

110TH CONGRESS  
1ST SESSION

# S. 718

To optimize the delivery of critical care medicine and expand the critical care workforce.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2007

Mr. DURBIN (for himself and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To optimize the delivery of critical care medicine and expand the critical care workforce.

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 “Patient-Focused Crit-  
5       ical Care Enhancement Act”.

6       **SEC. 2. PURPOSE.**

7       The purpose of this Act is to optimize the delivery  
8       of critical care medicine and expand the critical care work-  
9       force.

1 **SEC. 3. FINDINGS.**

2       Based on the Health Resources and Services Admin-  
3 istration's May 2006 Report to Congress, The Critical  
4 Care Workforce: A Study of the Supply and Demand for  
5 Critical Care Physicians, the Senate makes the following  
6 findings:

7           (1) In 2000, an estimated 18,000,000 inpatient  
8 days of ICU care were provided in the United States  
9 through approximately 59,000 ICU beds in 3,200  
10 hospitals.

11          (2) Patient outcomes and the quality of care in  
12 the ICU are related to who delivers that care and  
13 how care is organized.

14          (3) The demand in the United States for crit-  
15 ical care medical services is rising sharply and will  
16 continue to rise sharply largely as a result of the fol-  
17 lowing 3 factors:

18           (A) There is strong evidence dem-  
19 onstrating improvements in outcomes and effi-  
20 ciency when intensive care services are provided  
21 by nurses and intensivist physicians who have  
22 advanced specialty training in critical care med-  
23 icine.

24           (B) The Leapfrog Group, health care  
25 payors, and providers are encouraging greater  
26 use of such personnel in intensive care settings.

1 (C) Critical care services are overwhelm-  
2 ingly consumed by patients over the age of 65  
3 and the aging of the United States population  
4 is driving demand for these services.

5 (4) The future growth in the number of critical  
6 care physicians in ICU settings will be insufficient  
7 to keep pace with growing demand.

8 (5) This growing shortage of critical care physi-  
9 cians presents a serious threat to the quality and  
10 availability of health care services in the United  
11 States.

12 (6) This shortage will disproportionately impact  
13 rural and other areas of the United States that al-  
14 ready often suffer from a suboptimal level of critical  
15 care services.

16 **SEC. 4. RESEARCH.**

17 (a) IN GENERAL.—The Secretary of Health and  
18 Human Services, through the Agency for Healthcare Re-  
19 search and Quality, shall conduct research to assess—

20 (1) the standardization of critical care proto-  
21 cols, intensive care unit layout, equipment interoper-  
22 ability, and medical informatics;

23 (2) the impact of differences in staffing, organi-  
24 zation, size, and structure of intensive care units on  
25 access, quality, and efficiency of care; and

1           (3) coordinated community and regional ap-  
 2           proaches to providing critical care services, including  
 3           approaches whereby critical care patients are as-  
 4           sessed and provided care based upon intensity of  
 5           services required.

6           (b) REPORT.—Not later than 18 months after the  
 7           date of enactment of this Act, the Agency for Healthcare  
 8           Research and Quality shall submit a report to Congress,  
 9           that, based on the review under subsection (a), evaluates  
 10          and makes recommendations regarding best practices in  
 11          critical care medicine.

12   **SEC. 5. INNOVATIVE APPROACHES TO CRITICAL CARE**  
 13                           **SERVICES.**

14          The Secretary of Health and Human Services shall  
 15          undertake the following demonstration projects:

16               (1) OPTIMIZATION OF CRITICAL CARE SERV-  
 17               ICES.—

18                       (A) IN GENERAL.—The Administrator of  
 19                       the Centers for Medicare & Medicaid Services  
 20                       shall solicit proposals submitted by inpatient  
 21                       providers of critical care services who propose  
 22                       to demonstrate methods to optimize the provi-  
 23                       sion of critical care services to Medicare bene-  
 24                       ficiaries through innovations in such areas as

1 staffing, ICU arrangement, and utilization of  
2 technology.

3 (B) FUNDING OF PROPOSALS.—The Ad-  
4 ministrator of the Centers for Medicare & Med-  
5 icaid Services shall fund not more than 5 pro-  
6 posals, not less than 1 of which shall focus on  
7 the training of hospital-based physicians in  
8 rural or community, or both, hospital facilities  
9 in the provision of critical care medicine. Such  
10 projects shall emphasize outcome measures  
11 based on the Institute of Medicine’s following 6  
12 domains of quality care:

13 (i) Care should be safe.

14 (ii) Care should be effective.

15 (iii) Care should be patient-centered.

16 (iv) Care should be timely.

17 (v) Care should be efficient.

18 (vi) Care should be equitable.

19 (2) FAMILY ASSISTANCE PROGRAMS FOR THE  
20 CRITICALLY ILL.—

21 (A) IN GENERAL.—The Secretary of  
22 Health and Human Services shall solicit pro-  
23 posals and make an award to support a consor-  
24 tium consisting of 1 or more providers of inpa-  
25 tient critical care services and a medical spe-

1 cialty society involved in the education and  
 2 training of critical care providers.

