

116TH CONGRESS  
1ST SESSION

# S. 1399

To amend title VIII of the Public Health Services Act to revise and extend nursing workforce development programs.

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IN THE SENATE OF THE UNITED STATES

MAY 9, 2019

Mr. MERKLEY (for himself and Mr. BURR) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend title VIII of the Public Health Services Act to revise and extend nursing workforce development programs.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Title VIII Nursing  
5 Workforce Reauthorization Act of 2019”.

6 **SEC. 2. NURSING WORKFORCE DEVELOPMENT.**

7 (a) IN GENERAL.—Title VIII of the Public Health  
8 Service Act (42 U.S.C. 296 et seq.) is amended—

9 (1) in section 801 (42 U.S.C. 296), by adding  
10 at the end the following:

1           “(18) NURSE MANAGED HEALTH CLINIC.—The  
2 term ‘nurse managed health clinic’ means a nurse-  
3 practice arrangement, managed by advanced practice  
4 nurses, that provides primary care or wellness serv-  
5 ices to underserved or vulnerable populations and  
6 that is associated with a school, college, university or  
7 department of nursing, federally qualified health  
8 center, or independent nonprofit health or social  
9 services agency.”;

10           (2) in section 802(c) (42 U.S.C. 296a(c)), by  
11 inserting “, and how such project aligns with the  
12 goals in section 806(a)” before the period in the sec-  
13 ond sentence;

14           (3) in section 803(b) (42 U.S.C. 296b(b)), by  
15 adding at the end the following: “Such Federal  
16 funds are intended to supplement, not supplant, ex-  
17 isting non-Federal expenditures for such activities.”;

18           (4) in section 806 (42 U.S.C. 296e)—

19           (A) in subsection (a), by striking “as need-  
20 ed to” and all that follows and inserting the fol-  
21 lowing: “as needed to address national nursing  
22 needs, including—

23           “(1) addressing challenges, including through  
24 supporting training and education of nursing stu-  
25 dents, related to the distribution of the nursing

1 workforce and existing or projected nursing work-  
2 force shortages in geographic areas that have been  
3 identified as having, or that are projected to have,  
4 a nursing shortage;

5 “(2) increasing access to and the quality of  
6 health care services, including by supporting the  
7 training of professional registered nurses, advanced  
8 practice registered nurses, and advanced education  
9 nurses within community based settings and in a va-  
10 riety of health delivery system settings; or

11 “(3) addressing the strategic goals and prior-  
12 ities identified by the Secretary and that are in ac-  
13 cordance with this title.

14 Contracts may be entered into under this title with public  
15 or private entities as determined necessary by the Sec-  
16 retary.”;

17 (B) in subsection (b)(2), by striking “a  
18 demonstration” and all that follows and insert-  
19 ing the following: “the reporting of data and in-  
20 formation demonstrating that satisfactory  
21 progress has been made by the program or  
22 project in meeting the performance outcome  
23 standards (as described in section 802) of such  
24 program or project.”;

1 (C) in subsection (e)(2), by inserting “,  
2 and have relevant expertise and experience” be-  
3 fore the period at the end of the first sentence;  
4 and

5 (D) by adding at the end the following:

6 “(i) BIENNIAL REPORT ON NURSING WORKFORCE  
7 PROGRAM IMPROVEMENTS.—Not later than September  
8 30, 2020, and biennially thereafter, the Secretary shall  
9 submit to the Committee on Health, Education, Labor,  
10 and Pensions of the Senate and the Committee on Energy  
11 and Commerce of the House of Representatives, a report  
12 that contains an assessment of the programs and activities  
13 of the Department of Health and Human Services related  
14 to enhancing the nursing workforce, including the extent  
15 to which programs and activities under this title meet the  
16 identified goals and performance measures developed for  
17 the respective programs and activities, and the extent to  
18 which the Department coordinates with other Federal de-  
19 partments with programs designed to improve the nursing  
20 workforce.”;

21 (5) in section 811 (42 U.S.C. 296j)—

22 (A) in subsection (b)—

23 (i) by striking “Master’s” and insert-  
24 ing “graduate”; and

1 (ii) by inserting “clinical nurse lead-  
2 ers,” after “nurse administrators,”;

3 (B) by redesignating subsections (f) and  
4 (g) as subsections (g) and (h), respectively; and

5 (C) by inserting after subsection (e), the  
6 following:

7 “(f) **AUTHORIZED CLINICAL NURSE SPECIALIST**  
8 **PROGRAMS.**—Clinical nurse specialist programs eligible  
9 for support under this section are education programs  
10 that—

11 “(1) provide registered nurses with full-time  
12 clinical nurse specialist education; and

13 “(2) have as their objective the education of  
14 clinical nurse specialists who will, upon completion  
15 of such a program, be qualified to effectively provide  
16 care through the wellness and illness continuum to  
17 inpatients and outpatients experiencing acute and  
18 chronic illness.”;

19 (6) in section 831 (42 U.S.C. 296p)—

20 (A) in the section heading, by striking  
21 “**AND QUALITY GRANTS**” and inserting

22 “**QUALITY, AND RETENTION GRANTS**”;

23 (B) in subsection (b)(2), by striking “other  
24 high-risk groups such as the elderly, individuals  
25 with HIV/AIDS, substance abusers, the home-

1 less, and victims” and inserting “high risk  
2 groups, such as the elderly, individuals with  
3 HIV/AIDS, individuals with mental health or  
4 substance use disorders, individuals who are  
5 homeless, and survivors”;

6 (C) in subsection (c)(1)—

7 (i) in subparagraph (A)—

8 (I) by striking “advancement for  
9 nursing personnel” and inserting the  
10 following: “advancement for—  
11 “(i) nursing”;

