obligated public health service and Armed Forces' service, the student shall pay the State or authority an amount of money equal to the state capitation payment for the student position that the student occupied. The authority may adopt or amend rules to define the conclusion of professional education; and [PL 1989, c. 698, §17 (AMD); PL 1989, c. 698, §76 (AFF).]

C. The payments are payable at 6% simple annual interest over a period not to exceed 10 years; however, students may extend the repayment period by one to 10 years with the approval of the

chief executive officer for a total repayment period not to exceed 20 years. [PL 1989, c. 698, §17 (AMD); PL 1989, c. 698, §76 (AFF).]

[PL 1989, c. 698, §17 (AMD); PL 1989, c. 698, §76 (AFF).]

2. Forgiveness of indebtedness. The agreement must provide that 1/4 of the indebtedness is forgiven for each year in which the state contract student practices the student's profession within the State in primary care or other specialized areas as determined by the chief executive officer, with the advice of the Advisory Committee on Medical Education. For other state contract students returning to practice their profession in Maine, 1/4 of their indebtedness is forgiven for each of the first 2 years of practice.

[PL 1989, c. 698, §17 (AMD); PL 1989, c. 698, §76 (AFF).]

3. Deferment. Contract students under this section who, during the repayment period, either return to a Maine practice and then leave the State or who initially remain outside the State and then return to a Maine practice may seek a deferment of the annual principal and interest payments while outside the State for a period of time not to exceed 3 years. Interest must be assessed during this time and the student's total debt to the State, including principal and interest, must be repaid either through return service or cash payments as established by the chief executive officer. Requests for deferments must be made to the chief executive officer who shall make a determination on a case-by-case basis. The decision of the chief executive officer is final.

[PL 1989, c. 698, §17 (AMD); PL 1989, c. 698, §76 (AFF).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 806, §§85,86 (AMD). PL 1985, c. 286, §1 (AMD). PL 1989, c. 698, §17 (AMD).

§11804. Agreement for contract students after July 1, 1981

(REPEALED)

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 422, §22 (AMD). PL 1983, c. 806, §87 (AMD). PL 1983, c. 816, §A13 (RPR). PL 1983, c. 862, §66 (RP). PL 1985, c. 286, §2 (AMD). PL 1985, c. 737, §§A42,A43 (AMD). PL 1987, c. 402, §A122 (AMD).

§11804-A. Agreement for contract students after July 1, 1981 and prior to January 1, 1993

1. Agreement. Any state contract student commencing professional education on or after July 1, 1981 and prior to January 1, 1993 shall, as a condition precedent to the commencement of the education, enter into an agreement with the State under which the student shall agree:

A. To pay tuition to the institution; and [PL 1983, c. 862, §67 (NEW).]

B. Upon the conclusion of professional education, including internship, residency, fellowship, obligated public health service and obligated national service, to pay the State an amount of money equal to the difference between the nonresident tuition at the institution being attended by the state contract student and the tuition charged the state contract student.

(1) This amount is payable at 9% simple annual interest over a period not to exceed 10 years; however, students may extend the repayment period by one to 10 years with the approval of the chief executive officer for a total repayment period not to exceed 20 years.

(2) These installment payments commence upon conclusion of the state contract student's professional education under rules adopted by the authority. [PL 1991, c. 832, §4 (AMD).]

After March 16, 1990, the agreement provided for in this subsection must be entered into by the student and the authority.

[PL 1991, c. 832, §4 (AMD).]

2. Forgiveness. Any student who, upon the conclusion of the student's professional education, including, if applicable, internship, residency, fellowship, obligated public health service and obligated national service, elects to serve as a practitioner of allopathic medicine, dentistry, optometry or veterinary medicine in a designated, underserved area in the State is forgiven 25% of the original outstanding indebtedness for each year of that practice.

A. Any student electing to complete an entire residency at any family practice residency program in the State is forgiven 50% of the original outstanding indebtedness upon completion. [PL 1991, c. 612, §5 (NEW).]

B. Any student electing to serve as a practitioner of allopathic medicine or any other underserved specialty area established by rule under this chapter who practices in an underserved geographic area is forgiven the larger of 25% of the original outstanding indebtedness or $10,000 for each year of that practice. [PL 1991, c. 612, §5 (NEW).]

Any student who elects to practice in the State and receives the benefits of these provisions shall provide a reasonable level of service to all patients regardless of their ability to pay, including Medicare and Medicaid patients, and participate in public health clinics where necessary.

This subsection applies to all contract students commencing their professional education on or after July 1, 1981 and prior to January 1, 1993.
[PL 1991, c. 832, §4 (AMD).]

3. Determination. The Commissioner of Health and Human Services shall determine underserved areas for the practice of allopathic medicine, dentistry and optometry.

The Commissioner of Agriculture, Food and Rural Resources shall determine underserved areas for the practice of veterinary medicine.
[PL 1985, c. 455, §6, 11 (RPR); PL 2003, c. 689, Pt. B, §7 (REV).]

