

108TH CONGRESS  
2D SESSION

# H. R. 5322

To amend title IV of the Public Health Service Act to establish a loan repayment program for nurse practitioners and physician assistants serving in underserved nursing homes, to establish a mentoring program for training nursing home administrators, to encourage high family involvement in nursing homes, and to amend title XIX of the Social Security Act to restore payment levels for health care institutions and to increase the Federal medical assistance percentage.

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2004

Mr. KENNEDY of Rhode Island (for himself, Ms. ROYBAL-ALLARD, Mr. FARR, and Mrs. MCCARTHY of New York) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To amend title IV of the Public Health Service Act to establish a loan repayment program for nurse practitioners and physician assistants serving in underserved nursing homes, to establish a mentoring program for training nursing home administrators, to encourage high family involvement in nursing homes, and to amend title XIX of the Social Security Act to restore payment levels for health care institutions and to increase the Federal medical assistance percentage.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Managing Our Medi-  
3 care and Medicaid Services and Protecting Our Parents  
4 Act” .

5 **SEC. 2. LOAN REPAYMENT PROGRAM FOR NURSE PRACTI-**  
6 **TIONERS AND PHYSICIANS ASSISTANTS SERV-**  
7 **ING IN UNDERSERVED NURSING HOMES.**

8       Title IV of the Public Health Service Act (42 U.S.C.  
9 281 et seq.) is amended—

10           (1) by redesignating the second section 487F as  
11       section 487G; and

12           (2) by inserting after section 487G (as so re-  
13       designated) the following:

14 **“SEC. 487H. LOAN REPAYMENT PROGRAM FOR NURSE**  
15 **PRACTITIONERS AND PHYSICIAN ASSISTANTS**  
16 **SERVING IN UNDERSERVED NURSING**  
17 **HOMES.**

18       “(a) ESTABLISHMENT.—To the extent and in the  
19 amounts provided in advance in appropriations Acts, the  
20 Secretary, acting through the Administrator of the Health  
21 Resources and Services Administration, shall establish a  
22 program to enter into contracts with individuals under  
23 which the individual involved agrees to serve for a period  
24 of not less than 3 years as a nurse practitioner or a physi-  
25 cian assistant at an underserved nursing home, in consid-  
26 eration of the Federal Government agreeing to make pay-

1 ments, for not more than 5 years of such service, on the  
2 principal and interest of the educational loans of the indi-  
3 vidual.

4 “(b) AMOUNT OF PAYMENTS.—The amount of a pay-  
5 ment by the Secretary under this section for a year of  
6 service by an individual as a nurse practitioner or physi-  
7 cian assistant at an underserved nursing home shall not  
8 exceed the lesser of the remaining outstanding obligation  
9 on the individual’s educational loans or—

10 “(1) \$2,000 at the completion of the first year  
11 of such service;

12 “(2) \$2,500 at the completion of the second  
13 year of such service;

14 “(3) \$3,500 at the completion of the third year  
15 of such service;

16 “(4) \$4,500 at the completion of the fourth  
17 year of such service; and

18 “(5) \$5,000 at the completion of the fifth year  
19 of such service.

20 “(c) APPLICATION OF PROVISIONS.—Except as in-  
21 consistent with this section, the provisions of sections  
22 338B, 338C, and 338E shall apply to the program estab-  
23 lished under this section to the same extent and in the  
24 same manner as such provisions apply to the National

1 Health Service Corps Loan Repayment Program estab-  
2 lished in subpart III of part D of title III.

3 “(d) DEFINITIONS.—For purposes of this section:

4 “(1) The term ‘medicaid recipient’ means, with  
5 respect to a resident of a nursing home, a resident  
6 of the home who is provided medical assistance  
7 under title XIX of the Social Security Act for nurs-  
8 ing home services.

9 “(2) The term ‘medicare recipient’ means, with  
10 respect to a resident of a skilled nursing home, a  
11 resident who is being provided benefits under part A  
12 of title XVIII of the Social Security Act with respect  
13 to extended care services in the home.

14 “(3) The term ‘nursing home’ means any insti-  
15 tution or facility defined as such for licensing pur-  
16 poses under State law, or, if State law does not em-  
17 ploy the term nursing home, the equivalent term or  
18 terms as determined by the Secretary, but does not  
19 include a religious nonmedical health care institution  
20 (as defined in section 1861(ss)(1) of the Social Se-  
21 curity Act).

22 “(4) The term ‘underserved nursing home’  
23 means a nursing home in which at least 85 percent  
24 of the number of residents of the home are medicaid  
25 recipients, not more than 8 percent of such residents

1 are medicare recipients, and not more than 10 per-  
2 cent of such residents are neither medicaid nor  
3 medicare recipients.

4 “(e) FUNDING.—

5 “(1) AUTHORIZATION OF APPROPRIATIONS.—

6 For the purpose of carrying out this section, there  
7 are authorized to be appropriated such sums as may  
8 be necessary for each fiscal year.

