

Calendar No. 285

116TH CONGRESS
1ST SESSION**S. 1399**

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

IN THE SENATE OF THE UNITED STATES

MAY 9, 2019

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

NOVEMBER 5, 2019

Reported by Mr. ALEXANDER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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”.

1 **SEC. 2. NURSING WORKFORCE DEVELOPMENT.**

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

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

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

15 (2) in section 802(e) (42 U.S.C. 296a(e)), by
16 inserting “, and how such project aligns with the
17 goals in section 806(a)” before the period in the sec-
18 ond sentence;

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

23 (4) in section 806 (42 U.S.C. 296c)—

24 (A) in subsection (a), by striking “as need-
25 ed to” and all that follows and inserting the fol-

1 lowing: “as needed to address national nursing
2 needs, including—

3 “(1) addressing challenges, including through
4 supporting training and education of nursing stu-
5 dents, related to the distribution of the nursing
6 workforce and existing or projected nursing work-
7 force shortages in geographic areas that have been
8 identified as having, or that are projected to have,
9 a nursing shortage;

10 “(2) increasing access to and the quality of
11 health care services, including by supporting the
12 training of professional registered nurses, advanced
13 practice registered nurses, and advanced education
14 nurses within community based settings and in a va-
15 riety of health delivery system settings; or

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

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

22 (B) in subsection (b)(2), by striking “a
23 demonstration” and all that follows and insert-
24 ing the following: “the reporting of data and in-
25 formation demonstrating that satisfactory

1 progress has been made by the program or
 2 project in meeting the performance outcome
 3 standards (as described in section 802) of such
 4 program or project.”;

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

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

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

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

1 (A) in subsection (b)—

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

4 (ii) by inserting “clinical nurse lead-
5 ers,” after “nurse administrators,”

6 (B) by redesignating subsections (f) and
7 (g) as subsections (g) and (h), respectively; and

8 (C) by inserting after subsection (e), the
9 following:

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

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

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

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

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

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

1 ~~(B)~~ in subsection (b)(2), by striking “other
2 high-risk groups such as the elderly, individuals
3 with HIV/AIDS, substance abusers, the home-
4 less, and victims” and inserting “high risk
5 groups, such as the elderly, individuals with
6 HIV/AIDS, individuals with mental health or
7 substance use disorders, individuals who are
8 homeless, and survivors”;

9 ~~(C)~~ in subsection (c)(1)—

10 (i) in subparagraph (A)—

11 (I) by striking “advancement for
12 nursing personnel” and inserting the
13 following: “advancement for—
14 “(i) nursing”;

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

23 (III) by adding at the end the
24 following:

1 “(ii) individuals including licensed
2 practical nurses, licensed vocational nurses,
3 certified nurse assistants, home health
4 aides, diploma degree or associate degree
5 nurses, to become registered nurses with
6 baccalaureate degrees or nurses with grad-
7 uate nursing education;”;

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

10 (iii) by adding at the end the fol-
11 lowing:

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

18 (D) by striking subsection (e);

19 (E) by redesignating subsection (f)
20 through (h), as subsections (e) through (g), re-
21 spectively;

22 (F) in subsection (e) (as so redesignated),
23 by striking “The Secretary shall submit to the
24 Congress before the end of each fiscal year”
25 and inserting “As part of the report on nursing

1 workforce programs described in section 806(i),
2 the Secretary shall include”;

3 ~~(G)~~ in subsection ~~(f)~~ (as so redesignated),
4 by striking “a school of nursing, as defined in
5 section 801(2),” and inserting “an accredited
6 school of nursing, as defined in section 801(2),
7 a health care facility, including federally quali-
8 fied health centers or nurse-managed health
9 clinics, or a partnership of such a school and
10 facility”;

11 ~~(H)~~ in subsection ~~(g)~~ (as so redesignated),
12 by striking “2010 through 2014” and inserting
13 “2020 through 2024”;

14 ~~(7)~~ by striking section 831A (42 U.S.C. 296p-
15 1);

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

17 ~~(A)~~ by striking the last sentence of sub-
18 section ~~(a)~~;

19 ~~(B)~~ in subsection ~~(b)~~(1), by striking “he
20 began such practice” and inserting “the indi-
21 vidual began such practice”;

