

116TH CONGRESS
1ST SESSION

H. R. 5438

To direct the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to award grants to develop programs to increase health care providers' awareness of Valley fever, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2019

Mr. COX of California (for himself, Mr. HARDER of California, Mr. COSTA, Mr. GALLEGO, Mr. O'HALLERAN, Mrs. KIRKPATRICK, Mr. PANETTA, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to award grants to develop programs to increase health care providers' awareness of Valley fever, and for other purposes.

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 “End Valley Fever Now
5 Act”.

1 **SEC. 2. GRANTS TO DEVELOP PROGRAMS TO INCREASE**
2 **HEALTH CARE PROVIDERS' AWARENESS OF**
3 **VALLEY FEVER.**

4 Part P of title III of the Public Health Service Act
5 (42 U.S.C. 280g et seq.) is amended by adding at the end
6 the following:

7 **“SEC. 399V-7. GRANTS TO DEVELOP PROGRAMS TO IN-**
8 **CREASE HEALTH CARE PROVIDERS' AWARE-**
9 **NESS OF VALLEY FEVER.**

10 “(a) IN GENERAL.—The Secretary, acting through
11 the Administrator of the Health Resources and Services
12 Administration and in consultation with the Director of
13 the Centers for Disease Control and Prevention, shall
14 make awards of grants or cooperative agreements to eligi-
15 ble entities to establish and carry out programs—

16 “(1) to increase health care providers’ aware-
17 ness of Valley fever; and

18 “(2) to educate and train health care providers
19 on the diagnosis and treatment of Valley fever.

20 “(b) USE OF FUNDS.—An eligible entity selected to
21 receive a grant or contract under this section shall use
22 amounts awarded under such a grant or contract to pro-
23 vide innovative supportive activities (which may include
24 activities that do not rely on the use of broadband serv-
25 ices) to enhance education through distance learning, con-

1 tinuing educational activities, collaborative conferences,
 2 and electronic and telelearning activities.

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
 4 are authorized to be appropriated to carry out this section
 5 \$1,000,000 for the period of fiscal years 2021 through
 6 2023, to remain available until expended.

7 “(d) CONDITION.—A recipient of a grant under this
 8 section shall, as a condition on receipt of the grant, agree
 9 to develop curricula for the purposes specified in sub-
 10 section (a) in coordination with local providers at hospitals
 11 and clinics.

12 “(e) DEFINITIONS.—In this section:

13 “(1) The term ‘eligible entity’ means—

14 “(A) a State department of health (or
 15 similar State authority);

16 “(B) an institution of higher education (as
 17 defined in section 101 of the Higher Education
 18 Act of 1965 (20 U.S.C. 1001)), including a
 19 medical school or continuing medical education
 20 program at such institution;

21 “(C) an entity operating a graduate med-
 22 ical residency training program under section
 23 340E or under section 340H; or

24 “(D) a teaching hospital (as defined in sec-
 25 tion 415.152 of title 42, Code of Federal Regu-

1 lations) that has physicians and other medical
2 providers with specialized knowledge in diag-
3 nosing and treating Valley fever.

4 “(2) The term ‘Valley fever’ means the condi-
5 tion caused by Coccidioidomycosis.”.

6 **SEC. 3. STUDY COMPARING DIFFERENT CASE DEFINITIONS**
7 **USED TO IDENTIFY VALLEY FEVER.**

8 (a) IN GENERAL.—The Secretary of Health and
9 Human Services, acting through the Director of the Cen-
10 ters for Disease Control and Prevention shall conduct a
11 study comparing different case definitions used to identify
12 valley fever. Such study shall include the efficacy of the
13 methods being used to establish such case definitions and
14 the cost effectiveness of such methods, including using the
15 case definition for valley fever established by the Council
16 of State and Territorial Epidemiologist.

17 (b) VALLEY FEVER DEFINED.—In this Act, the term
18 “Valley fever” has the meaning given the term in section
19 399V–7 of the Public Health Service Act.