3 (B) MEASUREMENT AND EVALUATION.—A  
 4 provider that receives support under subpara-  
 5 graph (A) shall measure and evaluate outcomes  
 6 derived from a “family-centered” approach to  
 7 the provision of inpatient critical care services  
 8 that includes direct and sustained communica-  
 9 tion and contact with beneficiary family mem-  
 10 bers, involvement of family members in the crit-  
 11 ical care decisionmaking process, and respon-  
 12 siveness of critical care providers to family re-  
 13 quests. Such project shall evaluate the impact  
 14 of a family-centered, multiprofessional team ap-  
 15 proach on, and the correlation between—

- 16 (i) family satisfaction;
- 17 (ii) staff satisfaction;
- 18 (iii) length of patient stay in an inten-  
 19 sive care unit; and
- 20 (iv) cost of care.

21 (C) OUTCOME MEASURES.—A provider  
 22 that receives support under subparagraph (A)  
 23 shall emphasize outcome measures based on the  
 24 Institute of Medicine’s following 6 domains of  
 25 quality care:

- 1 (i) Care should be safe.
- 2 (ii) Care should be effective.
- 3 (iii) Care should be patient-centered.
- 4 (iv) Care should be timely.
- 5 (v) Care should be efficient.
- 6 (vi) Care should be equitable.

7 **SEC. 6. USE OF TELEMEDICINE TO ENHANCE CRITICAL**  
 8 **CARE SERVICES IN RURAL AREAS.**

9 (a) AMENDMENT TO RURAL UTILITIES SERVICE DIS-  
 10 TANCE LEARNING AND TELEMEDICINE PROGRAM.—  
 11 Chapter 1 of subtitle D of title XXIII of the Food, Agri-  
 12 culture, Conservation, and Trade Act of 1990 (7 U.S.C.  
 13 950aaa et seq.) is amended by adding at the end the fol-  
 14 lowing:

15 **“SEC. 2335B. ADDITIONAL AUTHORIZATION OF APPROPRIA-**  
 16 **TIONS FOR TELEMEDICINE CRITICAL CARE**  
 17 **INITIATIVES.**

18 “In addition to amounts authorized under section  
 19 2335A, there is authorized to be appropriated \$5,000,000  
 20 in each of fiscal years 2008 through 2013 to carry out  
 21 telemedicine initiatives under this chapter whereby 1 or  
 22 more rural providers of inpatient critical care services pro-  
 23 pose, through collaboration with other providers, to aug-  
 24 ment the delivery of critical care services in the rural inpa-  
 25 tient setting through the use of telecommunications sys-

1 tems that allow for consultation with critical care pro-  
 2 viders not located in the rural facility regarding the care  
 3 of such patients.”.

4 (b) AMENDMENT TO TELEHEALTH NETWORK GRANT  
 5 PROGRAM.—Section 330I(i)(1)(B) of the Public Health  
 6 Service Act (42 U.S.C. 254c–14(i)(1)(B)) is amended by  
 7 striking the period at the end and inserting “, or that aug-  
 8 ment the delivery of critical care services in rural inpatient  
 9 settings through consultation with providers located else-  
 10 where.”.

11 **SEC. 7. INCREASING THE SUPPLY OF CRITICAL CARE PRO-**  
 12 **VIDERS.**

13 Section 338B of the Public Health Service Act (42  
 14 U.S.C. 254l–1) is amended by adding at the end the fol-  
 15 lowing:

16 “(i) CRITICAL CARE INITIATIVE.—

17 “(1) ESTABLISHMENT.—The Secretary shall  
 18 undertake an initiative that has as its goal the an-  
 19 nual recruitment of not less than 50 providers of  
 20 critical care services into the National Health Serv-  
 21 ice Corps Loan Repayment Program. Providers re-  
 22 cruited pursuant to this initiative shall be additional  
 23 to, and not detract from, existing recruitment activi-  
 24 ties otherwise authorized by this section.



1           “(2) CLARIFYING AMENDMENT.—The initiative  
 2           described in paragraph (1) shall be undertaken pur-  
 3           suant to the authority of this section, and for pur-  
 4           poses of the initiative—

5                   “(A) the term ‘primary health services’ as  
 6                   used in subsection (a) shall be understood to in-  
 7                   clude critical care services; and

8                   “(B) ‘an approved graduate training pro-  
 9                   gram’ as that term is used in subsection  
 10                  (b)(1)(B) shall be limited to pulmonary fellow-  
 11                  ships or critical care fellowships, or both, for  
 12                  physicians.”.

13 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

14           There are authorized to be appropriated to carry out  
 15           this Act—

16                   (1) \$5,000,000 for the research to be conducted  
 17                   under section 4; and

18                   (2) \$4,000,000 for the demonstration projects  
 19                   authorized under section 5.

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