22 ~~(C)~~ in subsection ~~(i)~~(I), by striking “2003
23 through 2007” and inserting “2020 through
24 2024”;

1 (9) in section 846A(f) (42 U.S.C. 247n-1(f)),
2 by striking “2010 through 2014” and inserting
3 “2020 through 2024”;

4 (10) in section 847(g) (42 U.S.C. 297o(g)), by
5 striking “such sums as may be necessary for each of
6 fiscal years 2010 through 2014” and inserting
7 “\$115,635,000 for each of fiscal years 2020 through
8 2024”;

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

10 (A) in subsection (b)(1)(A)(iv), by striking
11 “and nurse anesthetists” and inserting “nurse
12 anesthetists, and clinical nurse specialists”;

13 (B) in subsection (d)(3)—

14 (i) by striking “3 years after the date
15 of enactment of this section” and inserting
16 “2 years after the date of enactment of the
17 Title VIII Nursing Workforce Reauthoriza-
18 tion Act”;

19 (ii) by striking “Labor and Human
20 Resources” and inserting “Health, Edu-
21 cation, Labor, and Pensions”; and

22 (iii) by inserting “Energy and” before
23 “Commeree”; and

1 (C) in subsection (g), by striking “under
2 this title” and inserting “for carrying out parts
3 B, C, and D”;

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

6 (13) in section 871 (42 U.S.C. 298d), by strik-
7 ing “\$338,000,000 for fiscal year 2010, and such
8 sums as may be necessary for each of the fiscal
9 years 2011 through 2016” and inserting
10 “\$133,837,000 for each of fiscal years 2020 through
11 2024”.

12 (b) EVALUATION AND REPORT ON NURSE LOAN RE-
13 PAYMENT PROGRAMS.—

14 (1) EVALUATION.—The Comptroller General
15 shall conduct an evaluation of the nurse loan repay-
16 ment programs administered by the Health Re-
17 sources and Services Administration. Such evalua-
18 tion shall include—

19 (A) the manner in which payments are
20 made under such programs;

21 (B) the existing oversight functions nec-
22 essary to ensure the proper use of such pro-
23 grams, including payments made as part of
24 such programs;

1 (C) the identification of gaps, if any, in
2 oversight functions; and

3 (D) information on the number of nurses
4 assigned to facilities pursuant to such pro-
5 grams, including the type of facility to which
6 nurses are assigned and the impact of modi-
7 fying the eligibility requirements for programs
8 under section 846 of the Public Health Service
9 Act (42 U.S.C. 297n), such as the impact on
10 entities to which nurses had previously been as-
11 signed prior to fiscal year 2019 (such as feder-
12 ally qualified health centers and facilities affili-
13 ated with the Indian Health Service).

14 (2) REPORT.—Not later than 18 months after
15 the enactment of this Act, the Comptroller General
16 shall submit to the Committee on Health, Edu-
17 cation, Labor, and Pensions of the Senate and the
18 Committee on Energy and Commerce of the House
19 of Representatives a report on the evaluation under
20 paragraph (1), which may include recommendations
21 to improve relevant nursing workforce loan repay-
22 ment programs.

23 **SECTION 1. SHORT TITLE.**

24 *This Act may be cited as the “Title VIII Nursing*
25 *Workforce Reauthorization Act of 2019”.*

1 **SEC. 2. NURSING WORKFORCE DEVELOPMENT.**

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

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

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

15 (2) *in section 802(c) (42 U.S.C. 296a(c)), by in-*
16 *serting “, and how such project aligns with the goals*
17 *in section 806(a)” before the period in the second sen-*
18 *tence;*

19 (3) *in section 803(b) (42 U.S.C. 296b(b)), by*
20 *adding at the end the following: “Such Federal funds*
21 *are intended to supplement, not supplant, existing*
22 *non-Federal expenditures for such activities.”;*

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

24 (A) *in subsection (a), by striking “as needed*
25 *to” and all that follows and inserting the fol-*

1 *lowing: “as needed to address national nursing*
2 *needs, including—*

3 *“(1) addressing challenges, including through*
4 *supporting training and education of nursing stu-*
5 *dents, related to the distribution of the nursing work-*
6 *force and existing or projected nursing workforce*
7 *shortages in geographic areas that have been identi-*
8 *fied as having, or that are projected to have, a nurs-*
9 *ing shortage;*

