

Public Law 100-386
100th Congress

An Act

To amend the Public Health Service Act to revise and extend the programs establishing migrant health centers and community health centers.

Aug. 10, 1988

[S. 2385]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, REFERENCE TO ACT.

(a) SHORT TITLE.—This Act may be cited as the “Community and Migrant Health Centers Amendments of 1988”.

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 2. MIGRANT HEALTH CENTERS.

(a) ADDITION OF PATIENT CASE MANAGEMENT SERVICES TO LIST OF PROVIDED SERVICES.—Section 329(a)(1) (42 U.S.C. 254b(a)(1)) is amended—

(1) by striking “and ” at the end of subparagraph (F) and inserting “and” at the end of subparagraph (G); and

(2) by inserting after subparagraph (G) the following new subparagraph:

“(H) patient case management services (including outreach, counseling, referral, and follow-up services),”.

(b) ADDITION OF APPROPRIATE HEALTH NEEDS TO LIST OF SUPPLEMENTAL HEALTH SERVICES.—Section 329(a)(7) (42 U.S.C. 254b(a)(7)) is amended—

(1) by striking “and ” at the end of subparagraph (K);

(2) by striking the period at the end of subparagraph (L) and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(M) other services appropriate to meet the health needs of the population served by the migrant health center involved.”.

(c) PROCEDURES FOR ALTERATION OF DETERMINATION OF HIGH IMPACT AREA.—Section 329(d)(1)(A) (42 U.S.C. 254b(d)(1)(A)) is amended—

(1) by inserting “(i)” after “(A)”; and

(2) by adding at the end the following new clause:

“(ii) If the Secretary makes a determination that an area is a high impact area, the Secretary may alter the determination only after providing to the grantee under subclause (i) for the area, and to other interested entities in the area, reasonable notice with respect to such determination and a reasonable opportunity to offer information with respect to such determination.”.

(d) REQUIREMENT OF FEES CONSISTENT WITH LOCALLY PREVAILING RATES.—Section 329(f)(3)(F)(i) (42 U.S.C. 254b(f)(3)(F)(i)) is amended—

(1) by inserting after “provision of its services” the following:

“consistent with locally prevailing rates or charges and”; and

(2) by inserting “has prepared” after “operation and”.

Community and
Migrant Health
Centers
Amendments of
1988.

42 USC 201 note.

(e) AUTHORITY WITH RESPECT TO EXPANSION AND CONSTRUCTION OF CENTERS.—

(1) Section 329 (42 U.S.C. 254b) is amended—

(A) in the second sentence of subsection (c)(1)(A), by striking “acquisition and modernization of existing buildings” and inserting “acquisition, expansion, and modernization of existing buildings and construction of new buildings”;

(B) in the matter after and below subsection (c)(1)(B)(iv), by striking “acquisition and modernization of existing buildings” and inserting “acquisition, expansion, and modernization of existing buildings, construction of new buildings,”;

(C) in the matter after and below subsection (d)(1)(B)(iv), by striking “acquisition and modernization of existing buildings” and inserting “acquisition, expansion, and modernization of existing buildings, construction of new buildings,”;

(D) in the matter after and below subsection (d)(1)(C)(iii), by striking “acquisition and modernization of existing buildings” and inserting “acquisition, expansion, and modernization of existing buildings, construction of new buildings,”;

(E) in subsection (d)(2), by striking “acquiring and modernizing existing buildings” and inserting “acquiring, expanding, and modernizing existing buildings and constructing new buildings”; and

(F) in subsection (d)(4)(B)(ii)(III), by striking “construct and modernize” and inserting “construct, expand, and modernize”.

(2) Section 329(f) (42 U.S.C. 254b(f)) is amended by adding at the end the following:

Grants.

“(7) The Secretary may make a grant under subsection (c) or (d) for the construction of new buildings for a migrant health center or a migrant health program only if the Secretary determines that appropriate facilities are not available through acquiring, modernizing, or expanding existing buildings and that the entity to which the grant will be made has made reasonable efforts to secure from other sources funds, in lieu of the grant, to construct such facilities.”.

(f) AMOUNT OF GRANTS FOR COSTS OF OPERATION.—

(1) Section 329(d)(4)(A)(i) (42 U.S.C. 254b(d)(4)(A)(i)) is amended to read as follows:

“(i) State, local, and other operational funding, and”.

