

103D CONGRESS
1ST SESSION

H. R. 2110

To amend the Public Health Service Act and title XIX of the Social Security Act to provide for the prevention, control, and elimination of tuberculosis.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1993

Mr. SCHUMER (for himself, Mr. TOWNS, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act and title XIX of the Social Security Act to provide for the prevention, control, and elimination of tuberculosis.

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 “Tuberculosis Preven-
5 tion and Control Amendments of 1993”.

6 **SEC. 2. PROGRAMS OF CENTERS FOR DISEASE CONTROL.**

7 (a) PROVISION OF SERVICES FOR PREVENTION, CON-
8 TROL, AND ELIMINATION.—

1 (1) IN GENERAL.—Section 317(j)(2) of the
2 Public Health Service Act (42 U.S.C. 247b(j)(2)) is
3 amended in the first sentence—

4 (A) by striking “and” after “1991,”;

5 (B) by striking “through 1995” and in-
6 sserting “and 1992”; and

7 (C) by inserting before the period the fol-
8 lowing: “, \$300,000,000 for fiscal year 1994,
9 and such sums as may be necessary for each of
10 the fiscal years 1995 through 1998”.

11 (2) EMERGENCY GRANTS.—

12 (A) Subject to subparagraph (B), in addi-
13 tion to the authorization of appropriations es-
14 tablished in section 317(j)(2) of the Public
15 Health Service Act for grants for the preven-
16 tion, control, and elimination of tuberculosis,
17 there are authorized to be appropriated for such
18 grants \$85,000,000 for fiscal year 1994, and
19 such sums as may be necessary for each of the
20 fiscal years 1995 through 1998.

21 (B) Grants made pursuant to subpara-
22 graph (A) shall be made by the Secretary of
23 Health and Human Services, acting through the
24 Director of the Centers for Disease Control and
25 Prevention. The Secretary may make such a

1 grant only if the geographic area in which ac-
2 tivities under the grant are to be carried out
3 has, relative to other areas, a substantial inci-
4 dence of cases of tuberculosis or a substantial
5 rate of increase in such cases.

6 (3) BULK PURCHASES.—

7 (A) Subject to subparagraph (B), in addi-
8 tion to the authorization of appropriations es-
9 tablished in section 317(j)(2) of the Public
10 Health Service Act for grants for the preven-
11 tion, control, and elimination of tuberculosis,
12 there are authorized to be appropriated for such
13 grants \$80,000,000 for fiscal year 1994, and
14 such sums as may be necessary for each of the
15 fiscal years 1995 through 1998.

16 (B) Amounts appropriated under subpara-
17 graph (A) shall be administered by the Sec-
18 retary of Health and Human Services, acting
19 through the Director of the Centers for Disease
20 Control and Prevention. For purposes of the
21 program of grants referred to in such subpara-
22 graph, such amounts are available for making
23 bulk purchases of medications and other sup-
24 plies with respect to tuberculosis.

1 (4) OTHER PURPOSES.—Section 317(j)(2) of
2 the Public Health Service Act (42 U.S.C.
3 247b(j)(2)) is amended by inserting after the first
4 sentence the following sentence: “The purposes for
5 which such grants under subsection (a) for such pro-
6 grams may be expended include services with respect
7 to incarceration.”.

8 (b) RESEARCH, DEMONSTRATION PROJECTS, EDU-
9 CATION, AND TRAINING.—Section 317(k)(2) of the Public
10 Health Service Act (42 U.S.C. 247b(k)(2)) is amended—

11 (1) by redesignating subparagraphs (A) through
12 (D) as clauses (i) through (iv), respectively;

13 (2) by inserting “(A)” after the paragraph des-
14 ignation; and

15 (3) by adding at the end the following subpara-
16 graph:

17 “(B) For the purpose of carrying out subparagraph
18 (A), there are authorized to be appropriated \$80,000,000
19 for fiscal year 1994, and such sums as may be necessary
20 for each of the fiscal years 1995 through 1998. The au-
21 thorization of appropriations established in the preceding
22 sentence is in addition to the authorization of appropria-
23 tions established in subsection (j)(2) for carrying out this
24 paragraph.”.