12 (II) by striking “professional  
13 nurses, advanced education nurses, li-  
14 censed practical nurses, certified  
15 nurse assistants, and home health  
16 aides” and inserting “professional  
17 registered nurses, advanced practice  
18 registered nurses, and nurses with  
19 graduate nursing education”; and

20 (III) by adding at the end the  
21 following:

22 “(ii) individuals including licensed  
23 practical nurses, licensed vocational nurses,  
24 certified nurse assistants, home health  
25 aides, diploma degree or associate degree

1 nurses, to become registered nurses with  
2 baccalaureate degrees or nurses with grad-  
3 uate nursing education;”;

4 (ii) in subparagraph (B), by striking  
5 the period and inserting “; and”; and

6 (iii) by adding at the end the fol-  
7 lowing:

8 “(C) developing and implementing intern-  
9 ships, accredited fellowships, and accredited  
10 residency programs in collaboration with one or  
11 more accredited schools of nursing, to encour-  
12 age the mentoring and development of special-  
13 ties.”;

14 (D) by striking subsection (e);

15 (E) by redesignating subsection (f)  
16 through (h), as subsections (e) through (g), re-  
17 spectively;

18 (F) in subsection (e) (as so redesignated),  
19 by striking “The Secretary shall submit to the  
20 Congress before the end of each fiscal year”  
21 and inserting “As part of the report on nursing  
22 workforce programs described in section 806(i),  
23 the Secretary shall include”;

24 (G) in subsection (f) (as so redesignated),  
25 by striking “a school of nursing, as defined in

1 section 801(2),” and inserting “an accredited  
2 school of nursing, as defined in section 801(2),  
3 a health care facility, including federally quali-  
4 fied health centers or nurse-managed health  
5 clinics, or a partnership of such a school and  
6 facility”; and

7 (H) in subsection (g) (as so redesignated),  
8 by striking “2010 through 2014” and inserting  
9 “2020 through 2024”;

10 (7) by striking section 831A (42 U.S.C. 296p-  
11 1);

12 (8) in section 846 (42 U.S.C. 297n)—

13 (A) by striking the last sentence of sub-  
14 section (a);

15 (B) in subsection (b)(1), by striking “he  
16 began such practice” and inserting “the indi-  
17 vidual began such practice”; and

18 (C) in subsection (i)(I), by striking “2003  
19 through 2007” and inserting “2020 through  
20 2024”;

21 (9) in section 846A(f) (42 U.S.C. 247n-1(f)),  
22 by striking “2010 through 2014” and inserting  
23 “2020 through 2024”;

24 (10) in section 847(g) (42 U.S.C. 297o(g)), by  
25 striking “such sums as may be necessary for each of

1 fiscal years 2010 through 2014” and inserting  
2 “\$115,635,000 for each of fiscal years 2020 through  
3 2024”;

4 (11) in section 851 (42 U.S.C. 297t)—

5 (A) in subsection (b)(1)(A)(iv), by striking  
6 “and nurse anesthetists” and inserting “nurse  
7 anesthetists, and clinical nurse specialists”;

8 (B) in subsection (d)(3)—

9 (i) by striking “3 years after the date  
10 of enactment of this section” and inserting  
11 “2 years after the date of enactment of the  
12 Title VIII Nursing Workforce Reauthoriza-  
13 tion Act”;

14 (ii) by striking “Labor and Human  
15 Resources” and inserting “Health, Edu-  
16 cation, Labor, and Pensions”; and

17 (iii) by inserting “Energy and” before  
18 “Commerce”; and

19 (C) in subsection (g), by striking “under  
20 this title” and inserting “for carrying out parts  
21 B, C, and D”;

22 (12) in section 865(e) (42 U.S.C. 298(e)), by  
23 striking “2014” and inserting “2024”; and

24 (13) in section 871 (42 U.S.C. 298d), by strik-  
25 ing “\$338,000,000 for fiscal year 2010, and such

1 sums as may be necessary for each of the fiscal  
2 years 2011 through 2016” and inserting  
3 “\$133,837,000 for each of fiscal years 2020 through  
4 2024”.

5 (b) EVALUATION AND REPORT ON NURSE LOAN RE-  
6 PAYMENT PROGRAMS.—

7 (1) EVALUATION.—The Comptroller General  
8 shall conduct an evaluation of the nurse loan repay-  
9 ment programs administered by the Health Re-  
10 sources and Services Administration. Such evalua-  
11 tion shall include—

12 (A) the manner in which payments are  
13 made under such programs;

14 (B) the existing oversight functions nec-  
15 essary to ensure the proper use of such pro-  
16 grams, including payments made as part of  
17 such programs;

18 (C) the identification of gaps, if any, in  
19 oversight functions; and

20 (D) information on the number of nurses  
21 assigned to facilities pursuant to such pro-  
22 grams, including the type of facility to which  
23 nurses are assigned and the impact of modi-  
24 fying the eligibility requirements for programs  
25 under section 846 of the Public Health Service

1 Act (42 U.S.C. 297n), such as the impact on  
2 entities to which nurses had previously been as-  
3 signed prior to fiscal year 2019 (such as feder-  
4 ally qualified health centers and facilities affili-  
5 ated with the Indian Health Service).

6 (2) REPORT.—Not later than 18 months after  
7 the enactment of this Act, the Comptroller General  
8 shall submit to the Committee on Health, Edu-  
9 cation, Labor, and Pensions of the Senate and the  
10 Committee on Energy and Commerce of the House  
11 of Representatives a report on the evaluation under  
12 paragraph (1), which may include recommendations  
13 to improve relevant nursing workforce loan repay-  
14 ment programs.

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