(2) Section 329(d)(4)(B) (42 U.S.C. 254b(d)(4)(B)) is amended by striking out “may retain such an amount (equal to not less than one-half of the amount by which such sum exceeded such costs) as the center can demonstrate to the satisfaction of the Secretary will be used to enable the center” in the matter immediately following clause (ii) and inserting in lieu thereof “shall be entitled to retain the additional amount of fees, premiums, and other third party reimbursements as the center will use”.

(g) ADMINISTRATION OF PROGRAMS.—Section 329 (42 U.S.C. 254b) is amended by adding at the end the following:

Grants.
Contracts.

“(i) The Secretary may delegate the authority to administer the programs authorized by this section to any office within the Service, except that the authority to enter into, modify, or issue approvals with respect to grants or contracts may be delegated only within the

central office of the Health Resources and Services Administration.”.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—Section 329(h) (42 U.S.C. 254b(h)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1)(A) For the purposes of subsections (c) through (e), there are authorized to be appropriated \$48,500,000 for fiscal year 1989 and such sums as may be necessary for fiscal years 1990 and 1991.

“(B) Of the amounts appropriated pursuant to subparagraph (A) for a fiscal year, the Secretary may obligate for grants and contracts under subsection (c)(1) not more than 2 percent, for grants under subsection (d)(1)(C) not more than 5 percent, and for contracts under subsection (e) not more than 10 percent.”; and

(2) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following new paragraph:

“(2)(A) For the purpose of carrying out subparagraph (B), there are authorized to be appropriated \$1,500,000 for fiscal year 1989, \$2,000,000 for fiscal year 1990, and \$2,500,000 for fiscal year 1991.

“(B) The Secretary may make grants to migrant health centers to assist such centers in—

“(i) providing services for the reduction of the incidence of infant mortality; and

“(ii) developing and coordinating referral arrangements between migrant health centers and other entities for the health management of infants and pregnant women.

“(C) In making grants under subparagraph (B), the Secretary shall give priority to migrant health centers providing services in any catchment area in which there is a substantial incidence of infant mortality or in which there is a significant increase in the incidence of infant mortality.”.

SEC. 3. COMMUNITY HEALTH CENTERS.

(a) **ADDITION OF PATIENT CASE MANAGEMENT SERVICES TO LIST OF PROVIDED SERVICES.**—Section 330(a)(1) (42 U.S.C. 254c(a)(1)) is amended—

(1) by striking “and” at the end of paragraph (4) and inserting “and” at the end of paragraph (5); and

(2) by inserting after paragraph (5) the following new paragraph:

“(6) patient case management services (including outreach, counseling, referral, and follow-up services).”.

(b) **ADDITION OF APPROPRIATE HEALTH NEEDS TO LIST OF SUPPLEMENTAL HEALTH SERVICES.**—Section 330(b)(2) (42 U.S.C. 254c(b)(2)) is amended—

(1) by striking “and” at the end of subparagraph (L);

(2) by striking the period at the end of subparagraph (M) and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(N) other services appropriate to meet the health needs of the medically underserved population served by the community health center involved.”.

(c) **REQUIREMENT OF NOTICE AND COMMENT WITH RESPECT TO REGULATIONS ON MEDICALLY UNDERSERVED POPULATIONS.**—Section 330(b)(4) (42 U.S.C. 254c(b)(4)) is amended by inserting after and below subparagraph (B) the following:

"The Secretary may modify the criteria established in regulations issued under this paragraph only after affording public notice and an opportunity for comment on any such proposed modifications."

(d) REQUIREMENT OF FEES CONSISTENT WITH LOCALLY PREVAILING RATES.—Section 330(e)(3)(F)(i) (42 U.S.C. 254c(e)(3)(F)(i)) is amended—

- (1) by inserting after "provision of its services" the following: "consistent with locally prevailing rates or charges and"; and
- (2) by inserting "has prepared" after "operation and".

(e) AUTHORITY WITH RESPECT TO EXPANSION AND CONSTRUCTION OF CENTERS.—

(1) Section 330 (42 U.S.C. 254c) is amended—

(A) in the second sentence of subsection (c)(1), by striking "acquisition and modernization of existing buildings" and inserting "acquisition, expansion, and modernization of existing buildings and construction of new buildings";

(B) in the matter after and below subsection (d)(1)(C)(iii), by striking "acquisition and modernization of existing buildings" and inserting "acquisition, expansion, and modernization of existing buildings, construction of new buildings,";

(C) in subsection (d)(2), by striking "acquiring and modernizing existing buildings" and inserting "acquiring, expanding, and modernizing existing buildings and constructing new buildings"; and

(D) in subsection (d)(4)(B)(ii)(III), by striking "construct and modernize" and inserting "construct, expand, and modernize".