1 (c) TRAINING CENTERS REGARDING HEALTH PRO-
2 FESSIONALS.—

3 (1) IN GENERAL.—The Secretary of Health and
4 Human Services (in this section referred to as the
5 “Secretary”), acting through the Director of the
6 Centers for Disease Control and Prevention, may
7 make grants to public and nonprofit private entities
8 for the establishment and operation of not more
9 than 5 centers to train health professionals with re-
10 spect to the prevention and control of tuberculosis,
11 including training in identifying multi-drug resistant
12 forms of such disease.

13 (2) SCREENINGS; OTHER HEALTH SERVICES.—
14 The purposes for which the Secretary may authorize
15 an entity to expend a grant under paragraph (1) in-
16 clude screening individuals for tuberculosis, provid-
17 ing treatment for such disease, and referring individ-
18 uals for services.

19 (3) FACILITIES AND EQUIPMENT.—The pur-
20 poses for which the Secretary may authorize an en-
21 tity to expend a grant under paragraph (1) include
22 providing for facilities and equipment for the center
23 under such paragraph.

24 (4) QUALITY OF LABORATORIES.—The Sec-
25 retary may make a grant under paragraph (1) only

1 if the entity involved provides assurances satisfac-
2 tory to the Secretary that the laboratories of the
3 center under such paragraph will have the facilities
4 and equipment to provide sophisticated training to
5 health professionals with respect to tuberculosis.

6 (5) APPLICATION FOR GRANT.—The Secretary
7 may make a grant under paragraph (1) only if an
8 application for the grant is submitted to the Sec-
9 retary and the application is in such form, is made
10 in such manner, and contains such agreements, as-
11 surances, and information as the Secretary deter-
12 mines to be necessary to carry out this subsection.

13 (6) AMOUNT AND DURATION OF GRANT.—

14 (A) The Secretary may not make a grant
15 under paragraph (1) for a fiscal year in an
16 amount exceeding \$5,000,000.

17 (B) The period during which payments are
18 made to an entity from a grant under para-
19 graph (1) may not exceed 3 years. The provi-
20 sion of such payments shall be subject to an-
21 nual approval by the Secretary of the payments
22 and subject to the availability of appropriations
23 for the fiscal year involved to make the pay-
24 ments.

1 is amended by inserting after “Diseases” the follow-
2 ing: “(hereafter in this subpart referred to as the
3 ‘Institute’)”.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
5 408(a) of the Public Health Service Act (42 U.S.C.
6 284c(a)) is amended by adding at the end the following
7 new paragraph:

8 “(3) For the purpose of carrying out section
9 447 (relating to research on tuberculosis through the
10 National Institute on Allergy and Infectious Dis-
11 eases), there are authorized to be appropriated
12 \$50,000,000 for fiscal year 1994, and such sums as
13 may be necessary for each of the fiscal years 1995
14 through 1998. The authorization of appropriations
15 established in the preceding sentence may not be
16 construed as terminating the availability for such
17 purpose of any other authorization of appropria-
18 tions.”.

19 **SEC. 4. CONSTRUCTION OR MODERNIZATION OF HEALTH**
20 **FACILITIES.**

21 Section 1610 of the Public Health Service Act (42
22 U.S.C. 300r) is amended by adding at the end the follow-
23 ing subsection:

24 “(c)(1) With respect to services for the prevention,
25 control, and elimination of tuberculosis, the Secretary may

1 make grants to public and nonprofit private entities for
2 projects for (A) construction or modernization of out-
3 patient medical facilities which are located apart from hos-
4 pitals and which will provide such services for medically
5 underserved populations, (B) conversion of existing facili-
6 ties into outpatient medical facilities or facilities for long-
7 term care to provide such services for such populations,
8 (C) renovation of inpatient facilities, (D) construction or
9 renovation of facilities to provide such services with re-
10 spect to incarceration.

