

## CORRECTIONS OF ENROLLED BILL S. 544

Sept. 21, 1979

[H. Con. Res. 189]

*Resolved by the House of Representatives (the Senate concurring),* That, in the enrollment of the bill (S. 544) to amend titles XV and XVI of the Public Health Service Act to revise and extend the authorities and requirements under those titles for health planning and health resources development, and for other purposes, the Secretary of the Senate shall make the following corrections:

Ante, p. 592.

42 USC 300k-1.

42 USC 300c.

(1) In section 1(b) of the bill strike out "subsection (a) of" and insert in lieu thereof "in".

(2)(A) In the proposed paragraph (4) of section 1515(c) of the Public Health Service Act (as contained in section 105(c) of the bill) strike out "whether its renewal should be made subject to conditions" and insert in lieu thereof "whether the agency should be returned to a conditional status".

(B) In the proposed paragraph (5) of such section 1515(c) strike out "the agreement, its renewal, and, if any conditions have been imposed under paragraph (3), such conditions" and insert in lieu thereof "the agreement and any renewal of the agreement".

(3) In the third sentence of the proposed subparagraph (B) of section 1515(c)(3) of the Public Health Service Act (as contained in section 105(h) of the bill) strike out "take the action authorized by the first sentence of this subparagraph" and insert in lieu thereof "terminate an agreement or return an agency to a conditionally designated status".

(4) Strike out the close quotation mark at the end of the proposed paragraph (2) of section 1516(d) of the Public Health Service Act (as contained in section 106(b) of the bill).

(5) In the proposed paragraph (4)(A)(ii) of section 1512(b) of the Public Health Service Act (as contained in section 110(d)(1) of the bill) strike out "affected it" and insert in lieu thereof "affected by it".

(6) Section 111(a) of the bill is amended by inserting "(1)" after "is amended".

(7) Section 1512(b)(3)(B)(viii) of the Public Health Service Act as proposed to be amended by section 111(a)(1) of the bill is amended by striking out "personal privacy" and inserting in lieu thereof "the personal privacy".

(8) The proposed subparagraph (A) of section 1512(b)(6) of the Public Health Service Act (as contained in section 111(b)(2) of the bill) is amended by striking out "personal privacy" and inserting in lieu thereof "the personal privacy".

(9) Section 1522(b)(6) of the Public Health Service Act as proposed to be amended by section 111(c)(1) of the bill is amended by striking out "personal privacy" and inserting in lieu thereof "the personal privacy".

(10) Section 113(b) of the bill is amended by striking out "at the end" and inserting in lieu thereof "after subsection (d) (added by section 110(d)(2) of this Act)".

(11) The proposed subsection (d) of section 1524 of the Public Health Service Act (as contained in section 113(b) of the bill) is redesignated as subsection (e).

(12) Section 115(c)(1)(A) of the bill is amended by inserting "(i) by striking out 'under section 1524(c)(2)' and inserting in lieu thereof 'except as provided under section 1524(c)(2)(E)', and (ii)" immediately after "is amended".

(13) The proposed subparagraph (F) of section 1524(c)(2) of the Public Health Service Act (as contained in section 115(g) of the bill) is amended by striking out "State Agency for such State" and inserting in lieu thereof "State Agency designated for such State under section 1521(b)(3)".

(14) In the proposed amendment to the first sentence of section 1513(b)(2) of the Public Health Service Act (as contained in section 115(i)(1)(A) of the bill) insert "at least" before "triennially".

(15) Section 115(k)(2) of the bill is amended by striking out "subsection (d) of section 314 of the Public Health Service Act (as so redesignated by section 128(b))" and inserting in lieu thereof "subsection (g) of section 314 of the Public Health Service Act".

(16) Section 116(g)(1) of the bill is amended by inserting "the second time it occurs" immediately before the period at the end.

(17) Section 116(g)(2) of the bill is amended by striking out "section 103(c)" and inserting in lieu thereof "section 103(d)".

(18)(A) The proposed section 1527(b)(1) of the Public Health Service Act (as contained in section 117(a) of the bill) is amended in the matter preceding subparagraph (A) by inserting "for the provision of an inpatient institutional health service" after "equipment".

