

## Substitute for HOUSE BILL No. 2173

By Committee on Higher Education

2-19

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

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

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

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

(a) Complete the required course of instruction in dentistry and receive the degree therefor;

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

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

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

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

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

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

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

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

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

41 (e) If a person fails to satisfy an obligation to engage in the full-time  
42 practice of dentistry in Kansas for the required period of time under an  
43 agreement entered into pursuant to section 2, and amendments thereto,

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

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

39 (b) An obligation to engage in the practice of dentistry in accordance  
40 with an agreement under section 1, and amendments thereto, shall be  
41 satisfied: (1) If the obligation to engage in the practice of dentistry in  
42 accordance with an agreement under section 2, and amendments thereto,  
43 has been completed; (2) if the person obligated dies; (3) if, because of

1 permanent physical disability, the person obligated is unable to practice  
2 dentistry; or (4) if the person obligated fails to satisfy the requirements  
3 for a degree from an accredited school or college of dentistry after such  
4 person has made their best efforts to obtain such degree.

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

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

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

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

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