(2) Section 330(e) (42 U.S.C. 254c(e)) is amended by adding at the end the following:

Grants.

"(6) The Secretary may make a grant under subsection (c) or (d) for the construction of new buildings for a community health center only if the Secretary determines that appropriate facilities are not available through acquiring, modernizing, or expanding existing buildings and that the entity to which the grant will be made has made reasonable efforts to secure from other sources funds, in lieu of the grant, to construct such facilities."

(f) AMOUNT OF GRANTS FOR COSTS OF OPERATION.—

(1) Section 330(d)(4)(A)(i) (42 U.S.C. 254c(d)(4)(A)(i)) is amended to read as follows:

"(i) State, local, and other operational funding, and"

(2) Section 330(d)(4)(B) (42 U.S.C. 254c(d)(4)(B)) is amended by striking out "may retain such an amount (equal to not less than one-half of the amount by which such sum exceeded such costs) as the center can demonstrate to the satisfaction of the Secretary will be used to enable the center" in the matter immediately following clause (ii) and inserting in lieu thereof "shall be entitled to retain the additional amount of fees, premiums, and other third party reimbursements as the center will use".

(g) ADMINISTRATION OF PROGRAMS.—Section 330 (42 U.S.C. 254c) is amended by adding at the end the following:

Grants.
Contracts.

"(j) The Secretary may delegate the authority to administer the programs authorized by this section to any office within the Service, except that the authority to enter into, modify, or issue approvals with respect to grants or contracts may be delegated only within the central office of the Health Resources and Services Administration."

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 330(g) (42 U.S.C. 254c(g)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1)(A) For the purpose of payments under grants under this section, there are authorized to be appropriated \$440,000,000 for fiscal year 1989 and such sums as may be necessary for fiscal years 1990 and 1991.”;

(2)(A) by redesignating subparagraphs (A) and (B) of paragraph (2) as clauses (i) and (ii), respectively;

(B) by redesignating paragraph (2) as subparagraph (B);

(C) in paragraph (1)(B)(i) (as so redesignated), by striking “this section” and inserting “paragraph (1)”; and

(D) in paragraph (1)(B)(ii) (as so redesignated), by striking “this section” and inserting “paragraph (1)”; and

(3) by inserting after paragraph (1) the following new paragraph:

“(2)(A) For the purpose of carrying out subparagraph (B), there are authorized to be appropriated \$25,000,000 for fiscal year 1989, \$30,000,000 for fiscal year 1990, and \$35,000,000 for fiscal year 1991.

“(B) The Secretary may make grants to community health centers to assist such centers in—

“(i) providing services for the reduction of the incidence of infant mortality; and

“(ii) developing and coordinating referral arrangements between community health centers and other entities for the health management of infants and pregnant women.

“(C) In making grants under subparagraph (B), the Secretary shall give priority to community health centers providing services to any medically underserved population among which there is a substantial incidence of infant mortality or among which there is a significant increase in the incidence of infant mortality.”.

SEC. 4. REQUIREMENT WITH RESPECT TO FRONTIER AREAS.

Section 330 (42 U.S.C. 254c) is amended by adding at the end the following new subsection:

“(j) In making grants under this section, the Secretary shall give special consideration to the unique needs of frontier areas.”.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1988, or upon the date of the enactment of this Act, whichever occurs later.

Approved August 10, 1988.

LEGISLATIVE HISTORY—S. 2385 (H.R. 4503):

HOUSE REPORTS: No. 100-719 accompanying H.R. 4503 (Comm. on Energy and Commerce).

SENATE REPORTS: No. 100-343 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

June 13, considered and passed Senate.

June 27, 28, H.R. 4503 considered and passed House.

July 12, S. 2385 considered and passed House, amended, in lieu of H.R. 4503.

July 29, Senate concurred in House amendment with an amendment.

Aug. 1, House concurred in Senate amendment.

Grants.
Children and youth.

Women.

Disadvantaged persons.
Children and youth.

Grants.

42 USC 254b note.