1 **SEC. 4. ALLOWING STATES TO PROVIDE COVERAGE UNDER**
2 **THE MEDICAID PROGRAM FOR ITEMS AND**
3 **SERVICES FURNISHED IN CONNECTION WITH**
4 **QUALIFYING VALLEY FEVER CLINICAL**
5 **TRIALS.**

6 (a) IN GENERAL.—Section 1905(a) of the Social Se-
7 curity Act (42 U.S.C. 1396d(a)) is amended—

8 (1) in paragraph (29), by striking “and” at the
9 end;

10 (2) by redesignating paragraph (30) as para-
11 graph (31); and

12 (3) by inserting after paragraph (29) the fol-
13 lowing new paragraph:

14 “(30) items and services furnished in connec-
15 tion with participation in a qualifying Valley fever
16 clinical trial (as defined in section 2709A(b)(4) of
17 the Public Health Service Act), including travel and
18 incidental expenses, regardless of whether such items
19 and services are furnished by a participating pro-
20 vider under the Medicaid program (other than a pro-
21 vider excluded from participation in such program
22 under section 1128) or whether such items and serv-
23 ices are furnished in another State; and”.

24 (b) REDUCTION IN FMAP FOR STATES THAT DO
25 NOT PROVIDE COVERAGE.—Section 1905 of the Social
26 Security Act (42 U.S.C. 1396d) is amended—

1 (1) in subsection (b), by striking “and (ff)” and
2 inserting “(ff), and (gg)”; and

3 (2) by adding at the end the following new sub-
4 section:

5 “(gg) REDUCTION IN FMAP FOR STATES THAT DO
6 NOT PROVIDE COVERAGE FOR CERTAIN ITEMS AND
7 SERVICES.—With respect to a calendar quarter beginning
8 on or after January 1, 2021, the Federal medical assist-
9 ance percentage otherwise determined under subsection
10 (b) for a State that does not provide coverage for items
11 and services described in subsection (a)(30) that are fur-
12 nished during such quarter shall be reduced by 5 percent-
13 age points.”.

14 (c) ENSURING ACCESS FOR MEDICAID EXPANSION
15 POPULATION.—Section 1937(b)(5) of such Act is amend-
16 ed by inserting before the period at the end the following:
17 “, and beginning January 1, 2021, coverage of items and
18 services described in section 1905(a)(30)”.

19 (d) PROHIBITION ON IMPOSITION OF COSTSHARING
20 REQUIREMENTS.—Title XIX of the Social Security Act
21 (42 U.S.C. 1396 et seq.) is amended—

22 (1) in section 1916(a)(2)—

23 (A) in subparagraph (D), by striking “or”
24 at the end;

1 (B) in subparagraph (E), by striking “;
2 and” at the end and inserting “, or”; and

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

5 “(F) items and services described in sec-
6 tion 1905(a)(30); and”; and

7 (2) in section 1916A(b)(3)(B), by adding at the
8 end the following new clause:

9 “(xi) Items and services described in
10 section 1905(a)(30).”.

11 (e) CONTINUOUS COVERAGE FOR INDIVIDUALS WHO
12 LOSE MEDICAID ELIGIBILITY BASED ON INCOME.—Sec-
13 tion 1902(e) of the Social Security Act (42 U.S.C.
14 1396a(e)) is amended by adding at the end the following
15 new paragraph:

16 “(16) CONTINUOUS COVERAGE FOR ITEMS AND
17 SERVICES FURNISHED IN CONNECTION WITH QUALI-
18 FYING VALLEY FEVER CLINICAL TRIALS.—In the
19 case of an individual who is eligible for medical as-
20 sistance under the State plan (or a waiver of such
21 plan) based on the application of modified adjusted
22 gross income under paragraph (14)(A), who while so
23 eligible is furnished items and services described in
24 section 1905(a)(30) in connection with participation
25 in a qualifying Valley fever clinical trial (as defined

1 in section 2709A(b)(4) of the Public Health Service
2 Act), and who while so furnished such items and
3 services loses eligibility for such medical assistance
4 due to a change in income of the family of which
5 such individual is a member, such individual shall be
6 deemed to continue to be an individual eligible for
7 such medical assistance, without regard to such
8 change in income, only with respect to such items
9 and services through the end of the month in which
10 such qualifying Valley fever clinical trial ends.”.

11 (f) EFFECTIVE DATE.—

12 (1) IN GENERAL.—The amendments made by
13 this section shall apply with respect to items and
14 services furnished, and eligibility determinations
15 made, on or after January 1, 2021.

