

111TH CONGRESS
1ST SESSION

H. R. 1411

To amend the Public Health Service Act to establish a Primary and Public Health Scholarship Program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2009

Mr. McDERMOTT introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to establish a Primary and Public Health Scholarship 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 “United States Primary
5 and Preventive Health Care Corps Act of 2009”.

6 **SEC. 2. PRIMARY AND PUBLIC HEALTH SCHOLARSHIP PRO-**
7 **GRAM.**

8 Part E of title VII of the Public Health Service Act
9 (42 U.S.C. 294n et seq.) is amended by adding at the end
10 the following:

1 **“Subpart 3—Primary and Public Health Scholarship**
2 **Program**

3 **“SEC. 775. SCHOLARSHIP PROGRAM.**

4 “(a) IN GENERAL.—The Secretary shall establish
5 and carry out the Primary and Public Health Scholarship
6 Program (in this section referred to as the ‘Scholarship
7 Program’) under which the Secretary shall enter into con-
8 tracts with all eligible individuals in accordance with this
9 section.

10 “(b) ELIGIBILITY.—To be eligible to participate in
11 the Scholarship Program, an individual must—

12 “(1) be accepted for enrollment, or be enrolled,
13 as a full-time student—

14 “(A) in an accredited (as determined by
15 the Secretary) institution of higher education
16 that is a public graduate medical school in a
17 State that is funded by such State; and

18 “(B) in a course of study or program, of-
19 fered by such institution and approved by the
20 Secretary, leading to a degree in medicine, os-
21 teopathic medicine, dentistry, or other health
22 profession, or an appropriate degree from a
23 graduate program of behavioral and mental
24 health;

1 “(2) submit an application to participate in the
2 Scholarship Program in such form and manner and
3 at such time as specified by the Secretary; and

4 “(3) sign and submit to the Secretary, at the
5 time of submittal of such application, a written con-
6 tract (described in subsection (d)) to accept payment
7 of a scholarship and to serve (in accordance with
8 this section) for a period of not less than 4 years at
9 a health care facility that serves a designated pri-
10 mary care or public health shortage area located in
11 the State in which the institution is located.

12 “(c) PARTICIPATION IN PROGRAM.—

13 “(1) IN GENERAL.—An individual becomes a
14 participant in the Scholarship Program only upon
15 the approval of the Secretary of the individual’s ap-
16 plication submitted under subsection (b)(2) and the
17 Secretary’s acceptance of the contract submitted by
18 the individual under subsection (b)(3).

19 “(2) NOTICE.—The Secretary shall provide
20 written notice to an individual promptly upon the
21 Secretary’s approving, under paragraph (1), of the
22 individual’s participation in the Scholarship Pro-
23 gram.

1 “(d) CONTRACT.—The contract described in this sub-
2 section is a written contract between the Secretary and
3 an individual that contains—

4 “(1) an agreement that—

5 “(A) subject to paragraph (2), the Sec-
6 retary agrees to provide the individual with a
7 scholarship (described in subsection (e)) for
8 each such school year during the period of years
9 (not to exceed four school years), during which
10 the individual is pursuing a course of study de-
11 scribed in subsection (b)(1)(B); and

12 “(B) subject to paragraph (2), the indi-
13 vidual agrees—

14 “(i) to accept provision of such a
15 scholarship to the individual;

16 “(ii) to maintain enrollment in a
17 course of study described in subsection
18 (b)(1)(B) until the individual completes the
19 course of study;

20 “(iii) while enrolled in such course of
21 study, to maintain an acceptable level of
22 academic standing (as determined under
23 regulations of the Secretary by the edu-
24 cational institution offering such course of
25 study); and

1 “(iv) to serve as a health professional
2 for a period of full-time service of not less
3 than 4 years at a health care facility serv-
4 ing an area—

5 “(I) that is located in the State
6 in which the individual attended the
7 institution of higher education de-
8 scribed in subsection (b)(1)(A); and

9 “(II) that is designated by the
10 Secretary, in consultation with the
11 Governor of such State, as being a
12 primary care or public health shortage
13 area;

14 “(2) a provision that any financial obligation of
15 the United States arising out of a contract entered
16 into under this section and any obligation of the in-
17 dividual which is conditioned thereon, is contingent
18 upon funds being appropriated for scholarships
19 under this section;

20 “(3) a statement of the damages to which the
21 United States is entitled, under subsection (f) for
22 the individual’s breach of the contract; and

23 “(4) such other statements of the rights and li-
24 abilities of the Secretary and of the individual, not
25 inconsistent with the provisions of this title.

