

ARTICLE 22G
Conditional Tuition Waiver for Primary Care Medical Students

Section

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21-22G-1. Short title. (Repealed effective January 1, 2020.)

This act may be cited as the "Conditional Tuition Waiver for Primary Care Medical Students Act".

History: Laws 2009, ch. 225, § 1.

Effective dates. — Laws 2009, ch. 225, § 5 made the act effective January 1, 2010.

Delayed repeals. — Laws 2009, ch. 225, § 6 repeals the Conditional Tuition Waiver for Primary Care Medical Students Act effective January 1, 2020.

21-22G-2. Definitions. (Repealed effective January 1, 2020.)

As used in the Conditional Tuition Waiver for Primary Care Medical Students Act:

- A. "course of study" means a medical student's medical education, including any residency program;
- B. "department" means the higher education department;
- C. "fund" means the primary care physician conditional tuition waiver program fund;
- D. "participant" means an individual that has applied to participate in, has been accepted into and has signed a contract agreeing to the terms of the program;
- E. "primary care physician" means a medical doctor with specialty training in family medicine, general internal medicine or general pediatrics;
- F. "program" means the primary care physician conditional tuition waiver program;
- G. "residency" means three years of specialty training in family medicine, general internal medicine or general pediatrics after medical school;
- H. "secretary" means the secretary of higher education;
- I. "underserved area" means a health care underserved area as defined in the Rural Primary Health Care Act [24-1A-1 NMSA 1978];
- J. "university" means the university of New Mexico school of medicine; and

K. "waiver" means a loan to cover tuition, fees and a stipend that is forgiven in whole or in part if the participant renders service as a primary care physician in an underserved area of the state pursuant to the provisions of the Conditional Tuition Waiver for Primary Care Medical Students Act.

History: Laws 2009, ch. 225, § 2.

Effective dates. — Laws 2009, ch. 225, § 5 made the act effective January 1, 2010.

Delayed repeals. — Laws 2009, ch. 225, § 6 repeals the Conditional Tuition Waiver for Primary Care Medical Students Act effective January 1, 2020.

21-22G-3. Primary care physician conditional tuition waiver program created; administration; rulemaking; selection process; repayment. (Repealed effective January 1, 2020.)

A. The "primary care physician conditional tuition waiver program" is created and shall be administered by the department. The department shall:

- (1) promulgate rules for implementing the program in consultation with the university;
- (2) publicize the program to medical students and to prospective medical students;
- (3) collect and manage repayments from students who do not meet their obligations under the program; and
- (4) solicit and accept funds for the program, including grants and donations.

B. A participant shall be a New Mexico resident and either a graduate of a New Mexico high school or a graduate of a New Mexico college or university.

C. The department shall select participants according to rules it promulgates and, in consultation with the university, shall create a standard process for medical students to declare their intentions to be primary care physicians and to apply to participate in the program.

D. The department shall award no more than ten new waivers a year, in addition to renewing existing waivers for eligible participants, subject to the availability of funding.

E. Participation in the program shall be evidenced by a contract between the participant and the department. The contract shall provide for the payment of a participant's medical school tuition, fees and a reasonable stipend at the university from the fund and shall be conditioned upon the participant fulfilling the program obligations. An applicant whom the department offers to accept for enrollment in the program shall sign the contract before being accepted into the program. The department shall award a waiver to a medical student upon accepting the student into the program.

F. The department shall promulgate rules setting the maximum amount of the reasonable living stipend. The department shall determine the maximum amount of the living stipend based

upon the availability of funds and information provided by the university regarding the current cost of attendance at the school of medicine.

G. For a period of no more than five years, the department shall allow participants to remain in the program and receive continued waivers in accordance with the availability of funds and the department's finding that the participant is meeting the university's standards for satisfactory academic progress.

H. The department shall award waivers to participants from the fund. The department shall approve the amount of the waiver granted to a participant. The amount of the waiver awarded to a participant shall not exceed a reasonable living stipend plus the amount of resident tuition and fees that a participant incurs. A student may receive a waiver on the following terms:

(1) interest shall accrue upon termination of the participant's course of study; the waiver amount shall bear interest at the rate of:

(a) eighteen percent per year if the participant completes a course of study and no portion of the principal and interest is forgiven pursuant to Subsection J of this section; and

(b) seven percent per year in all other cases; and

(2) the maximum period for repayment shall be ten years, commencing six months from the date the participant completes or discontinues the course of study, including a residency.

I. The department shall promulgate rules to implement the provisions of the Conditional Tuition Waiver for Primary Care Medical Students Act.

