

**Health Omnibus Programs Extension of 1988 - Subtitle D of  
Title VII**

[Public Law 100-607]

[This law has not been amended]

【Currency: This publication is a compilation of the text of Public Law 100–607. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

**Subtitle D—Waiver of Liability for Certain  
Sale of Facility Under Program of Con-  
struction and Modernization of Medical  
Facilities**

**SEC. 731. ESTABLISHMENT OF WAIVER AUTHORITY.**

(a) IN GENERAL.—If, pursuant to subsection (b) of section 732, the Secretary of Health and Human Services makes a certification of compliance with the conditions described in subsection (a) of such section, section 609 of the Public Health Service Act (42 U.S.C. 291i) shall not, with respect to the transferor and transferee described in subsection (b), apply to the sale on November 26, 1986, of the medical facility—

- (1) located in Blanding, in the State of Utah;
- (2) known, prior to such date, as San Juan County Nursing Home; and
- (3) with respect to which funds were received during the years 1967 through 1970 pursuant to title VI of the Public Health Service Act (42 U.S.C. 291 et seq.).

(b) DESCRIPTION OF PARTIES TO SALE.—In the sale described in subsection (a), the transferor is San Juan County, a political subdivision of the State of Utah, and the transferee is Auburn Manor Holding Corporation, a corporation under the laws of the State of California.

**SEC. 732. CONDITIONS OF WAIVER.**

(a) IN GENERAL.—The conditions referred to in section 731(a) are that, not later than the expiration of the 12-month period beginning on the date of the enactment of this Act<sup>1</sup>—

(1)(A) San Juan County establish an irrevocable trust with a res of \$321,057 for the sole purpose of satisfying, with respect to the medical facility described in section 731(a), the obligation of San Juan County under regulations issued under clause (2) of section 603(e) of the Public Health Service Act (42 U.S.C. 291c(e));

(B) except to the extent inconsistent with this title<sup>2</sup>, San Juan<sup>3</sup> establish such trust in accordance with regulations issued under section 609(d)(1)(A) of such Act for trusts established pursuant to such section; and

(C) San Juan County agree—

(i) except to the extent inconsistent with this title<sup>1</sup>, to administer such trust in accordance with regulations issued under such section 609(d)(1)(A) of such Act; and

(ii) with respect to the obligation described in subparagraph (A)—

(I) to carry out such obligation at the medical facility known as San Juan County Hospital and located in Monticello, in the State of Utah;

(II) to ensure that uncompensated services provided at any location other than such medical facility will not be reimbursed from the trust established pursuant to subparagraph (A); and

(III) not to seek contribution from Auburn Corporation toward the satisfaction of such obligation; and

(2) Auburn Corporation agree—

(A) to satisfy, with respect to the medical facility described in section 731(a), the obligation of San Juan County under regulations issued under clause (1) of section 603(e) of the Public Health Service Act;

(B) to satisfy such obligation at the medical facility described in section 731(a); and

(C) not to seek contribution from San Juan County toward the satisfaction of such obligation.

(b) DETERMINATION AND CERTIFICATION OF SATISFACTION OF CONDITIONS.—The Secretary shall make a determination of whether the conditions described in subsection (a) are satisfied by San Juan County and Auburn Corporation within the period described in such subsection. If the Secretary makes a determination that the conditions have been satisfied, the Secretary shall certify to the Congress the fact of such determination.

**SEC. 733. MONITORING OF COMPLIANCE WITH AGREEMENTS AND EFFECT OF FAILURE TO COMPLY.**

(a) MONITORING.—The Secretary shall determine the extent to which San Juan County and Auburn Corporation are carrying out

<sup>1</sup> Enacted November 4, 1988.

<sup>2</sup> So in law. Probably should be “subtitle”.

<sup>3</sup> So in law. Probably should be “San Juan County”. See section 734(2).

<sup>1</sup> So in law. Probably should be “subtitle”.

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their respective duties under the agreements made pursuant to the conditions described in section 732(a).

(b) **FAILURE TO COMPLY.—**

(1) If the conditions described in section 732(a) are not satisfied by San Juan County and Auburn Corporation within the period described in such section, the Secretary shall ensure that proceedings under section 609 of the Public Health Service Act (42 U.S.C. 291i) with respect to the sale described in section 731(a) are commenced or continued against San Juan County or Auburn Corporation, or both, as determined by the Secretary.

(2) If San Juan County or Auburn Corporation fails to carry out its duties under the agreements made pursuant to the conditions described in section 732(a), the Secretary shall ensure that proceedings described in paragraph (1) are commenced or continued against San Juan County or Auburn Corporation, respectively.

**SEC. 734. DEFINITIONS.**

For purposes of this subtitle:

(1) The term “Auburn Corporation” means Auburn Manor Holding Corporation, a corporation under the laws of the State of California.

(2) The term “San Juan County” means San Juan County, a political subdivision of the State of Utah.

(3) The term “Secretary” means the Secretary of Health and Human Services.