

1 AN ACT concerning education.

2 WHEREAS, The General Assembly finds and recognizes that
3 there is a shortage of psychiatrists in designated shortage
4 areas within this State; therefore

5 **Be it enacted by the People of the State of Illinois,**
6 **represented in the General Assembly:**

7 Section 1. Short title. This Act may be cited as the
8 Psychiatry Practice Incentive Act.

9 Section 5. Purpose. The purpose of this Act is to establish
10 a program in the Department of Public Health to ensure access
11 to psychiatric health care services for all citizens of the
12 State, by establishing programs of grants, loans, and loan
13 forgiveness to recruit and retain psychiatric service
14 providers in designated areas of the State for physicians who
15 will agree to establish and maintain psychiatric practice in
16 areas of the State demonstrating the greatest need for more
17 psychiatric care. The program shall encourage licensed
18 psychiatrists to locate in areas where shortages exist and to
19 increase the total number of such physicians in the State.

20 Section 10. Definitions. In this Act, unless the context
21 otherwise requires:

1 "Department" means the Department of Public Health.

2 "Director" means the Director of Public Health.

3 "Designated shortage area" means an area designated by the
4 Director as a psychiatric or mental health physician shortage
5 area, as defined by the United States Department of Health and
6 Human Services or as further defined by the Department to
7 enable it to effectively fulfill the purpose stated in Section
8 5 of this Act. Such areas may include the following:

9 (1) an urban or rural area that is a rational area for
10 the delivery of health services;

11 (2) a population group; or

12 (3) a public or nonprofit private medical facility.

13 "Eligible medical student" means a person who meets all of
14 the following qualifications:

15 (1) He or she is an Illinois resident at the time of
16 application for assistance under the program established
17 by this Act.

18 (2) He or she is studying medicine in a medical school
19 located in Illinois.

20 (3) He or she exhibits financial need, as determined by
21 the Department.

22 (4) He or she agrees to practice full time in a
23 designated shortage area as a psychiatrist for one year for
24 each year that he or she receives assistance under this
25 Act.

26 (5) He or she agrees to accept medical payments, as

1 defined in this Act, and to serve targeted populations.

2 "Medical facility" means a facility for the delivery of
3 health services. "Medical facility" includes a hospital, State
4 mental health institution, public health center, outpatient
5 medical facility, rehabilitation facility, long-term care
6 facility, federally-qualified health center, migrant health
7 center, community health center, community mental health
8 center, or State correctional institution.

9 "Medical payments" means compensation provided to
10 physicians for services rendered under Article V of the
11 Illinois Public Aid Code.

12 "Medically underserved area" means an urban or rural area
13 designated by the Secretary of the United States Department of
14 Health and Human Services as an area with a shortage of
15 personal health services or as otherwise designated by the
16 Department of Public Health.

17 "Medically underserved population" means (i) the
18 population of an urban or rural area designated by the
19 Secretary of the United States Department of Health and Human
20 Services as an area with a shortage of personal health
21 services, (ii) a population group designated by the Secretary
22 of the United States Department of Health and Human Services as
23 having a shortage of personal health services, or (iii) as
24 otherwise designated by the Department of Public Health.

25 "Psychiatric physician" means a person licensed to
26 practice medicine in all of its branches under the Medical

1 Practice Act of 1987 with board eligibility or certification in
2 the specialty of psychiatry, as defined by recognized standards
3 of professional medical practice.

4 "Psychiatric practice residency program" means a program
5 accredited by the Residency Review Committee for Psychiatry of
6 the Accreditation Council for Graduate Medical Education or the
7 American Osteopathic Association.

8 "Targeted populations" means one or more of the following:

9 (i) a medically underserved population, (ii) persons in a
10 medically underserved area, (iii) an uninsured population of
11 this State, and (iv) persons enrolled in a medical program
12 administered by the Illinois Department of Healthcare and
13 Family Services.

14 "Uninsured population" means persons who (i) do not own
15 private health care insurance, (ii) are not part of a group
16 insurance plan, and (iii) are not eligible for any State or
17 federal government-sponsored health care program.

18 Section 15. Powers and duties of the Department. The
19 Department shall have all of the following powers and duties:

20 (1) To allocate funds to psychiatric practice
21 residency and child and adolescent fellowship programs
22 according to the following priorities:

23 (A) to increase the number of psychiatric
24 physicians in designated shortage areas;

25 (B) to increase the percentage of psychiatric

1 physicians establishing practice within the State upon
2 completion of residency;

3 (C) to increase the number of accredited
4 psychiatric practice residencies within the State; and

5 (D) to increase the percentage of psychiatric
6 practice physicians establishing practice within the
7 State upon completion of residency.

8 (2) To determine the procedures for the distribution of
9 the funds to psychiatric residency programs, including the
10 establishment of eligibility criteria in accordance with
11 the following guidelines:

12 (A) preference for programs that are to be
13 established at locations that exhibit potential for
14 extending psychiatric practice physician availability
15 to designated shortage areas;

16 (B) preference for programs that are located away
17 from communities in which medical schools are located;
18 and

19 (C) preference for programs located in hospitals
20 that have affiliation agreements with medical schools
21 located within the State.