J. The contract shall provide that the department forgive a portion of the waiver for each year that a participant practices as a primary care physician in an underserved area of New Mexico as defined in the Rural Primary Health Care Act [24-1A-1 NMSA 1978].

K. The waiver shall be forgiven as follows:

(1) a waiver term of one year shall require one year of practice as a primary care physician in an underserved area of the state for the one-year term of the waiver received. Upon completion of service, one hundred percent of the waiver and accrued interest shall be forgiven;

(2) a waiver term of two years shall require two years of practice as a primary care physician in an underserved area of the state for the two-year term of the waiver received. Upon completion of the first year of service, fifty percent of the waiver and accrued interest shall be forgiven; upon completion of the second year of service, the remainder of the waiver and accrued interest shall be forgiven;

(3) a waiver term of three years shall require three years of practice as a primary care physician in an underserved area of the state for the three-year term of the waiver received. Upon completion of the first year of service, twenty-five percent of the waiver and accrued interest shall be forgiven; upon completion of the second year of service, fifty percent of the waiver and accrued interest shall be forgiven; and upon completion of the third year of service, the remainder of the waiver and accrued interest shall be forgiven;

(4) a waiver term of four years shall require four years of practice as a primary care physician in an underserved area of the state for the four-year term of the waiver received. Upon completion of the first year of service, thirty percent of the waiver and accrued interest shall be forgiven; upon completion of the second year of service, forty percent of the waiver and accrued interest shall be forgiven; upon completion of the third year of service, fifty percent of the waiver and accrued interest shall be forgiven; and upon completion of the fourth year of service, the remainder of the waiver and accrued interest shall be forgiven; or

(5) a waiver term of five years shall require five years of practice as a primary care physician in an underserved area of the state for the five-year term of the waiver received. Upon completion of the first year of service, ten percent of the waiver and accrued interest shall be forgiven; upon completion of the second year of service, twenty percent of the waiver and accrued interest shall be forgiven; upon completion of the third year of service, thirty percent of the waiver and accrued interest shall be forgiven; upon completion of the fourth year of service, fifty percent of the waiver and accrued interest shall be forgiven; and upon completion of the fifth year of service, the remainder of the waiver and accrued interest shall be forgiven.

L. In the event that a participant completes the participant's course of study and does not meet the program obligation to serve as a primary care physician in an underserved area of the state, the department shall assess a penalty of up to three times the principal due, plus eighteen percent interest, unless the department finds acceptable extenuating circumstances for why the participant cannot serve. The department shall collect the penalty and remit it to the state treasury for deposit in the fund.

M. The department is authorized to cancel any contract made between it and any participant pursuant to the Conditional Tuition Waiver for Primary Care Medical Students Act, or set terms of alternative service in lieu of monetary repayment, for any cause the department deems reasonable.

N. The department shall be responsible for collecting repayments made pursuant to this section and shall exercise due diligence in collecting repayments and maintaining all necessary records to ensure that full repayments are made. The department shall collect and service repayments under this section to the full extent of the law, including wage garnishment where practicable. The department shall forgive all or parts of repayments under the criteria established in this section and shall maintain all necessary records of repayments it forgives.

O. When a participant makes payment of principal or interest to the department pursuant to the provisions of this section, the department shall deposit these payments into the fund and shall use these payments to cover the costs of granting waivers and the administrative expenses associated with the program and collection activity on its behalf. The department shall maintain accurate records of these expenses, and all receipts beyond those necessary to pay these expenses shall be used to grant waivers to participants.

History: Laws 2009, ch. 225, § 3.

Effective dates. — Laws 2009, ch. 225, § 5 made the act effective January 1, 2010.

Delayed repeals. — Laws 2009, ch. 225, § 6 repeals the Conditional Tuition Waiver for Primary Care Medical Students Act effective January 1, 2020.

21-22G-4. Primary care physician conditional tuition waiver fund; created. (Repealed effective January 1, 2020.)

A. The "primary care physician conditional tuition waiver fund" is created as a nonreverting fund in the state treasury. The department shall deposit into the fund all funds received for the program. The fund shall be self-sustaining and consist of money appropriated by the legislature for the program, private contributions to the program and receipts from participant repayments.

B. Expenditures from the fund shall be used solely to make waivers to participants in the program and administrative expenses associated with the program and collection activity on its behalf.

C. Disbursements from the fund shall be made only by authorization of the secretary or the secretary's designee.

History: Laws 2009, ch. 225, § 4.

Effective dates. — Laws 2009, ch. 225, § 5 made the act effective January 1, 2010.

Delayed repeals. — Laws 2009, ch. 225, § 6 repeals the Conditional Tuition Waiver for Primary Care Medical Students Act effective January 1, 2020.

