

3
4 **Substitute for HOUSE BILL No. 2173**

5
6 By Committee on Higher Education

7
8 2-19

9
10 AN ACT concerning dental students admitted to accredited schools of
11 dentistry; requiring and providing for certain agreements for service
12 commitments and repayment of certain amounts[;] prescribing certain
13 powers, duties and functions for the state board of regents; authorizing
14 cities and counties to enter certain agreements.

15
16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. For the purposes of designating persons for guaranteed
18 admission to and continued enrollment at accredited schools or colleges
19 of dentistry in a course of instruction leading to a doctor of dental surgery
20 degree in accordance with a contract under K.S.A. 76-721a and amend-
21 ments thereto, the state board of regents shall designate persons who are
22 Kansas residents and who enter into a written agreement with the state
23 board of regents in accordance with section 2, and amendments thereto.

24 Sec. 2. An agreement entered into by the state board of regents and
25 a Kansas resident who is an undergraduate student enrolled in or admit-
26 ted to an accredited school or college of dentistry pursuant to a contract
27 which provides for guaranteed admission and continued enrollment of
28 such person therein and which was entered into for such purpose under
29 K.S.A. 76-721a, and amendments thereto, shall require that the person:

30 (a) Complete the required course of instruction in dentistry and re-
31 ceive the degree therefor;

32 (b) apply for and obtain a license to practice dentistry in Kansas;

33 (c) engage in the full-time practice of dentistry for a period of 12
34 months in Kansas for each year in which such person is so enrolled pur-
35 suant to a contract under K.S.A. 76-721a, and amendments thereto;

36 (d) commence such full-time practice of dentistry within nine months
37 after licensure and continue such full-time practice in Kansas for a con-
38 secutive period of months equal to the total number of months required
39 under the agreement;

40 (e) maintain records and make reports to the state board of regents
41 to document the satisfaction of the obligation under such agreement to
42 engage in the full-time practice of dentistry in Kansas and to continue
43 such full-time practice for a consecutive period of months equal to the

1 total number of months required under the agreement; and

2 (f) upon failure to satisfy an agreement to engage in the full-time
3 practice of dentistry in Kansas for the required period of time under such
4 agreement, repay amounts to the state board of regents as provided in
5 section 3, and amendments thereto.

6 Sec. 3. (a) Except as otherwise provided in section 4, and amend-
7 ments thereto, and subsection (e), upon the failure of any person to satisfy
8 the obligation to engage in the full-time practice of dentistry within the
9 state of Kansas for the required period of time under an agreement en-
10 tered into pursuant to section 2, and amendments thereto, such person
11 shall repay to the state board of regents an amount equal to the total of
12 (1) the difference between the cost of out-of-state tuition and fees at the
13 accredited school of dentistry attended by such person and the ~~average~~
14 ~~cost of tuition and fees for in-state tuition at a state board of regents~~
15 ~~institution as fixed by the state board of regents for guaranteed admission~~
16 ~~and continued enrollment of such person in an~~ **[cost of in-state tuition**
17 **and fees for admission and enrollment of such person at the]** ac-
18 credited school or college of dentistry pursuant to a contract entered into
19 therefor under K.S.A. 76-721a, and amendments thereto, plus (2) annual
20 interest at a rate of 15% from the date such person commenced attending
21 such school of dentistry pursuant to such contract.

22 (b) Each person required to repay any amount under this section shall
23 repay an amount totaling the entire amount to be repaid under such
24 agreement for which such obligation is not satisfied, including all interest
25 at the rate prescribed. Except as otherwise provided in this section, such
26 repayment shall be in installment payments and each such installment
27 shall be not less than the amount equal to $\frac{1}{5}$ of the total amount which
28 would be required to be paid if repaid in five equal annual installments.

29 (c) All installment payments under this section shall commence six
30 months after the date of the action or circumstance that causes the failure
31 of the person to satisfy the obligations of such agreement, as determined
32 by the state board of regents based upon the circumstances of each in-
33 dividual case. If an installment payment becomes 91 days overdue, the
34 entire amount outstanding shall become immediately due and payable,
35 including all interest at the rate prescribed.

36 (d) The total repayment obligation imposed under the agreement en-
37 tered into under section 2, and amendments thereto, may be satisfied at
38 any time prior to graduation from the accredited school or college of
39 dentistry by making a single lump-sum payment equal to the total of (1)
40 the entire amount to be repaid under such agreement upon failure to
41 satisfy the obligation under such agreement to practice in Kansas, plus
42 (2) all interest thereon at the rate prescribed to the date of payment.