(B) Subparagraph (A)(ii) of such proposed section 1527(b)(1) (as contained in section 117(a) of the bill) is amended by inserting "or will be" before "geographically located".

(C) Subparagraph (B) of such proposed section 1527(b)(1) is amended by striking out "which (i) primarily provides inpatient health services, (ii) is controlled" and inserting in lieu thereof "if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled".

(D) Clause (iii) of such subparagraph (B) is amended by inserting "or will be" before "geographically located".

(E) Subparagraph (C) of such proposed section 1527(b)(1) is amended by striking out "which (i) is leased" and inserting in lieu thereof "if (i) the facility is or will be leased".

(F) Clause (ii) of such subparagraph (C) is amended by inserting "or will be" before "geographically located".

(19) Paragraph (2)(B) of the proposed section 1527(b) of the Public Health Service Act (as contained in section 117(a) of the bill) is amended by striking out "organization, combination, or facility meets the requirements of paragraph (1)" and inserting in lieu thereof "organization or combination meets the requirements of paragraph (1) or the facility meets or will meet such requirements".

(20) The proposed section 1527(b)(2) of the Public Health Service Act (as contained in section 117(a) of the bill) is amended by adding after and below subparagraph (C) the following: "In the case of a proposed health care facility (or portion thereof) which has not begun to provide institutional health services on the date an application is submitted under this paragraph with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of paragraph (1) when the facility first provides such services. The State Agency shall approve an application submitted under this paragraph if it determines that the applicable requirements of paragraph (1) are met."

(21)(A) Paragraph (3)(B)(i) of the proposed section 1527(b) of the Public Health Service Act (as contained in section 117(a) of the bill) is amended by striking out "which the facility or equipment is proposed to be sold or leased or which intends to acquire the controlling interest" and inserting in lieu thereof "to which the facility or equipment is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility".

(B) Paragraph (3)(B)(ii) of such proposed section 1527(b) is amended by inserting before the period at the end the following: "or the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (1)".

(22) Paragraph (4) of the proposed section 1527(b) of the Public Health Service Act (as contained in section 117(a) of the bill) is amended to read as follows:

“(4) In the case of a health maintenance organization or an ambulatory care facility or health care facility which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, a State may under the program apply its certificate of need requirements only to the offering of inpatient institutional health services, the acquisition of major medical equipment, and the obligation of capital expenditures for the offering of inpatient institutional health services and then only to the extent that such offering, acquisition, or obligation is not exempt under paragraph (1).”

(23) The last sentence of paragraph (5) of the proposed section 1527(b) of the Public Health Service Act (as contained in section 117(a) of the bill) is amended (A) by striking out “subsection (b)” and inserting in lieu thereof “paragraph (1)”, and (B) by striking out “or acquisition or lease” and inserting in lieu thereof “, acquisition, or lease”.

(24) Subsection (f) of the proposed section 1527 of the Public Health Service Act (as contained in section 117(a) of the bill) is amended by striking out “modernize” and inserting in lieu thereof “or modernize a health care facility”.

(25) The proposed paragraph (6)(B) of section 1531 of the Public Health Service Act (as contained in section 117(b)(3) of the bill) is amended by striking out “(ii)” and inserting in lieu thereof “(II)”.

(26) The proposed paragraph (6)(B)(ii) of section 1531 of the Public Health Service Act (as contained in section 117(b)(3) of the bill) is amended by inserting a comma before “(II)”.

(27)(A) Section 118 of the bill is amended by adding at the end the following:

“(c) Section 1513(g)(2) is amended by striking out ‘existing institutional’.”

(B) Section 118(b)(2) of the bill is amended by inserting a period and close quotation mark at the end.

(C) Section 1523(a)(6) of the Public Health Service Act (as amended by section 118(b)(2) of the bill) is amended by striking out “all institutional” and inserting in lieu thereof “at least those institutional”.

(28) Section 121(a) of the bill is amended by striking out “(1)”.

(29) The third sentence of the proposed subparagraph (B) of section 1521(b)(4) of the Public Health Service Act (as contained in section 123(a) of the bill) is amended by striking out “take the action authorized by the first sentence of this subparagraph” and inserting in lieu thereof “terminate an agreement or return a State Agency to a conditionally designated status”.

