

109TH CONGRESS
1ST SESSION

S. 831

To provide for the establishment of a Health Workforce Advisory Commission to review Federal health workforce policies and make recommendations on improving those policies.

IN THE SENATE OF THE UNITED STATES

APRIL 18, 2005

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for the establishment of a Health Workforce Advisory Commission to review Federal health workforce policies and make recommendations on improving those policies.

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 “Health Workforce Ad-
5 visory Commission Act of 2005”.

6 **SEC. 2. HEALTH WORKFORCE ADVISORY COMMISSION.**

7 (a) **ESTABLISHMENT.**—The Comptroller General
8 shall establish a commission to be known as the Health

1 Workforce Advisory Commission (referred to in this Act
2 as the “Commission”).

3 (b) MEMBERSHIP.—

4 (1) IN GENERAL.—The Commission shall be
5 composed of 18 members to be appointed by the
6 Comptroller General not later than 90 days after the
7 date of enactment of this Act, and an ex-officio
8 member who shall serve as the Director of the Com-
9 mission.

10 (2) QUALIFICATIONS.—In appointing members
11 to the Commission under paragraph (1), the Comp-
12 troller General shall ensure that—

13 (A) the Commission includes individual
14 with national recognition for their expertise in
15 health care workforce issues, including work-
16 force forecasting, undergraduate and graduate
17 training, economics, health care and health care
18 systems financing, public health policy, and
19 other fields;

20 (B) the members are geographically rep-
21 resentative of the United States and maintain a
22 balance between urban and rural representa-
23 tives;

1 (C) the members includes a representative
2 from the commissioned corps of the Public
3 Health Service;

4 (D) the members represent the spectrum
5 of professions in the current and future
6 healthcare workforce, including physicians,
7 nurses, and other health professionals and per-
8 sonnel, and are skilled in the conduct and inter-
9 pretation of health workforce measurement,
10 monitoring and analysis, health services, eco-
11 nomic, and other workforce related research
12 and technology assessment;

13 (E) at least 25 percent of the members
14 who are health care providers are from rural
15 areas; and

16 (F) a majority of the members are individ-
17 uals who are not currently primarily involved in
18 the provision or management of health profes-
19 sions education and training programs.

20 (3) TERMS AND VACANCIES.—

21 (A) TERMS.—The term of service of the
22 members of the Commission shall be for 3 years
23 except that the Comptroller General shall des-
24 ignate staggered terms for members initially ap-
25 pointed under paragraph (1).

1 (B) VACANCIES.—Any member who is ap-
2 pointed to fill a vacancy on the Commission
3 that occurs before the expiration of the term for
4 which the member's predecessor was appointed
5 shall be appointed only for the remainder of
6 that term.

7 (4) CHAIRPERSON.—

8 (A) DESIGNATION.—The Comptroller Gen-
9 eral shall designate a member of the Commis-
10 sion, at the time of the appointment of such
11 member—

12 (i) to serve as the Chairperson of the
13 Commission; and

14 (ii) to serve as the Vice Chairperson
15 of the Commission.

16 (B) TERM.—A member shall serve as the
17 Chairperson or Vice Chairperson of the Com-
18 mission under subparagraph (A) for the term of
19 such member.

20 (C) VACANCY.—In the case of a vacancy in
21 the Chairpersonship or Vice Chairpersonship,
22 the Comptroller General shall designate another
23 member to serve for the remainder of the va-
24 cant member's term.

25 (c) DUTIES.—The Commission shall—

1 (1) review the health workforce policies imple-
2 mented—

3 (A) under titles XVIII and XIX of the So-
4 cial Security Act (42 U.S.C. 1395, 1396 et
5 seq.);

6 (B) under titles VII and VIII of the Public
7 Health Service Act (42 U.S.C. 292, 296 et
8 seq.);

9 (C) by the National Institutes of Health;

10 (D) by the Department of Health and
11 Human Services;

12 (E) by the Department of Veterans Af-
13 fairs; and

14 (F) by other departments and agencies as
15 appropriate;

16 (2) analyze and make recommendations to im-
17 prove the methods used to measure and monitor the
18 health workforce and the relationship between the
19 number and make up of such personnel and the ac-
20 cess of individuals to appropriate health care;

21 (3) review the impact of health workforce poli-
22 cies and other factors on the ability of the health
23 care system to provide optimal medical and health
24 care services;

1 (4) analyze and make recommendations per-
2 taining to Federal incentives (financial, regulatory,
3 and otherwise) and Federal programs that are in
4 place to promote the education of an appropriate
5 number and mix of health professionals to provide
6 access to appropriate health care in the United
7 States;

8 (5) analyze and make recommendations about
9 the appropriate supply and distribution of physi-
10 cians, nurses, and other health professionals and
11 personnel to achieve a health care system that is
12 safe, effective, patient centered, timely, equitable,
13 and efficient;

14 (6) analyze the role and global implications of
15 internationally trained physicians, nurses, and other
16 health professionals and personnel in the United
17 States health workforce;

18 (7) analyze and make recommendations about
19 achieving appropriate diversity in the United States
20 health workforce;

21 (8) conduct public meetings to discuss health
22 workforce policy issues and help formulate rec-
23 ommendations for Congress and the Secretary of
24 Health and Human Services;

1 (9) in the course of meetings conducted under
2 paragraph (8), consider the results of staff research,
3 presentations by policy experts, and comments from
4 interested parties;

5 (10) make recommendations to Congress con-
6 cerning health workforce policy issues;

7 (11) not later than April 15, 2006, and each
8 April 15 thereafter, submit a report to Congress
9 containing the results of the reviews conducted
10 under this subsection and the recommendations de-
11 veloped under this subsection;

12 (12) periodically, as determined appropriate by
13 the Commission, submit reports to Congress con-
14 cerning specific issues that the Commission deter-
15 mines are of high importance; and

16 (13) carry out any other activities determined
17 appropriate by the Secretary of Health and Human
18 Services.