11 “(2) The amount of any grant under paragraph (1)
12 may not exceed 80 percent of the cost of the project for
13 which the grant is made unless the project is located in
14 an area determined by the Secretary to be an urban or
15 rural poverty area, in which case the grant may cover up
16 to 100 percent of such costs.

17 “(3) There are authorized to be appropriated for
18 grants under paragraph (1) \$100,000,000 for fiscal year
19 1993, \$250,000,000 for fiscal year 1994, and such sums
20 as may be necessary for each of the fiscal years 1995
21 through 1998.”.

1 **SEC. 5. OPTIONAL MEDICAID COVERAGE OF TB-RELATED**
2 **SERVICES FOR CERTAIN TB-INFECTED INDIVIDUALS.**
3 **VIDUALS.**

4 (a) COVERAGE AS OPTIONAL, CATEGORICALLY
5 NEEDY GROUP.—Section 1902(a)(10)(A)(ii) of the Social
6 Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amend-
7 ed—

8 (1) by striking “or” at the end of subclause
9 (X),

10 (2) by adding “or” at the end of subclause
11 (XI), and

12 (3) by adding at the end the following new
13 subclause:

14 “(XII) who are described in sub-
15 section (z)(1) (relating to certain TB-
16 infected individuals);”.

17 (b) GROUP AND BENEFIT DESCRIBED.—Section
18 1902 of such Act is amended by adding at the end the
19 following new subsection:

20 “(z)(1) Individuals described in this paragraph are
21 individuals not described in subsection (a)(10)(A)(i)—

22 “(A) who have tested positively to be infected
23 with tuberculosis;

24 “(B) whose income (as determined under the
25 State plan under this title with respect to disabled
26 individuals) does not exceed the maximum amount

1 of income a disabled individual described in sub-
2 section (a)(10)(A)(i) may have and obtain medical
3 assistance under the plan; and

4 “(C) whose resources (as determined under the
5 State plan under this title with respect to disabled
6 individuals) do not exceed the maximum amount of
7 resources a disabled individual described in sub-
8 section (a)(10)(A)(i) may have and obtain medical
9 assistance under the plan.

10 “(2) For purposes of subsection (a)(10), the term
11 ‘TB-related services’ means each of the following serv-
12 ices—

13 “(A) prescribed drugs,

14 “(B) physicians’ services and services described
15 in section 1905(a)(2),

16 “(C) laboratory and X-ray services,

17 “(D) clinic services and Federally-qualified
18 health center services, and

19 “(E) case management services (as defined in
20 section 1915(g)(2)),

21 relating to treatment of infection with tuberculosis.”.

22 (c) LIMITATION ON BENEFITS.—Section 1902(a)(10)
23 of such Act is amended, in the matter following subpara-
24 graph (F)—

1 (1) by striking “; and (XI)” and inserting “,
2 (XI)”,

3 (2) by striking “, and (XI)” and inserting “,
4 (XII)”, and

5 (3) by inserting before the semicolon at the end
6 the following: “, and (XIII) the medical assistance
7 made available to an individual described in sub-
8 section (z)(1) who is eligible for medical assistance
9 only because of subparagraph (A)(ii)(XII) shall be
10 limited to medical assistance for TB-related services
11 (described in subsection (z)(2))”.

12 (d) CONFORMING EXPANSION OF CASE MANAGE-
13 MENT SERVICES OPTION.—Section 1915(g)(1) of such
14 Act (42 U.S.C. 1396n(g)(1)) is amended by inserting “or
15 to individuals described in section 1902(z)(1)(A)” after
16 “or with either,”.

17 (e) CONFORMING AMENDMENT.—Section 1905(a) of
18 such Act (42 U.S.C. 1396d(a)) is amended—

19 (1) by striking “or” at the end of clause (ix),

20 (2) by adding “or” at the end of clause (x), and

21 (3) by inserting after clause (x) the following
22 new clause:

23 “(xi) individuals described in section
24 1902(z)(1),”.

1 (f) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to medical assistance furnished on
3 or after January 1, 1994, without regard to whether or
4 not final regulations to carry out such amendments have
5 been promulgated by such date.

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