(30) Section 124(c)(1) of the bill is amended by inserting “(A)” after “is amended”, and by inserting before the period at the end a comma and the following: “and (B) by striking out ‘an ex officio’ and inserting in lieu thereof ‘a nonvoting, ex officio’”.

(31) The first sentence of section 1531(5) of the Public Health Service Act as proposed to be amended by section 126(a)(1) of the bill is amended by striking out “at least \$75,000” and inserting in lieu thereof “at least the expenditure minimum”.

(32) The proposed paragraph (9) of section 1531 of the Public Health Service Act (as contained in section 126(b) of the bill) is amended by striking out “sections 1523(a)(4)(B), 1527, and 1531(5)” and inserting in lieu thereof “paragraph (5) of this section and sections 1523(a)(4)(B) and 1527”.

(33)(A) Section 129(a) of the bill is amended by striking out “103, 104(c), 105(d), 106, 107, 117, 123(b)” and inserting in lieu thereof “103(a), 103(b), 103(c), 104(c), 105, 106, 107, 110(c), 110(d), 110(e), 110(f), 111, 115(f), 116(d), 116(e), 117, 120, 123, 126”.

(B) Section 129(b)(2) of the bill is amended (i) by striking out "section 117" and inserting in lieu thereof "sections 116(d), 116(e), 117, and 126", (ii) by striking out "on the enactment" and inserting in lieu thereof "on the date of the enactment", and (iii) by striking out "made by such section" and inserting in lieu thereof "made by any such section".

(34) Section 1622(b)(2)(D) as proposed to be amended by section 201(b)(2) of the bill is amended by striking out "section 1620(b)(2)" and inserting in lieu thereof "section 1601(a)(2)(B)".

(35) In the amendment to section 1622(a)(1) proposed by section 203(c) of the bill strike out "section 1621" and insert in lieu thereof "section 1621 or 1642".

(36) Section 203(e) of the bill is amended by inserting "(1)" after "(e)" and by adding at the end the following:

"(2) Section 2(f) of the Public Health Service Act is amended by striking out '1531(1), and 1633(1)' and inserting in lieu thereof 'and 1531(1)'."

(37) Section 203(f) of the bill is amended by inserting "(1) by striking out 'nonprofit', and (2)" after "is amended".

(38) In the amendment to section 1626 of the Public Health Service Act as proposed by section 203(f) of the bill strike out "section 1621" and insert in lieu thereof "section 1621 or 1642".

(39) The proposed subsection (f)(2) of section 1602 of the Public Health Service Act (as contained in section 203(g)(1) of the bill) is amended by striking out ", respecting foreclosure procedures" and inserting in lieu thereof "respecting foreclosure procedures,".

(40) Section 203(g)(2) of the bill is amended by inserting "of section 1602 (as so redesignated)" after "subsection (d)".

(41) Section 203(g)(3) of the bill is amended by inserting "such" before "subsection (d)".

(42) Paragraph (2) of the proposed section 1642 of the Public Health Service Act (as contained in section 301(a) of the bill) is amended (A) by striking out in subparagraph (A) "all inpatient hospital services" and inserting in lieu thereof "all hospital services or all inpatient hospital services", and (B) by striking out in subparagraph (B) "another health service" and inserting in lieu thereof "other health services".

(43)(A) The first sentence of paragraph (3) of the proposed section 1642(c) of the Public Health Service Act (as contained in section 301(a) of the bill) is amended by striking out "assurances described in paragraph (1) have been provided with the application" and inserting in lieu thereof "arrangements described in paragraph (1) have been made".

(B) The second sentence of such paragraph (3) is amended by striking out "has provided the assurances described in paragraph (1) and if such assurances" and inserting in lieu thereof "has made the arrangements described in paragraph (1) and if such arrangements".

(C) The third sentence of such paragraph (3) is amended by striking out "such assurances have been provided" and inserting in lieu thereof "such arrangements have been made".

(44) In the amendment to section 1624 of the Public Health Service Act as proposed by section 301(b) of the bill strike out "section 1642(f)" and insert in lieu thereof "section 1642(e)".

Agreed to September 21, 1979.