43 (e) If a person fails to satisfy an obligation to engage in the full-time

1 practice of dentistry in Kansas for the required period of time under an
2 agreement entered into pursuant to section 2, and amendments thereto,
3 because such person is engaged in the practice of dentistry in a state
4 other than Kansas, and if such person is subject to or currently making
5 repayments under this section and if such person subsequently com-
6 mences the practice of dentistry in this state which complies with the
7 agreements entered into under such statute, the balance of the repayment
8 amount, including interest thereon, from the time of such commence-
9 ment of practice until the obligation of such person is satisfied, or until
10 the time such person again becomes subject to repayments, shall be
11 waived. All repayment amounts due prior to such commencement of
12 practice in this state, including interest thereon, shall continue to be pay-
13 able as provided in this section. If subsequent to such commencement of
14 practice, the person fails to satisfy such obligation, the person again shall
15 be subject to repayments, including interest thereon, as otherwise pro-
16 vided in this section.

17 Sec. 4. (a) An obligation to engage in the practice of dentistry in
18 accordance with an agreement under section 2, and amendments thereto,
19 shall be postponed: (1) During any required period of active military
20 service; (2) during any period of service as a part of volunteers in service
21 to America (VISTA); (3) during any period of service in the peace corps;
22 (4) during any period of service commitment to the United States public
23 health service; (5) during any period of religious missionary work con-
24 ducted by an organization exempt from tax under subsection (c) of section
25 501 of the federal internal revenue code of ~~1954~~ **[1986]**, as amended; (6)
26 during the period of time the person obligated is engaged solely in the
27 teaching of dentistry; (7) during the period of time the person obligated
28 is engaged solely in dental research; (8) during any period of temporary
29 medical disability during which the person obligated is unable because of
30 such medical disability to practice dentistry; or (9) during the period of
31 time the person obligated is enrolled in an accredited school of dentistry
32 receiving instruction in a recognized dental specialty or postgraduate den-
33 tal program. Except for clause (8) of this subsection (a), an obligation to
34 engage in the practice of dentistry in accordance with an agreement under
35 section 2, and amendments thereto, shall not be postponed more than
36 five years from the time the practice of dentistry was to have been com-
37 menced under any such agreement. An obligation to engage in the prac-
38 tice of dentistry in accordance with an agreement under section 2, and
39 amendments thereto, shall be postponed under clause (8) of this subsec-
40 tion (a) during the period of time the medical disability exists.

41 (b) An obligation to engage in the practice of dentistry in accordance
42 with an agreement under section 1, and amendments thereto, shall be
43 satisfied: (1) If the obligation to engage in the practice of dentistry in

1 accordance with an agreement under section 2, and amendments thereto,
2 has been completed; (2) if the person obligated dies; (3) if, because of
3 permanent physical disability, the person obligated is unable to practice
4 dentistry; or (4) if the person obligated fails to satisfy the requirements
5 for a degree from an accredited school or college of dentistry after such
6 person has made their best efforts to obtain such degree.

7 Sec. 5. The provisions of sections 1 through 5 and amendments
8 thereto shall apply to students entering their first year of an accredited
9 school of dentistry commencing with the 2004-05 school year.

10 Sec. 6. (a) The governing body of any city and the board of county
11 commissioners of any county may negotiate and enter into agreements
12 with persons who have been admitted and who are or who will be enrolled
13 at accredited schools or colleges of dentistry in a course of instruction
14 leading to a doctor of dental surgery degree. Under each such agreement,
15 the city or county shall agree to provide financial aid and such other
16 assistance as may be agreed to and prescribed under the agreement. Per-
17 sons entering into such agreements with a city or county shall be obligated
18 to: (1) Complete the required course of instruction in dentistry and re-
19 ceive the degree therefor; (2) apply for and obtain a license to practice
20 dentistry in Kansas; and (3) engage in the full-time practice of dentistry
21 in the city or county entering into the agreement for a period of time
22 required under the agreement. In addition to such other terms and con-
23 ditions as may be negotiated and agreed upon by the parties to such
24 agreements, each such agreement may include provisions for deferring
25 the commencement of the practice of dentistry in the city or county under
26 certain circumstances and conditions, provisions for the repayment of
27 amounts provided by the city or county if the obligation to engage in the
28 practice of dentistry in the city or county is not satisfied, plus interest,
29 and provisions for waiver or forgiveness of such obligations to engage in
30 the practice of dentistry or to repay such amounts in cases of impossibility
31 or under other appropriate circumstances or reasons as provided for in
32 the agreements.

33 (b) This section is enabling legislation for cities and counties for the
34 protection of the public health, safety and welfare and is not intended to
35 prevent the enactment or enforcement of additional laws and regulations
36 on the same subject which are not in conflict with the provisions of this
37 section.

38 Sec. 7. This act shall take effect and be in force from and after its
39 publication in the statute book.

40
41
42
43