

## HOUSE BILL No. 2312

By Committee on Health and Human Services

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AN ACT enacting the dental hygienists student loan act; authorizing loans for certain dental hygiene students; providing for administration by the state board of regents.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. This act shall be known and may be cited as the dental hygienists student loan act.

Sec. 2. As used in this act:

(a) "School of dental hygiene" means a school approved by the Kansas dental board for the teaching of dental hygiene under the dental practices act;

(b) "service commitment area" means (1) any community within any county in Kansas other than Douglas, Johnson, Sedgwick or Shawnee county, (2) any state medical care facility or institution, (3) any medical center operated by the veterans administration of the United States, or (4) the full-time faculty of a school of dental hygiene located in Kansas; and

(c) "state medical care facility or institution" includes, but is not limited to, the Kansas state school for the blind, the Kansas state school for the deaf, any institution under the secretary of social and rehabilitation services, as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto, any institution under the commissioner of juvenile justice as defined by K.S.A. 38-1602, and amendments thereto, the Kansas soldiers' home, the Kansas veterans' home and any correctional institution under the secretary of corrections, as defined by subsection (d) of K.S.A. 75-5202, and amendments thereto, but shall not include any state educational institution under the state board of regents, as defined by subsection (a) of K.S.A. 76-711 and amendments thereto, except as specifically provided by statute.

Sec. 3. (a) There is hereby established the dental hygienist student loan program under the state board of regents.

(b) Subject to the provisions of appropriation acts, the state board of regents may make dental hygiene student loans in accordance with the provisions of this act to undergraduate students who are enrolled in or admitted to a school of dental hygiene and who enter into a written stu-

1 dent loan agreement with the state board of regents in accordance with  
2 section 4 and amendments thereto.

3 (c) Each student loan agreement under this act shall provide to the  
4 person receiving the loan the payment of all tuition of the student enrolled  
5 in a school of dental hygiene.

6 (d) Subject to the provisions of appropriation acts, student loan agree-  
7 ments under this act may be entered into on an annual basis and shall  
8 provide the payment of the amounts specified under subsection (c) for  
9 one year unless otherwise terminated before such period of time. Subject  
10 to the provisions of appropriation acts, an undergraduate student enrolled  
11 in or admitted to a school of dental hygiene may receive a separate loan  
12 under this act for each separate year the student enters into a written  
13 student loan agreement with the state board of regents under section 4,  
14 and amendments thereto. For each separate year a student receives a  
15 loan under this act, the student shall engage in the full-time practice of  
16 dental hygiene in an appropriate service commitment area for a period  
17 of 12 months unless such obligation is otherwise satisfied as provided in  
18 section 7, and amendments thereto.

19 (e) Student loans shall be awarded on a priority basis as follows, first  
20 to qualified applicants who are Kansas residents at the time of entry into  
21 a school of dental hygiene, and second, to qualified applicants who are  
22 not Kansas residents at the time of entry into a school of dental hygiene.  
23 As used in this subsection, "Kansas residents" means persons who meet  
24 the residence requirements established in K.S.A. 76-729, and amend-  
25 ments thereto.

26 Sec. 4. A student loan agreement entered into by the state board of  
27 regents and an undergraduate student enrolled in or admitted to a school  
28 of dental hygiene for the purpose of receiving a student loan under this  
29 act shall require that the person receiving the loan:

30 (a) Complete the required course of instruction and apply for and  
31 obtain a license to practice dental hygiene in Kansas;

32 (b) commence the full-time practice of dental hygiene within nine  
33 months after graduation from a school of dental hygiene and licensure in  
34 a service commitment area and continue such full-time practice in such  
35 service commitment area for a consecutive period of months equal to the  
36 total number of months required under the agreement;

37 (c) maintain records and make reports to the state board of regents  
38 to document the satisfaction of the obligation under such agreement to  
39 engage in the full-time practice of dental hygiene within a service com-  
40 mitment area and to continue such full-time practice in such service com-  
41 mitment area for a consecutive period of months equal to the total num-  
42 ber of months required under the agreement; and

43 (d) upon failure to satisfy an agreement to engage in the full-time

1 practice of dental hygiene within a service commitment area for the re-  
2 quired period of time under any such agreement, the person receiving a  
3 student loan under this act shall repay amounts to the state board of  
4 regents as provided in section 6, and amendments thereto.

