

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 750

To amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans.

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## IN THE SENATE OF THE UNITED STATES

MARCH 31, 2009

Mrs. BOXER (for herself and Ms. COLLINS) 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 the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans.

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 “Caring for an Aging  
5       America Act of 2009”.

1 **SEC. 2. GERIATRIC AND GERONTOLOGY LOAN REPAYMENT**  
2 **PROGRAM.**

3 Part E of title VII of the Public Health Service Act  
4 (42 U.S.C. 295 et seq.) is amended by adding at the end  
5 the following:

6 **“Subpart 3—Strengthening Recruitment and**  
7 **Retention for Geriatric Care Practice**

8 **“SEC. 771. GERIATRIC AND GERONTOLOGY LOAN REPAY-**  
9 **MENT PROGRAM.**

10 “(a) ESTABLISHMENT.—The Secretary shall estab-  
11 lish a Geriatric and Gerontology Loan Repayment Pro-  
12 gram within the Health Resources and Services Adminis-  
13 tration to ensure an adequate supply of physicians, physi-  
14 cian assistants, nurse practitioners, clinical nurse special-  
15 ists, pharmacists, psychologists, and social workers  
16 trained in geriatrics or gerontology and to reduce critical  
17 workforce shortages in geriatric care practice.

18 “(b) CONTRACTS.—Under the program established  
19 under subsection (a), the Secretary shall enter into con-  
20 tracts with individuals described in subsection (d) under  
21 which the individuals agree to provide full-time clinical  
22 practice and service to older adults for a minimum of 2  
23 years.

24 “(c) PAYMENT FOR YEARS OF SERVICE.—In consid-  
25 eration of the Federal Government agreeing to pay, for  
26 each year of service under a contract under this section,

1 not more than \$35,000 of the principal and interest of  
2 the educational loans of the individual involved for each  
3 of the first 2 years of service, the individual shall carry  
4 out activities in accordance with subsection (d)(4). For  
5 subsequent years, loan repayments of up to \$40,000 per  
6 year for a third or fourth year of service may be made  
7 available.

8 “(d) ELIGIBLE INDIVIDUALS.—An individual de-  
9 scribed in this subsection is an individual—

10 “(1) who—

11 “(A) is a physician, including an osteo-  
12 pathic physician, who has completed specialty  
13 training in geriatric medicine or geriatric psy-  
14 chiatry;

15 “(B) is a nurse practitioner or clinical  
16 nurse specialist who has completed specialty  
17 training in geriatrics or gerontology;

18 “(C) is a pharmacist who has completed  
19 specialty training in geriatrics;

20 “(D) is a social worker who has completed  
21 specialty training in gerontology;

22 “(E) is a physician assistant who has com-  
23 pleted specialty training in geriatrics;

24 “(F) is a psychologist who has completed  
25 specialty training in gerontology; or

1           “(G) otherwise—

2                   “(i) has a degree in medicine, phar-  
3                   macy, osteopathic medicine, clinical or  
4                   counseling psychology (doctoral degree pro-  
5                   gram), social work (master’s or doctoral  
6                   degree program), or who is a certified  
7                   nurse practitioner, certified clinical nurse  
8                   specialist, or physician assistant; and

9                   “(ii) is enrolled in, or has successfully  
10                  completed, an accredited program of spe-  
11                  cialty training in geriatric medicine, geri-  
12                  atric psychiatry, geriatric pharmacothera-  
13                  py, geropsychology, gerontological social  
14                  work, gerontological nursing, or equivalent  
15                  geriatric care practice (as determined by  
16                  the Secretary);

17                  “(2) who has obtained an educational loan for  
18                  costs associated with graduate training in medicine,  
19                  pharmacy, psychology, or social work, or costs asso-  
20                  ciated with becoming a nurse practitioner, clinical  
21                  nurse specialist, or physician assistant;

22                  “(3) who is appropriately licensed, without re-  
23                  striction (as determined by the Secretary), in the  
24                  State in which the individual practices;

1           “(4) who agrees to provide clinical services to  
2           older adults for a period of not less than 2 years in  
3           a setting determined appropriate by the Secretary;  
4           and

5           “(5) has demonstrated the capability through  
6           education or training to work with frail older adults  
7           and older adults with disabilities, including individ-  
8           uals with dementia, urinary incontinence, and prob-  
9           lems with balance or mobility, and raising awareness  
10          of medication issues for older adults.

11          “(e) APPLICABILITY OF CERTAIN PROVISIONS.—  
12          With respect to the National Health Service Corps Loan  
13          Repayment Program established in subpart III of part D  
14          of title III of this Act, the provisions of such subpart shall,  
15          except as inconsistent with this section, apply to the pro-  
16          gram established in this section in the same manner and  
17          to the same extent as such provisions apply to the Na-  
18          tional Health Service Corps Loan Repayment Program.