4. Deferment. Contract students under this section who, during the repayment period, either return to a Maine practice and then leave the State or initially remain outside the State and then return to a Maine practice may seek a deferment of the annual principal and interest payments while outside the State for a period of time not to exceed 3 years. Interest must be assessed during this time and the student's total debt to the authority, including principal and interest, must be repaid either through return service or cash payments as established by the chief executive officer. Requests for deferments must be made to the chief executive officer, who shall make a determination on a case-by-case basis. The decision of the chief executive officer is final.
[PL 1991, c. 832, §4 (AMD).]

SECTION HISTORY

PL 1983, c. 862, §67 (NEW). PL 1985, c. 455, §§4-6,11 (AMD). PL 1985, c. 737, §A44 (AMD). PL 1987, c. 402, §A123 (AMD). PL 1989, c. 698, §§18,19 (AMD). PL 1991, c. 612, §5 (AMD). PL 1991, c. 832, §4 (AMD). PL 2003, c. 689, §B7 (REV).

§11805. Positions

(REPEALED)

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1989, c. 698, §20 (AMD). PL 1989, c. 700, §A60 (AMD). PL 1991, c. 572 (AMD). PL 1991, c. 612, §6 (AMD). PL 1991, c. 824, §A36 (AMD). PL 1991, c. 832, §5 (RP). PL 1991, c. 832, §§13,14 (AFF). PL 2005, c. 683, §B11 (RP).

§11806. Instate clinical education programs; development of a plan

1. Return to practice in Maine. The chief executive officer shall develop a plan that ensures, to the extent practicable, that contract students, or a similar number of out-of-state medical school

graduates, return to practice their profession within the State, particularly in underserved areas of the State. This plan must be completed and presented to the Legislature and the Governor before February 1st each year.
[PL 1989, c. 698, §21 (AMD); PL 1989, c. 698, §76 (AFF).]

2. Plan.
[PL 1991, c. 832, §6 (RP); PL 1991, c. 832, §14 (AFF).]

3. Coordination.
[PL 1991, c. 832, §7 (RP); PL 1991, c. 832, §14 (AFF).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1985, c. 455, §§7,8,11 (AMD). PL 1989, c. 698, §§21,22 (AMD). PL 1991, c. 832, §§6,7 (AMD). PL 1991, c. 832, §14 (AFF).

§11807. Advisory Committee on Medical Education

(REPEALED)

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1989, c. 698, §23 (AMD). PL 1991, c. 832, §8 (RP). PL 1991, c. 832, §14 (AFF).

§11808. Nonlapsing fund

There is created under the jurisdiction of the authority a nonlapsing, interest-earning, revolving fund to carry out the purposes of this chapter. Any unexpended balance in the fund carries over for continued use under this chapter. The authority may receive, invest and expend, on behalf of the fund, money from gifts, grants, bequests and donations, in addition to money appropriated or allocated by the State. Loan repayments under this section or other repayments to the authority must be invested by the authority, as provided by law, with the earned income to be added to the fund. Money received by the authority on behalf of the fund, except interest income, must be used for the designated purpose; interest income may be used for the designated purpose or to pay student financial assistance administrative costs incurred by the authority as determined appropriate by the authority. [PL 1991, c. 612, §7 (RPR).]

The authority may allocate a portion of the annual loan repayments for the purpose of recruiting primary care physicians to designated underserved geographic areas of the State. Such portion may be used: [PL 1991, c. 612, §7 (NEW).]

1. Generation of funds. To generate additional matching funds for recruitment of physicians to designated underserved geographic areas; or
[PL 1991, c. 612, §7 (NEW).]

2. Criteria established. In accordance with criteria established by the authority, to encourage primary care physicians to practice medicine in designated underserved areas.
[PL 1991, c. 612, §7 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1985, c. 455, §§9,11 (AMD). PL 1989, c. 698, §24 (RPR). PL 1991, c. 612, §7 (RPR).

§11809. Annual review

The legislative committee having jurisdiction over appropriations and financial affairs shall annually review the program established under this chapter. [PL 1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW).

§11810. Rules

The authority shall establish all rules necessary to carry out the purposes of this chapter, except that the Commissioner of Health and Human Services shall develop rules for determining underserved areas for the practice of allopathic medicine, dentistry and optometry and the Commissioner of Agriculture, Food and Rural Resources shall develop rules for the determination of underserved areas for the practice of veterinary medicine. The rules authorized by this section are adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II. [PL 1991, c. 612, §8 (RPR); PL 2003, c. 689, Pt. B, §7 (REV).]

SECTION HISTORY

PL 1985, c. 455, §§10,11 (NEW). PL 1989, c. 698, §25 (AMD). PL 1989, c. 700, §A61 (AMD). PL 1991, c. 612, §8 (RPR). PL 2003, c. 689, §B7 (REV).

§11811. Curriculum improvements

The authority may allocate a portion of the fund established in section 11808 to support improvements in the curricula of primary care residency programs offered in this State. In accordance with criteria established by rules adopted pursuant to section 11810, the chief executive officer may disburse funds allocated under this section to hospitals that provide primary care residency programs in the amounts necessary to make improvements in the curricula offered in those programs. [PL 1991, c. 830, §3 (NEW).]

SECTION HISTORY

PL 1991, c. 830, §3 (NEW).

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