10 *“(2) increasing access to and the quality of*
11 *health care services, including by supporting the*
12 *training of professional registered nurses, advanced*
13 *practice registered nurses, and advanced education*
14 *nurses within community based settings and in a va-*
15 *riety of health delivery system settings; or*

16 *“(3) addressing the strategic goals and priorities*
17 *identified by the Secretary and that are in accord-*
18 *ance with this title.*

19 *Contracts may be entered into under this title with public*
20 *or private entities as determined necessary by the Sec-*
21 *retary.”;*

22 *(B) in subsection (b)(2), by striking “a*
23 *demonstration” and all that follows and insert-*
24 *ing the following: “the reporting of data and in-*
25 *formation demonstrating that satisfactory*

1 *progress has been made by the program or*
 2 *project in meeting the performance outcome*
 3 *standards (as described in section 802) of such*
 4 *program or project.”;*

5 *(C) in subsection (e)(2), by inserting “, and*
 6 *have relevant expertise and experience” before the*
 7 *period at the end of the first sentence; and*

8 *(D) by adding at the end the following:*

9 “(i) *BIENNIAL REPORT ON NURSING WORKFORCE*
 10 *PROGRAM IMPROVEMENTS.—Not later than September 30,*
 11 *2020, and biennially thereafter, the Secretary shall submit*
 12 *to the Committee on Health, Education, Labor, and Pen-*
 13 *sions of the Senate and the Committee on Energy and Com-*
 14 *merce of the House of Representatives, a report that con-*
 15 *tains an assessment of the programs and activities of the*
 16 *Department of Health and Human Services related to en-*
 17 *hancing the nursing workforce, including the extent to*
 18 *which programs and activities under this title meet the*
 19 *identified goals and performance measures developed for the*
 20 *respective programs and activities, and the extent to which*
 21 *the Department coordinates with other Federal departments*
 22 *regarding programs designed to improve the nursing work-*
 23 *force.”;*

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

25 *(A) in subsection (b)—*

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

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

5 (B) by redesignating subsections (f) and (g)
6 as subsections (g) and (h), respectively; and

7 (C) by inserting after subsection (e), the fol-
8 lowing:

9 “(f) **AUTHORIZED CLINICAL NURSE SPECIALIST PRO-**
10 *GRAMS.*—Clinical nurse specialist programs eligible for
11 support under this section are education programs that—

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

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

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

21 (A) in the section heading, by striking
22 “**AND QUALITY GRANTS**” and inserting
23 “**QUALITY, AND RETENTION GRANTS**”;

24 (B) in subsection (b)(2), by striking “other
25 high-risk groups such as the elderly, individuals

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

7 *(C) in subsection (c)(1)—*

8 *(i) in subparagraph (A)—*

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

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

21 *(III) by adding at the end the fol-*
22 *lowing:*

23 *“(ii) individuals including licensed*
24 *practical nurses, licensed vocational nurses,*
25 *certified nurse assistants, home health aides,*

1 *diploma degree or associate degree nurses,*
2 *and other health professionals, such as*
3 *health aides or community health practi-*
4 *tioners certified under the Community*
5 *Health Aide Program of the Indian Health*
6 *Service, to become registered nurses with*
7 *baccalaureate degrees or nurses with grad-*
8 *uate nursing education;”;*

9 *(ii) in subparagraph (B), by striking*
10 *the period and inserting “; and”; and*

11 *(iii) by adding at the end the fol-*
12 *lowing:*

13 *“(C) developing and implementing intern-*
14 *ships, accredited fellowships, and accredited resi-*
15 *dency programs in collaboration with one or*
16 *more accredited schools of nursing, to encourage*
17 *the mentoring and development of specialties.”;*

18 *(D) by striking subsection (e);*

19 *(E) by redesignating subsection (f) through*
20 *(h), as subsections (e) through (g), respectively;*

21 *(F) in subsection (e) (as so redesignated),*
22 *by striking “The Secretary shall submit to the*
23 *Congress before the end of each fiscal year” and*
24 *inserting “As part of the report on nursing*

1 workforce programs described in section 806(i),
2 the Secretary shall include”;