19          “(f) NATIONAL ADVISORY COUNCIL ON THE GERI-  
20          ATRIC AND GERONTOLOGY LOAN REPAYMENT PRO-  
21          GRAM.—

22          “(1) ESTABLISHMENT.—The Secretary shall es-  
23          tablish a National Advisory Council on the Geriatric  
24          and Gerontology Loan Repayment Program (re-  
25          ferred to in this section as the ‘Council’) that shall

1 be composed of not to exceed 11 members to be ap-  
2 pointed by the Secretary.

3 “(2) DUTIES.—The Council shall consult with,  
4 advise, and make recommendations to the Secretary  
5 with respect to the Secretary’s administration of the  
6 program established under subsection (a).

7 “(3) ADMINISTRATIVE PROVISIONS.—Members  
8 of the Council shall be appointed for a term of 3  
9 years and shall be representative of the health pro-  
10 fessions, and professional associations, that are eligi-  
11 ble to enter into agreements under this section.

12 “(g) REPORTS.—Not later than 2 years after the date  
13 of the enactment of this section, and annually thereafter,  
14 the Secretary shall prepare and submit to the appropriate  
15 committees of Congress a report that describes—

16 “(1) the program established under this section  
17 (including the number and amount of loan repay-  
18 ments, the number and practice locations of the loan  
19 repayment recipients, the demographics of the indi-  
20 viduals participating in the program, the default  
21 rate and actions required upon default, and to the  
22 extent that it can be determined, the reasons for  
23 such defaults);

1           “(2) how the program interacts with other Fed-  
2           eral loan repayment programs for primary health  
3           care professionals; and

4           “(3) the overall costs and benefits of the pro-  
5           gram.

6           “(h) DEFINITION.—In this section:

7           “(1) GERIATRICS.—The term ‘geriatrics’ means  
8           the branch of medicine that deals with the problems  
9           and diseases of older adults and aging, including  
10          chronic conditions and geriatric syndromes such as  
11          dementia, delirium, urinary incontinence, osteoporo-  
12          sis, falls or gait disorders, or sleep disorders.

13          “(2) GERONTOLOGY.—The term ‘gerontology’  
14          means the multidisciplinary study of the aging proc-  
15          ess and individuals as they grow from middle age  
16          through later life. Such term encompasses the social,  
17          cognitive, psychological, biological and economic as-  
18          pects of aging.

19          “(3) SPECIALTY TRAINING.—The term ‘spe-  
20          cialty training’ means coursework in geriatrics and  
21          gerontology and clinical training, including intern-  
22          ships, residency programs, or fellowships, in a geri-  
23          atric setting.

24          “(i) AUTHORIZATION OF APPROPRIATIONS.—There is  
25          authorized to be appropriated to carry out this section,

1 \$4,000,000 for fiscal year 2010, \$9,500,000 for fiscal year  
2 2011, \$16,000,000 for fiscal year 2012, \$24,000,000 for  
3 fiscal year 2013, and \$30,500,000 for fiscal year 2014.”.

4 **SEC. 3. EXPANSION OF NURSING EDUCATION LOAN REPAY-**  
5 **MENT PROGRAM.**

6 Section 846 of the Public Health Service Act (42  
7 U.S.C. 297n) is amended—

8 (1) by redesignating subsection (i) as subsection  
9 (j); and

10 (2) by inserting after subsection (h), the fol-  
11 lowing:

12 “(i) GERIATRIC CARE PRACTICE IN LONG-TERM  
13 CARE SETTINGS.—

14 “(1) LOAN REPAYMENTS.—In providing for  
15 loan repayments under this section, the Secretary  
16 shall ensure that eligible individuals include reg-  
17 istered nurses who complete specialty training in  
18 geriatrics or gerontology and who elect to provide  
19 nursing services to older adults in home and commu-  
20 nity-based or facility-based long-term care settings,  
21 or any other program determined appropriate by the  
22 Secretary.

23 “(2) DEFINITION.—In this subsection, the term  
24 ‘specialty training’ means coursework in geriatrics

1 and gerontology and clinical training, including in-  
 2 ternships or fellowships, in a geriatric setting.

3 “(3) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to carry out  
 5 this subsection, \$1,500,000 for fiscal year 2010,  
 6 \$3,000,000 for fiscal year 2011, \$5,000,000 for fis-  
 7 cal year 2012, \$7,000,000 for fiscal year 2013, and  
 8 \$8,500,000 for fiscal year 2014.”.

