

109TH CONGRESS
1ST SESSION

H. R. 1246

To reauthorize the Children's Hospitals Graduate Medical Education
Program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2005

Mrs. JOHNSON of Connecticut (for herself, Ms. PRYCE of Ohio, Mr. BROWN of Ohio, Mr. BACHUS, Ms. BALDWIN, Mrs. BONO, Ms. ESHOO, Mr. HALL, Mr. HULSHOF, Mr. RUSH, Mr. SESSIONS, Mr. SHAYS, Mr. SHIMKUS, Mr. SIMMONS, Ms. SOLIS, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To reauthorize the Children's Hospitals Graduate Medical
Education Program.

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 "Children's Hospitals
5 Education Equity and Research (CHEER) Act of 2005".

1 **SEC. 2. REAUTHORIZATION OF CHILDREN'S HOSPITALS**
2 **GRADUATE MEDICAL EDUCATION PROGRAM.**

3 (a) EXTENSION OF PROGRAM.—Section 340E(a) of
4 the Public Health Service Act (42 U.S.C. 256e(a)) is
5 amended by striking “2005” and inserting “2010”.

6 (b) DIRECT GRADUATE MEDICAL EDUCATION.—Sec-
7 tion 340E(c) of the Public Health Service Act (42 U.S.C.
8 256e(c)) is amended—

9 (1) in paragraph (1)(B), by inserting “but with-
10 out giving effect to section 1886(h)(7) of such Act)”
11 after “section 1886(h)(4) of the Social Security
12 Act”; and

13 (2) in paragraph (2)(E)(ii), by striking “de-
14 scribed in subparagraph (C)(ii)” and inserting “ap-
15 plied under section 1886(d)(3)(E) of the Social Se-
16 curity Act for discharges occurring during the pre-
17 ceding fiscal year”.

18 (c) NATURE OF PAYMENTS.—Section 340E(e)(3) of
19 the Public Health Service Act (42 U.S.C. 256e(e)(3)) is
20 amended by striking “made to pay” and inserting “made
21 and pay”.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
23 340E(f) of the Public Health Service Act (42 U.S.C.
24 256e(f)) is amended—

25 (1) in paragraph (1)(A)—

26 (A) in clause (ii), by striking “and”;

1 (B) in clause (iii), by striking the period
2 and inserting a semicolon; and

3 (C) by adding at the end the following:

4 “(iv) for fiscal year 2006,
5 \$110,000,000; and

6 “(v) for each of fiscal years 2007
7 through 2010, such sums as may be nec-
8 essary.”; and

9 (2) in paragraph (2)—

10 (A) in the matter preceding subparagraph
11 (A)—

12 (i) by striking “There are hereby au-
13 thorized” and inserting “There are author-
14 ized”; and

15 (ii) by striking “(b)(1)(A)” and in-
16 serting “(b)(1)(B)”;

17 (B) in subparagraph (B), by striking
18 “and”;

19 (C) in subparagraph (C), by striking the
20 period and inserting a semicolon; and

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

22 “(D) for fiscal year 2006, \$220,000,000;
23 and

24 “(E) for each of fiscal years 2007 through
25 2010, such sums as may be necessary.”.

1 (e) TECHNICAL AMENDMENT.—Section 340E(e)(2)
2 of the Public Health Service Act (42 U.S.C. 256e(e)(2))
3 is amended by striking the first sentence.

4 (f) EXTENDING AVAILABILITY OF FUNDS THROUGH
5 THE FOLLOWING FISCAL YEAR.—

6 (1) IN GENERAL.—Section 340E(f) of the Pub-
7 lic Health Service Act (42 U.S.C. 256e(f)) is amend-
8 ed—

9 (A) in paragraph (1)(B)—

10 (i) by inserting “or for fiscal year
11 2006 (or any succeeding fiscal year)” after
12 “for fiscal year 2000”; and

13 (ii) by striking “fiscal year 2001” and
14 inserting “the end of the succeeding fiscal
15 year”; and

16 (B) by adding at the end of paragraph (2)
17 the following:

18 “The amounts appropriated under this paragraph
19 for a fiscal year (beginning with fiscal year 2006)
20 shall remain available for obligation through the end
21 of the succeeding fiscal year.”.

22 (2) CONFORMING AMENDMENT.—Section
23 340E(b)(2)(A) of the Public Health Service Act (42
24 U.S.C. 256e(b)(2)(A)) is amended by inserting be-
25 fore the period at the end the following: “plus the

1 funds remaining available from the previous fiscal
2 year under paragraph (1)(B) or the second sentence
3 of paragraph (2), respectively, of such subsection”.

4 (g) REDISTRIBUTION OF RECOUPED AMOUNTS.—
5 Section 340E(e)(3) of the Public Health Service Act (42
6 U.S.C. 256e(e)(3)) is amended by striking “to the extent
7 possible.” and inserting a period and the following: “To
8 the greatest extent possible, amounts recouped from a hos-
9 pital are to be distributed to other hospitals in the same
10 fiscal year. Unless there is fraud, amounts paid to a hos-
11 pital without a demand for recoupment by the end of the
12 fiscal year shall be final and not subject to recoupment.”.

13 (h) APPEALS PROCEDURES.—Section 340E(e) of the
14 Public Health Service Act (42 U.S.C. 256e(e)) is amend-
15 ed—

16 (1) in paragraph (3), by striking the last sen-
17 tence; and

18 (2) by adding at the end the following:

19 “(4) APPEALS.—

20 “(A) IN GENERAL.—A decision affecting
21 the amount payable to a hospital pursuant to
22 this section shall—

23 “(i) be subject to review under section
24 1878 of the Social Security Act in the
25 same manner as final determinations of

1 the amount of payment under section
2 1886(d) of such Act are subject to review;
3 and

4 “(ii) be handled expeditiously so that
5 the review decision is reflected in the final
6 reconciliation for the year in which the ap-
7 peal is made.

8 “(B) LIMITATION.—A review decision pur-
9 suant to this paragraph shall not affect pay-
10 ments for a fiscal year prior to the fiscal year
11 in which the review decision is rendered.

12 “(C) APPLICATION TO SUBSEQUENT FIS-
13 CAL YEARS.—The Secretary shall apply a re-
14 view decision under this paragraph in deter-
15 mining the amount of payment for the appeal-
16 ing hospital in the fiscal year in which the deci-
17 sion is rendered and in subsequent fiscal years,
18 unless the law at issue in the review decision is
19 amended or there are material differences be-
20 tween the facts for the fiscal year for which the
21 review decision is rendered and the fiscal year
22 for which payment is made. Nothing in this sec-
23 tion shall be construed to prohibit a hospital

1 from seeking review of similar determinations in
2 subsequent fiscal years.”.

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