9 “(2) AVAILABILITY.—Amounts appropriated for  
10 carrying out this section shall remain available until  
11 the expiration of the second fiscal year beginning  
12 after the fiscal year for which the amounts were  
13 made available.”.

14 **SEC. 3. TRAINING PROGRAM FOR NURSING HOME ADMINIS-**  
15 **TRATORS.**

16 (a) IN GENERAL.—The Secretary of Health and  
17 Human Services, acting through the Director of the Cen-  
18 ters for Medicare & Medicaid Services, shall provide grants  
19 to States to implement nursing home administrator men-  
20 tor programs described in subsection (b).

21 (b) MENTOR PROGRAM DESCRIBED.—A mentor pro-  
22 gram described in this subsection is a program to improve  
23 the training of nursing home administrators and to  
24 strengthen their commitment to serve as leaders in their  
25 States. Such a program shall provide for the following:

1           (1) Identification of individuals who are nursing  
2           home administrators and have exceptional potential  
3           to serve as mentors to other nursing home adminis-  
4           trators.

5           (2) Training of such individuals to serve as  
6           mentors for other nursing home administrators who  
7           are employed in underserved nursing homes (as de-  
8           fined in section 487H(e)(3) of the Public Health  
9           Service Act).

10          (c) APPLICATIONS.—A State seeking a grant under  
11          this section shall submit an application to the Secretary  
12          at such time, in such manner, and containing such infor-  
13          mation as the Secretary may require.

14          (d) AUTHORIZATION OF APPROPRIATIONS.—There  
15          are authorized to be appropriated \$25,000,000 to carry  
16          out this section.

17          (e) DEFINITIONS.—For purposes of this section:

18               (1) NURSING HOME.—The term “nursing  
19               home” means any institution or facility defined as  
20               such for licensing purposes under State law, or, if  
21               State law does not employ the term nursing home,  
22               the equivalent term or terms as determined by the  
23               Secretary, but does not include a religious nonmed-  
24               ical health care institution (as defined in section

1       1861(ss)(1) of the Social Security Act (42 U.S.C.  
2       1395x(ss)(1)).

3           (2) NURSING HOME ADMINISTRATOR.—The  
4       term “nursing home administrator” means any indi-  
5       vidual who is charged with the general administra-  
6       tion of a nursing home whether or not such indi-  
7       vidual has an ownership interest in such home and  
8       whether or not the individual’s functions and duties  
9       are shared with one or more other individuals.

10          (3) STATE.—The term “State” has the mean-  
11       ing given such term for purposes of title XIX of the  
12       Social Security Act.

13   **SEC. 4. HIGH FAMILY INVOLVEMENT IN NURSING HOMES.**

14       The Director of the Centers for Medicare & Medicaid  
15       Services shall provide, in implementing the Nursing Home  
16       Quality Initiative, the degree of family involvement (as de-  
17       fined by the Director) among the quality indicators for  
18       the evaluation of the quality of nursing homes, .

19   **SEC. 5. REINSTITUTION OF BOREN AMENDMENT MEDICAID**  
20                   **PAYMENT METHODOLOGY.**

21       (a) IN GENERAL.—Section 1902(a)(13) of the Social  
22       Security Act (42 U.S.C. 1396a(a)(13)) is amended to read  
23       as follows:

24           “(13) provide for payment of services through  
25       the use of rates determined pursuant to the criteria

1       under this paragraph as in effect on August 1,  
2       1997;”.

3       (b) ESTABLISHMENT OF SAFE HARBOR RATES.—  
4       Section 1902 of such Act (42 U.S.C. 1396a) is amended  
5       by adding at the end the following: “The Secretary may,  
6       by regulation, promulgate standards or methodologies for  
7       determining rates that comply with paragraph (13), and  
8       a State that pays rates that meet such standards or meth-  
9       odologies is deemed to be in compliance with paragraph  
10      (13).”.

11      (c) EFFECTIVE DATE.—The amendments made by  
12      this section shall apply to services furnished on or after  
13      the date that is one year after the date of the enactment  
14      of this Act.

15      **SEC. 6. INCREASE OF MEDICAID FMAP.**

16      Section 1905(b) of the Social Security Act (42 U.S.C.  
17      1396d(b)) is amended by adding at the end the following:  
18      “Notwithstanding the first sentence of this subsection,  
19      only for purposes of this title (and not with respect to the  
20      determination of the enhanced FMAP) and with respect  
21      to calendar quarters beginning after October 1, 2004, in  
22      the case of a State in which the Federal medical assistance  
23      percentage otherwise determined under the first sentence  
24      is less than 60 percent, such percentage shall be increased  
25      by 2 percentage points, and in the case of a State in which



1 such percentage is otherwise so determined to be 60 per-  
2 cent or greater, such percentage shall be increased by 1  
3 percentage point.”.

○