16 (2) EXCEPTION FOR STATE LEGISLATION.—In
17 the case of a State plan under title XIX of the So-
18 cial Security Act (42 U.S.C. 1396 et seq.) that the
19 Secretary of Health and Human Services determines
20 requires State legislation in order for the respective
21 plan to meet any requirement imposed by amend-
22 ments made by this section, the respective plan shall
23 not be regarded as failing to comply with the re-
24 quirements of such title solely on the basis of its
25 failure to meet such an additional requirement be-

1 fore the first day of the first calendar quarter begin-
 2 ning after the close of the first regular session of the
 3 State legislature that begins after the date of the en-
 4 actment of this Act. For purposes of the previous
 5 sentence, in the case of a State that has a 2-year
 6 legislative session, each year of the session shall be
 7 considered to be a separate regular session of the
 8 State legislature.

9 **SEC. 5. REQUIREMENT FOR GROUP HEALTH PLANS AND**
 10 **HEALTH INSURANCE ISSUERS TO PROVIDE**
 11 **COVERAGE FOR ITEMS AND SERVICES FUR-**
 12 **NISHED IN CONNECTION WITH QUALIFYING**
 13 **VALLEY FEVER CLINICAL TRIALS.**

14 (a) IN GENERAL.—Subpart I of part A of title
 15 XXVII of the Public Health Service Act (42 U.S.C. 300gg
 16 et seq.) is amended—

17 (1) by redesignating the second section 2709 as
 18 section 2710; and

19 (2) by inserting after the first section 2709 the
 20 following new section:

21 **“SEC. 2709A. COVERAGE FOR INDIVIDUALS PARTICIPATING**
 22 **IN QUALIFYING VALLEY FEVER CLINICAL**
 23 **TRIALS.**

24 “(a) IN GENERAL.—Notwithstanding section 2709, a
 25 group health plan or health insurance issuer offering

1 group or individual health insurance coverage shall, with
2 respect to an enrollee of such plan or coverage, respec-
3 tively, provide coverage for any item or service furnished
4 to such enrollee in connection with such enrollee's partici-
5 pation in a qualifying Valley fever clinical trial, including
6 travel and incidental expenses—

7 “(1) without regard to whether such item or
8 service is furnished by a participating provider or
9 participating facility with respect to such item or
10 service; and

11 “(2) in a manner so that, if such item or serv-
12 ice is furnished to such enrollee by a nonpartici-
13 pating provider or nonparticipating facility, the cost-
14 sharing requirement (expressed as a copayment
15 amount or coinsurance rate) is not greater than the
16 requirement that would apply if such item or service
17 were furnished by a participating provider or partici-
18 pating facility.

19 “(b) DEFINITIONS.—In this section:

20 “(1) NONPARTICIPATING FACILITY; PARTICI-
21 PATING FACILITY.—

22 “(A) NONPARTICIPATING FACILITY.—The
23 term ‘nonparticipating facility’ means, with re-
24 spect to an item or service and a group health
25 plan or group or individual health insurance

1 coverage, a health care facility that does not
2 have a contractual relationship with the sponsor
3 of such plan or issuer of such coverage for fur-
4 nishing such item or service under the plan or
5 coverage.

6 “(B) PARTICIPATING FACILITY.—The term
7 ‘participating facility’ means, with respect to an
8 item or service and a group health plan or
9 group or individual health insurance coverage, a
10 health care facility that has a contractual rela-
11 tionship with the sponsor of such plan or issuer
12 of such coverage for furnishing such item or
13 service under the plan or coverage.

14 “(2) NONPARTICIPATING PROVIDER; PARTICI-
15 PATING PROVIDER.—

16 “(A) NONPARTICIPATING PROVIDER.—The
17 term ‘nonparticipating provider’ means, with re-
18 spect to an item or service and a group health
19 plan or group or individual health insurance
20 coverage, a physician or other health care pro-
21 vider who is acting within the scope of practice
22 of that provider’s license or certification under
23 applicable State law and who does not have a
24 contractual relationship with the sponsor of
25 such plan or issuer of such coverage for fur-

1 nishing such item or service under the plan or
2 coverage.