9 **SEC. 4. EXPANSION OF CAREER LADDER PROGRAMS.**

10 Section 831 of the Public Health Service Act (42  
 11 U.S.C. 296p) is amended—

12 (1) in subsection (c)(1)(A)—

13 (A) by striking “to promote career” and  
 14 inserting the following: “to—

15 “(i) promote career”; and

16 (B) by adding at the end the following:

17 “(ii) focus on specialty training in  
 18 providing long-term care services for nurs-  
 19 ing personnel (including registered nurses,  
 20 licensed practical nurses, licensed voca-  
 21 tional nurses, certified nurse assistants,  
 22 home health aides, personal care attend-  
 23 ants, or any other related worker category  
 24 designated by the Secretary) who provide  
 25 services in home and community-based or

1 facility-based long-term care settings;  
2 and”; and

3 (2) in subsection (h), by adding at the end the  
4 following: “There is authorized to be appropriated  
5 for grants under subsection (c)(1)(A)(ii), \$4,000,000  
6 for fiscal year 2010, \$4,000,000 for each of fiscal  
7 years 2011 through 2013, and \$3,500,000 for fiscal  
8 year 2014.”.

9 **SEC. 5. HEALTH AND LONG-TERM CARE WORKFORCE ADVI-**  
10 **SORY PANEL FOR AN AGING AMERICA.**

11 Subpart 3 of part E of title VII of the Public Health  
12 Service Act (as added by section 2) is further amended  
13 by adding at the end the following:

14 **“SEC. 772. HEALTH AND LONG-TERM CARE WORKFORCE**  
15 **ADVISORY PANEL FOR AN AGING AMERICA.**

16 “(a) ESTABLISHMENT.—The Secretary, in consulta-  
17 tion with the Secretary of Labor, shall establish a Health  
18 and Long-Term Care Workforce Advisory Panel (referred  
19 to in this section as the ‘Panel’) to—

20 “(1) examine workforce issues related to health  
21 and long-term care for the aging population; and

22 “(2) provide advice to each such Secretary and  
23 to the appropriate committees of Congress con-  
24 cerning workforce issues related to health and long-  
25 term care for the aging population.

1       “(b) MEMBERSHIP.—The Panel shall be composed of  
2 not to exceed 20 individuals to be appointed by the Sec-  
3 retary.

4       “(c) DUTIES.—The Panel shall—

5           “(1) analyze the existing geriatric health and  
6 long-term care workforce data infrastructure;

7           “(2) make recommendations for new or addi-  
8 tional uniform data elements across regions and  
9 States that is necessary to track supply, demand,  
10 and workforce shortages related to health and long-  
11 term care for the aging population;

12           “(3) conduct a research project to identify in-  
13 centives for recruitment and retention of new popu-  
14 lations of clinicians and providers who agree to serve  
15 vulnerable older adults in geriatric and long-term  
16 care settings and make recommendations for one or  
17 more demonstrations, including the design, imple-  
18 mentation and evaluation of outcomes; and

19           “(4) carry out other activities determined ap-  
20 propriate by the Secretary.

21       “(d) FOCUS OF RESEARCH PROJECT.—In carrying  
22 out the research project under subsection (c)(3), the Sec-  
23 retary in consultation with the Panel shall focus on indi-  
24 viduals who are not otherwise eligible for loan repayment  
25 incentives under this title or title VIII, such as retired

1 military clinicians or other retired health professionals,  
2 health care professionals seeking a mid-career change, and  
3 direct care workers in long-term care settings. To carry  
4 out such research project, the Secretary may award grants  
5 or contracts. Eligible entities shall include State or local  
6 government, health professions schools, academic health  
7 centers, and other appropriate public or private non-profit  
8 entities.

9       “(e) ADMINISTRATIVE PROVISIONS.—Members of the  
10 Panel shall be appointed for a term of not to exceed 3  
11 years (as determined by the Secretary at the time of ap-  
12 pointment), shall convene at least twice per year, and shall  
13 be representative of diverse public and private sector ex-  
14 pertise and interests, including representation from the  
15 Department of Health and Human Services (including the  
16 Health Resources and Services Administration, the Agen-  
17 cy for Healthcare Research and Quality, and the Adminis-  
18 tration on Aging), the Department of Labor (including the  
19 Bureau of Labor Statistics, the Employment and Training  
20 Administration, and the Employment Standards Adminis-  
21 tration), other Federal officials as the Secretary deter-  
22 mines appropriate, academic institutions, consumer orga-  
23 nizations, national aging advocates, health professional  
24 and paraprofessional associations, organized labor, nation-  
25 ally recognized researchers in the area of geriatric care

1 and long-term care workforce issues, health care and long-  
2 term care associations (including those representing home  
3 and community-based and facility-based settings), and pri-  
4 vate foundations that have sponsored initiatives to expand  
5 health professionals to care for the aging population.

6       “(f) REPORTS.—Not later than 2 years after the date  
7 of enactment of this section, and every 2 years thereafter,  
8 the Secretary, based on the advice and recommendations  
9 of the Panel, shall submit to the appropriate committees  
10 of Congress a report on the status of the health profes-  
11 sions and long-term care workforce for the aging popu-  
12 lation.

13       “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
14 is authorized to be appropriated to carry out this section,  
15 \$1,500,000 for fiscal year 2010, and such sums as may  
16 be necessary for each of fiscal years 2011 through 2014.”.

○