19 (d) ONGOING DUTIES CONCERNING REPORTS AND
20 REVIEWS.—

21 (1) COMMENTING ON REPORTS.—

22 (A) SUBMISSION TO COMMISSION.—The
23 Secretary of Health and Human Services shall
24 transmit to the Commission a copy of each re-
25 port that is submitted by the Secretary to Con-

1 gress if such report is required by law and re-
2 lates to health workforce policy.

3 (B) REVIEW.—The Commission shall re-
4 view a report transmitted under subparagraph
5 (A) and, not later than 6 months after the date
6 on which the report is transmitted, submit to
7 the appropriate committees of Congress written
8 comments concerning such report. Such com-
9 ments may include such recommendations as
10 the Commission determines appropriate.

11 (2) AGENDA AND ADDITIONAL REVIEWS.—

12 (A) IN GENERAL.—The Commission shall
13 consult periodically with the chairman and
14 ranking members of the appropriate committees
15 of Congress concerning the agenda and
16 progress of the Commission.

17 (B) ADDITIONAL REVIEWS.—The Commis-
18 sion may from time to time conduct additional
19 reviews and submit additional reports to the ap-
20 propriate committees of Congress on topics re-
21 lating to Federal health workforce-related pro-
22 grams and as may be requested by the chair-
23 man and ranking members of such committees.

24 (3) AVAILABILITY OF REPORTS.—The Commis-
25 sion shall transmit to the Secretary of Health and

1 Human Services a copy of each report submitted by
2 the Commission under this section and shall make
3 such reports available to the public.

4 (e) POWERS OF THE COMMISSION.—

5 (1) GENERAL POWERS.—Subject to such review
6 as the Comptroller General determines to be nec-
7 essary to ensure the efficient administration of the
8 Commission, the Commission may—

9 (A) employ and fix the compensation of the
10 Executive Director and such other personnel as
11 may be necessary to carry out its duties;

12 (B) seek such assistance and support as
13 may be required in the performance of its du-
14 ties from appropriate Federal departments and
15 agencies;

16 (C) enter into contracts or make other ar-
17 rangements as may be necessary for the con-
18 duct of the work of the Commission;

19 (D) make advance, progress, and other
20 payments that relate to the work of the Com-
21 mission;

22 (E) provide transportation and subsistence
23 for personnel who are serving without com-
24 pensation; and

1 (F) prescribe such rules and regulations at
2 the Commission determined necessary with re-
3 spect to the internal organization and operation
4 of the Commission.

5 (2) INFORMATION.—To carry out its duties
6 under this section, the Commission—

7 (A) shall have unrestricted access to all de-
8 liberations, records, and nonproprietary data
9 maintained by the General Accounting Office;

10 (B) may secure directly from any depart-
11 ment or agency of the United States informa-
12 tion necessary to enable the Commission to
13 carry out its duties under this section, on a
14 schedule that is agreed upon between the Chair-
15 person and the head of the department or agen-
16 cy involved;

17 (C) shall utilize existing information (pub-
18 lished and unpublished) collected and assessed
19 either by the staff of the Commission or under
20 other arrangements;

21 (D) may conduct, or award grants or con-
22 tracts for the conduct of, original research and
23 experimentation where information available
24 under subparagraphs (A) and (B) is inad-
25 equate;

1 (E) may adopt procedures to permit any
2 interested party to submit information to be
3 used by the Commission in making reports and
4 recommendations under this section; and

5 (F) may carry out other activities deter-
6 mined appropriate by the Commission.

7 (f) ADMINISTRATIVE PROVISIONS.—

8 (1) COMPENSATION.—While serving on the
9 business of the Commission a member of the Com-
10 mission shall be entitled to compensation at the per
11 diem equivalent of the rate provided for under level
12 IV of the Executive Schedule under title 5, United
13 States Code.

14 (2) MEETINGS.—The Commission shall meet at
15 the call of the Chairperson.

16 (3) EXECUTIVE DIRECTOR AND STAFF.—The
17 Comptroller General shall appoint an individual to
18 serve as the interim Executive Director of the Com-
19 mission until the members of the Commission are
20 able to select a permanent Executive Director under
21 subsection (e)(1)(A).

22 (4) ETHICAL DISCLOSURE.—The Comptroller
23 General shall establish a system for public disclosure
24 by members of the Commission of financial and

1 other potential conflicts of interest relating to such
2 members.

3 (5) AUDITS.—The Commission shall be subject
4 to periodic audit by the Comptroller General.

5 (g) FUNDING.—

6 (1) REQUESTS.—The Commission shall submit
7 requests for appropriations in the same manner as
8 the Comptroller General submits such requests.
9 Amounts appropriated for the Commission shall be
10 separate from amounts appropriated for the Com-
11 troller General.

12 (2) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated to carry out
14 this section, \$6,000,000 for fiscal year 2006, and
15 such sums as may be necessary for each subsequent
16 fiscal year, of which—

17 (A) 80 percent of such appropriated
18 amount shall be made available from the Fed-
19 eral Hospital Insurance Trust Fund under sec-
20 tion 1817 of the Social Security Act (42 U.S.C.
21 1395i); and

22 (B) 20 percent of such appropriation shall
23 be made available for amounts appropriated to
24 carry out title XIX of such Act (42 U.S.C.
25 1396 et seq.).

1 (h) DEFINITION.—In this Act, the term “appropriate
2 committees of Congress” means the Committee on Fi-
3 nance of the Senate and the Committee on Ways and
4 Means of the House of Representatives.

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