3 “(B) PARTICIPATING PROVIDER.—The
4 term ‘participating provider’ means, with re-
5 spect to an item or service and a group health
6 plan or group or individual health insurance
7 coverage, a physician or other health care pro-
8 vider who is acting within the scope of practice
9 of that provider’s license or certification under
10 applicable State law and who has a contractual
11 relationship with the sponsor of such plan or
12 issuer of such coverage for furnishing such item
13 or service under the plan or coverage.

14 “(3) QUALIFYING VALLEY FEVER CLINICAL
15 TRIAL.—

16 “(A) IN GENERAL.—The term ‘qualifying
17 Valley fever clinical trial’ means a phase I,
18 phase II, phase III, or phase IV clinical trial
19 that is conducted in relation to the prevention,
20 detection, or treatment of Valley fever (as de-
21 fined in section 399V–7) and is described in
22 any of the following clauses:

23 “(i) The study or investigation is ap-
24 proved or funded (which may include fund-

1 ing through in-kind contributions) by one
2 or more of the following:

3 “(I) The National Institutes of
4 Health.

5 “(II) The Centers for Disease
6 Control and Prevention.

7 “(III) The Agency for Healthcare
8 Research and Quality.

9 “(IV) The Centers for Medicare
10 & Medicaid Services.

11 “(V) A cooperative group or cen-
12 ter of any of the entities described in
13 subclauses (I) through (IV) or the De-
14 partment of Defense or the Depart-
15 ment of Veterans Affairs.

16 “(VI) A qualified non-govern-
17 mental research entity identified in
18 the guidelines issued by the National
19 Institutes of Health for center support
20 grants.

21 “(VII) Any of the following if the
22 conditions described in subparagraph
23 (B) are met:

24 “(aa) The Department of
25 Veterans Affairs.

1 “(bb) The Department of
2 Defense.

3 “(cc) The Department of
4 Energy.

5 “(ii) The clinical trial is conducted
6 under an investigational new drug applica-
7 tion reviewed by the Food and Drug Ad-
8 ministration.

9 “(iii) The clinical trial is a drug trial
10 that is exempt from having such an inves-
11 tigational new drug application.

12 “(B) CONDITIONS.—For purposes of sub-
13 paragraph (A)(i)(VII), the conditions described
14 in this subparagraph, with respect to a clinical
15 trial approved or funded by an entity described
16 in such subparagraph (A)(i)(VII), are that the
17 clinical trial has been reviewed and approved
18 through a system of peer review that the Sec-
19 retary determines—

20 “(i) to be comparable to the system of
21 peer review of studies and investigations
22 used by the National Institutes of Health;
23 and

24 “(ii) assures unbiased review of the
25 highest scientific standards by qualified in-

1 dividuals with no interest in the outcome
2 of the review.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 this section shall apply with respect to plan years begin-
5 ning on or after January 1, 2021.

6 **SEC. 6. MEDICARE COVERAGE OF ITEMS AND SERVICES**
7 **FURNISHED IN CONNECTION WITH QUALI-**
8 **FYING VALLEY FEVER CLINICAL TRIALS.**

9 (a) COVERAGE.—Section 1861(s)(2) of the Social Se-
10 curity Act (42 U.S.C. 1395x(s)(2)) is amended—

11 (1) in subparagraph (GG), by striking “and” at
12 the end;

13 (2) in subparagraph (HH), by striking the pe-
14 riod at the end and inserting “; and”; and

15 (3) by adding at the end the following new sub-
16 paragraph:

17 “(II) items and services furnished in connection
18 with participation in a qualifying Valley fever clinical
19 trial (as defined in section 2709A(b)(4) of the Public
20 Health Service Act), including travel and incidental
21 expenses;”.

22 (b) PAYMENT.—Section 1833(a)(1) of the Social Se-
23 curity Act (42 U.S.C. 1395l(a)(1)) is amended—

24 (1) by striking “and (CC)” and inserting
25 “(CC)”; and

1 (2) by inserting before the semicolon at the end
2 the following: “, and (DD) with respect to items and
3 services described in section 1861(s)(2)(II), the
4 amount paid shall be 100 percent of the lesser of the
5 actual charge for the services or the amount deter-
6 mined under the payment basis determined under
7 section 1848”.

○