22 In distributing such funds, the Department may also
23 consider as secondary criteria whether or not a psychiatric
24 practice residency program has (i) adequate courses of
25 instruction in the child and adolescent behavioral
26 disorder sciences; (ii) availability and systematic

1 utilization of opportunities for residents to gain
2 experience through local health departments, community
3 mental health centers, or other preventive or occupational
4 medical facilities; (iii) a continuing program of
5 community oriented research in such areas as risk factors
6 in community populations; (iv) sufficient mechanisms for
7 maintenance of quality training, such as peer review,
8 systematic progress reviews, referral system, and
9 maintenance of adequate records; and (v) an appropriate
10 course of instruction in societal, institutional, and
11 economic conditions affecting psychiatric practice.

12 (3) To receive and disburse federal funds in accordance
13 with the purpose stated in Section 5 of this Act.

14 (4) To enter into contracts or agreements with any
15 agency or department of this State or the United States to
16 carry out the provisions of this Act.

17 (5) To coordinate the psychiatric residency grants
18 program established under this Act with other student
19 assistance and residency programs administered by the
20 Department and the Board of Higher Education under the
21 Health Services Education Grants Act.

22 (6) To design and coordinate a study for the purpose of
23 assessing the characteristics of practice resulting from
24 the psychiatric practice residency programs including, but
25 not limited to, information regarding the nature and scope
26 of practices, location of practices, years of active

1 practice following completion of residency and other
2 information deemed necessary for the administration of
3 this Act.

4 (7) To establish a program, and the criteria for such
5 program, for the repayment of the educational loans of
6 physicians who agree to (i) serve in designated shortage
7 areas for a specified period of time, no less than 3 years,
8 (ii) accept medical payments, as defined in this Act, and
9 (iii) serve targeted populations to the extent required by
10 the program. Payments under this program may be made for
11 the principal, interest, and related expenses of
12 government and commercial loans received by the individual
13 for tuition expenses and all other reasonable educational
14 expenses incurred by the individual. Payments made under
15 this provision are exempt from State income tax, as
16 provided by law.

17 (8) To require psychiatric practice residency programs
18 seeking grants under this Act to make application according
19 to procedures consistent with the priorities and
20 guidelines established in items (1) and (2) of this
21 Section.

22 (9) To adopt rules and regulations that are necessary
23 for the establishment and maintenance of the programs
24 required by this Act.

25 Section 20. Application requirement; ratio of State

1 support to local support. Residency programs seeking funds
2 under this Act must make application to the Department. The
3 application shall include evidence of local support for the
4 program, either in the form of funds, services, or other
5 resources. The ratio of State support to local support shall be
6 determined by the Department in a manner that is consistent
7 with the purposes of this Act, as set forth in Section 5 of
8 this Act. In establishing such ratio of State support to local
9 support, the Department may vary the amount of the required
10 local support depending upon the criticality of the need for
11 more professional health care services, the geographic
12 location, and the economic base of the designated shortage
13 area.

14 Section 25. Study participation. Residency programs
15 qualifying for grants under this Act shall participate in the
16 study required in item (6) of Section 15 of this Act.

17 Section 30. Illinois Administrative Procedure Act. The
18 Illinois Administrative Procedure Act is hereby expressly
19 adopted and incorporated herein as if all of the provisions of
20 such Act were included in this Act.

21 Section 35. Annual report. The Department shall annually
22 report to the General Assembly and the Governor the results and
23 progress of all programs established under this Act on or

1 before March 15.

2 The annual report to the General Assembly and the Governor
3 must include the impact of programs established under this Act
4 on the ability of designated shortage areas to attract and
5 retain physicians and other health care personnel. The report
6 shall include recommendations to improve that ability.

7 The requirement for reporting to the General Assembly shall
8 be satisfied by filing copies of the report with the Speaker,
9 the Minority Leader, and the Clerk of the House of
10 Representatives and the President, the Minority Leader and the
11 Secretary of the Senate and the Legislative Research Unit, as
12 required by Section 3.1 of the General Assembly Organization
13 Act, and by filing such additional copies with the State
14 Government Report Distribution Center for the General Assembly
15 as is required under paragraph (t) of Section 7 of the State
16 Library Act.

17 Section 40. Penalty for failure to fulfill obligation. Any
18 recipient of assistance under this Act who fails to fulfill his
19 or her obligation to practice full-time in a designated
20 shortage area as a psychiatrist for one year for each year that
21 he or she is a recipient of assistance shall pay to the
22 Department a sum equal to 3 times the amount of the assistance
23 provided for each year that the recipient fails to fulfill such
24 obligation. A recipient of assistance who fails to fulfill his
25 or her practice obligation shall have 30 days after the date on

1 which that failure begins to enter into a contract with the
2 Department that sets forth the manner in which that sum is
3 required to be paid. The amounts paid to the Department under
4 this Section shall be deposited into the Community Health
5 Center Care Fund and shall be used by the Department to improve
6 access to primary health care services as authorized by
7 subsection (a) of Section 2310-200 of the Department of Public
8 Health Powers and Duties Law of the Civil Administrative Code
9 of Illinois (20 ILCS 2310/2310-200).

10 The Department may transfer to the Illinois Finance
11 Authority, into an account outside of the State treasury,
12 moneys in the Community Health Center Care Fund as needed, but
13 not to exceed an amount established by rule by the Department
14 to establish a reserve or credit enhancement escrow account to
15 support a financing program or a loan or equipment leasing
16 program to provide moneys to support the purposes of subsection
17 (a) of Section 2310-200 of the Department of Public Health
18 Powers and Duties Law of the Civil Administrative Code of
19 Illinois (20 ILCS 2310/2310-200). The disposition of moneys at
20 the conclusion of any financing program under this Section
21 shall be determined by an interagency agreement.