5 Sec. 5. (a) Upon the selection of a service commitment area for the  
6 purposes of satisfying a service obligation under a student loan agreement  
7 entered into under this act, the person so selecting shall inform the state  
8 board of regents of the service commitment area selected.

9 (b) A person serving in a service commitment area pursuant to any  
10 agreement under this act may serve all or part of any commitment in the  
11 service commitment area initially selected by such person. If such person  
12 moves from one service commitment area to another service commitment  
13 area, such person shall notify the state board of regents of such person's  
14 change of service commitment area. Service in any such service commit-  
15 ment area shall be deemed to be continuous for the purpose of satisfying  
16 any agreement entered into under this act.

17 (c) A person receiving a student loan under this act may satisfy the  
18 obligation to engage in the full-time practice of dental hygiene in a service  
19 commitment area if the person serves as a full-time faculty member of a  
20 school of dental hygiene located in Kansas and serves two years for each  
21 one year of such obligation, or the equivalent thereof on a two-for-one  
22 basis.

23 (d) A person may satisfy the obligation to engage in the full-time  
24 practice of dental hygiene in a service commitment area by performing  
25 at least 100 hours per month of on-site dental hygiene care at a medical  
26 facility operated by a local health department or nonprofit organization  
27 in this state serving dentally indigent persons. As used in this subsection,  
28 "dentally indigent" shall have the meaning ascribed thereto in subsection  
29 (b) of K.S.A. 2000 Supp. 65-1466, and amendments thereto.

30 Sec. 6. (a) (1) Except as otherwise provided in paragraphs (2), (3),  
31 (4) and (5) of this subsection (a) or in section 7, and amendments thereto,  
32 upon the failure of any person to satisfy the obligation to engage in the  
33 full-time practice of dental hygiene within a service commitment area of  
34 this state for the required period of time under any student loan agree-  
35 ment entered into under this act, such person shall repay to the state  
36 board of regents in accordance with subsection (b) an amount equal to  
37 the total of (A) the amount of money received by such person pursuant  
38 to such agreement, or the amount of money determined under rules and  
39 regulations of the state board of regents plus (B) annual interest at a rate  
40 of 15% from the date such money was received.

41 (2) Any person who fails to apply for licensure as a dental hygienist  
42 shall be required to repay all moneys received pursuant to an agreement  
43 entered into for any such student loan, plus accumulated interest at an

1 annual rate of 15% and shall commence such repayment in accordance  
2 with subsection (b) within 90 days of graduation from the school of dental  
3 hygiene.

4 (3) If at any time a person is failing to satisfy an obligation to engage  
5 in the full-time practice of dental hygiene in Kansas for the required  
6 period of time under an agreement entered into under this act because  
7 such person is engaged in the full-time practice of dental hygiene in a  
8 state other than Kansas, or within Kansas in an area that is not a service  
9 commitment area or in the practice of dental hygiene which does not  
10 otherwise comply with the agreement entered into under this act, and if  
11 such person is subject to or currently making repayments under this sec-  
12 tion and if such person subsequently commences the practice of dental  
13 hygiene in this state which is in a service commitment area or which  
14 otherwise complies with the agreement entered into under this act, the  
15 balance of the repayment amount, including interest thereon, from the  
16 time of such commencement of practice until the obligation of such per-  
17 son is satisfied, or until the time such person again becomes subject to  
18 repayments, shall be waived. All repayment amounts due prior to such  
19 commencement of practice, including interest thereon, shall continue to  
20 be payable as provided in this section. If subsequent to such commence-  
21 ment of practice, the person fails to satisfy such obligation, the person  
22 again shall be subject to repayments, including interest thereon, as oth-  
23 erwise provided in this section.