1 “(e) SCHOLARSHIPS.—

2 “(1) IN GENERAL.—Subject to subparagraph
3 (3), a scholarship provided to a student for a school
4 year under a written contract under the Scholarship
5 Program shall consist of payment to, or (in accord-
6 ance with paragraph (2)) on behalf of, the student
7 of the amount of the tuition of the student in such
8 school year.

9 “(2) PAYMENTS TO SCHOOLS.—The Secretary
10 may contract with an institution of higher education
11 described in subsection (b)(1)(A), in which a partici-
12 pant in the Scholarship Program is enrolled, for the
13 payment to the educational institution of the
14 amounts of tuition and other reasonable educational
15 expenses described in paragraph (1). Payment to
16 such an educational institution may be made without
17 regard to section 3648 of the Revised Statutes (31
18 U.S.C. 529).

19 “(3) LIMITATION ON REVENUE INCREASE.—In
20 no case shall the Secretary provide a scholarship
21 under this section with respect to a student for a
22 school year for an institution of higher education de-
23 scribed in subsection (b)(1)(A) if the percentage of
24 revenues of the institution that such institution re-
25 ceives from tuition for the year (taking into account

1 the provision of this section) would increase by more
2 than 3 percentage points from the year prior to the
3 date of the enactment of this section.

4 “(f) BREACH OF SCHOLARSHIP.—

5 “(1) FAILURE TO COMPLETE COURSE OF
6 STUDY.—An individual who has entered into a writ-
7 ten contract with the Secretary under this section
8 and who—

9 “(A) fails to maintain an acceptable level
10 of academic standing in the institution of high-
11 er education described in subsection (b)(1)(A)
12 in which he is enrolled (such level determined
13 by the institution under regulations of the Sec-
14 retary);

15 “(B) is dismissed from such institution for
16 disciplinary reasons; or

17 “(C) voluntarily terminates the training in
18 such an institution for which he is provided a
19 scholarship under such contract, before the
20 completion of such training,

21 in lieu of any service obligation arising under such
22 contract, shall be liable to the United States for the
23 amount that is equal to the sum of the total amount
24 which has been paid to the individual, or on the be-

1 half of the individual, under the contract plus any
2 amount of interest, as determined by the Secretary.

3 “(2) FAILURE TO COMPLETE SERVICE OBLIGA-
4 TION.—If an individual breaches his written contract
5 by failing to begin such individual’s service obliga-
6 tion under this section, or to complete such service
7 obligation, the United States shall be entitled to re-
8 cover from the individual an amount that is equal to
9 the sum of—

10 “(A) the total amount which has been paid
11 to the individual, or on his behalf of the indi-
12 vidual, under the contract;

13 “(B) any amount of interest, as deter-
14 mined by the Secretary; and

15 “(C) the amount that is equal to 10 per-
16 cent of the amount described in subparagraph
17 (A).

18 “(g) DESIGNATED PRIMARY CARE OR PUBLIC
19 HEALTH SHORTAGE AREA.—For purposes of this section,
20 the term ‘designated primary care or public health short-
21 age area’ means, with respect to a State, an area des-
22 ignated by the Secretary, in consultation with the Gov-
23 ernor of the State, as being without sufficient practicing
24 primary care physicians to ensure access to primary care,
25 public health care services, and preventive care.

1 “(h) APPLICABILITY OF CERTAIN PROVISIONS.—The
2 provisions of subpart III of part D of title III shall, except
3 as inconsistent with this section, apply to the program es-
4 tablished under this section in the same manner and to
5 the same extent as such provisions apply to the National
6 Health Service Corps Scholarship Program established
7 under such subpart.”.

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