3 (G) in subsection (f) (as so redesignated), by
4 striking “a school of nursing, as defined in sec-
5 tion 801(2),,” and inserting “an accredited
6 school of nursing, as defined in section 801(2), a
7 health care facility, including federally qualified
8 health centers or nurse-managed health clinics,
9 or a partnership of such a school and facility”;
10 and

11 (H) in subsection (g) (as so redesignated),
12 by striking “2010 through 2014” and inserting
13 “2020 through 2024”;

14 (7) by striking section 831A (42 U.S.C. 296p-1);
15 (8) in section 846 (42 U.S.C. 297n)—

16 (A) by striking the last sentence of sub-
17 section (a);

18 (B) in subsection (b)(1), by striking “he
19 began such practice” and inserting “the indi-
20 vidual began such practice”; and

21 (C) in subsection (i)(I), by striking “2003
22 through 2007” and inserting “2020 through
23 2024”;

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

4 (10) *in section 847(g) (42 U.S.C. 297o(g)), by*
5 *striking “such sums as may be necessary for each of*
6 *fiscal years 2010 through 2014” and inserting*
7 *“\$115,635,000 for each of fiscal years 2020 through*
8 *2024”;*

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

10 (A) *in subsection (b)(1)(A)(iv), by striking*
11 *“and nurse anesthetists” and inserting “nurse*
12 *anesthetists, and clinical nurse specialists”;*

13 (B) *in subsection (d)(3)—*

14 (i) *by striking “3 years after the date*
15 *of enactment of this section” and inserting*
16 *“2 years after the date of enactment of the*
17 *Title VIII Nursing Reauthorization Act”;*

18 (ii) *by striking “Labor and Human*
19 *Resources” and inserting “Health, Edu-*
20 *cation, Labor, and Pensions”; and*

21 (iii) *by inserting “Energy and” before*
22 *“Commerce”; and*

23 (C) *in subsection (g), by striking “under*
24 *this title” and inserting “for carrying out parts*
25 *B, C, and D”;*

1 (12) by striking sections 861 and 862 (42 U.S.C.
2 297w and 297x);

3 (13) in section 865(e) (42 U.S.C. 298(e)), by
4 striking “2014” and inserting “2024”; and

5 (14) in section 871 (42 U.S.C. 298d), by striking
6 “\$338,000,000 for fiscal year 2010, and such sums as
7 may be necessary for each of the fiscal years 2011
8 through 2016” and inserting “\$133,837,000 for each
9 of fiscal years 2020 through 2024”.

10 (b) *EVALUATION AND REPORT ON NURSE LOAN RE-*
11 *PAYMENT PROGRAMS.*—

12 (1) *EVALUATION.*—*The Comptroller General*
13 *shall conduct an evaluation of the nurse loan repay-*
14 *ment programs administered by the Health Resources*
15 *and Services Administration. Such evaluation shall*
16 *include—*

17 (A) *the manner in which payments are*
18 *made under such programs;*

19 (B) *the existing oversight functions nec-*
20 *essary to ensure the proper use of such programs,*
21 *including payments made as part of such pro-*
22 *grams;*

23 (C) *the identification of gaps, if any, in*
24 *oversight functions; and*

1 (D) information on the number of nurses
2 assigned to facilities pursuant to such programs,
3 including the type of facility to which nurses are
4 assigned and the impact of modifying the eligi-
5 bility requirements for programs under section
6 846 of the Public Health Service Act (42 U.S.C.
7 297n), such as the impact on entities to which
8 nurses had previously been assigned prior to fis-
9 cal year 2019 (such as federally qualified health
10 centers and facilities affiliated with the Indian
11 Health Service).

12 (2) *REPORT.*—Not later than 18 months after the
13 enactment of this Act, the Comptroller General shall
14 submit to the Committee on Health, Education,
15 Labor, and Pensions of the Senate and the Committee
16 on Energy and Commerce of the House of Representa-
17 tives, a report on the evaluation under paragraph (1),
18 which may include recommendations to improve rel-
19 evant nursing workforce loan repayment programs.

Calendar No. 285

116TH CONGRESS
1ST Session

S. 1399

A BILL

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

NOVEMBER 5, 2019

Reported with an amendment