24 (4) If, during the time a person is satisfying the service requirement  
25 of an agreement entered into under this act, such person desires to engage  
26 in less than the full-time practice of dental hygiene within a service com-  
27 mitment area of the state and remain in satisfaction of such service re-  
28 quirement, such person may make application to the state board of re-  
29 gents or the designee of the state board of regents for permission to  
30 engage in less than such full-time practice of dental hygiene. Upon a  
31 finding of exceptional circumstances made by the state board of regents,  
32 or the designee of the state board of regents, such person may be au-  
33 thorized to engage in less than the full-time practice of dental hygiene  
34 within a service commitment area of the state for the remaining required  
35 period of time under such agreement and for an additional period of time  
36 which shall be equal to the length of the originally required period of  
37 time multiplied by the decimal fraction which is equal to the reduction  
38 of the full-time practice of dental hygiene to be authorized hereunder,  
39 multiplied by two. In any such determination of the period required to  
40 be engaged in the less than full-time practice of dental hygiene, the dec-  
41 imal fraction utilized shall not exceed .5 and any person granted permis-  
42 sion to engage in less than the full-time practice of dental hygiene in  
43 accordance with the provisions of this paragraph (4) shall be required to

1 engage in at least the half-time practice of dental hygiene.

2 (5) Any person who fails to satisfy the obligation to engage in the full-  
3 time practice of dental hygiene within a service commitment area of this  
4 state for the required period of time shall be required to repay all money  
5 received pursuant to an agreement entered into under this act, plus ac-  
6 cumulated interest at an annual rate of 15% and shall commence such  
7 repayment in accordance with subsection (b) within 90 days of failure to  
8 commence qualifying practice.

9 (b) For any repayment requirement under this section, the person  
10 shall repay an amount totaling the entire amount to be repaid under all  
11 such agreements for which such obligations are not satisfied, including  
12 all amounts of interest at the rate prescribed. The repayment shall be  
13 made in not more than 10 equal annual installment payments or in  
14 monthly payments as specified by the state board of regents.

15 (c) All installment payments under this section shall commence six  
16 months after the date of the action or circumstance that causes the failure  
17 of the person to satisfy the obligations of such agreements, as determined  
18 by the state board of regents based upon the circumstances of each in-  
19 dividual case. In all cases, if an installment payment becomes 91 days  
20 overdue, the entire amount outstanding shall become immediately due  
21 and payable, including all amounts of interest at the rate prescribed.

22 (d) The total repayment obligation imposed under all agreements en-  
23 tered into under this act may be satisfied by the person who entered into  
24 the agreements at any time prior to graduation from the school of dental  
25 hygiene by making a single lump-sum payment equal to the total of (1)  
26 the entire amount to be repaid under all such agreements upon failure  
27 to satisfy the obligations under such agreements to practice in Kansas,  
28 plus (2) all amounts of interest thereon at the rate prescribed to the date  
29 of payment.

30 (e) The state board of regents shall remit all moneys received under  
31 this section to the state treasurer at least monthly. Upon receipt of each  
32 such remittance the state treasurer shall deposit the entire amount  
33 thereof in the state treasury, and such amount shall be credited to the  
34 dental hygiene loan repayment fund.

35 Sec. 7. (a) An obligation to engage in the practice of dental hygiene  
36 in accordance with an agreement under this act shall be postponed: (1)  
37 During any required period of active military service; (2) during any pe-  
38 riod of service as a part of volunteers in service to America (VISTA); (3)  
39 during any period of service in the peace corps; (4) during any period of  
40 service commitment to the United States public health service; (5) during  
41 any period of religious missionary work conducted by an organization  
42 exempt from tax under subsection (c) of section 501 of the federal internal  
43 revenue code of 1986; or (6) during any period of temporary medical

1 disability during which the person obligated is unable because of such  
2 medical disability to practice dental hygiene. Except for clause (6) of this  
3 subsection (a), an obligation to engage in the practice of dental hygiene  
4 in accordance with an agreement under this act shall not be postponed  
5 more than five years from the time the practice of dental hygiene was to  
6 have been commenced under any such agreement. An obligation to en-  
7 gage in the practice of dental hygiene in accordance with an agreement  
8 under this act shall be postponed under clause (6) of this subsection (a)  
9 during the period of time the medical disability exists.

10 (b) An obligation to engage in the practice of dental hygiene in ac-  
11 cordance with an agreement under this act shall be satisfied: (1) If the  
12 obligation to engage in the practice of dental hygiene in accordance with  
13 an agreement under this act has been completed, (2) if the person obli-  
14 gated dies, or (3) if, because of permanent physical disability, the person  
15 obligated is unable to practice dental hygiene.

16 Sec. 8. This act shall take effect and be in force from and after its  
17 publication in the statute book.

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