

revenue that they are otherwise denied as a consequence of their inability to tax federal lands. That responsibility is still as relevant today as it was at the turn of the century or during the Depression. It is still relevant today, irrespective of what options we choose for how to manage our Federal forests.

Indeed, the most telling flaw in the proposal to decouple county payments from timber receipts is the notion that this responsibility—willing assumed by the Forest Service at the turn of the century and BLM during the Depression—should be transformed into either the sole responsibility of the federal taxpayer, or no one's responsibility as it becomes another entitlement program which the Federal Government and taxpayers feel free to eliminate or reduce as their needs dictate.

Our proposal starts by establishing a set payment amount with which the counties can provide support for rural school systems. This set payment is based upon an average of representative years of timber receipts. In this respect, this proposal is similar to that offered by the Clinton Administration, and to H.R. 2389 being considered in the House.

But here is where the similarity stops. We would not establish a separate appropriations line—which in all likelihood would be underfunded like the existing Payment in Lieu of Taxes System. Nor would we impose the responsibility to meet this payment on the Forest Service's or the BLM's annual budget.

Instead, we provide the Forest Service and the BLM with the authority to use any available receipts to meet these payments, and—only if these receipts fall short—to make up the difference from unobligated funds in the General Treasury. The intent here is to retain an obligation on the part of the Forest Service and the BLM, but to provide some flexibility in meeting this obligation.

Based upon our experience with the Quincy Library Group, the Applegate Partnership, and elsewhere, we have come to conclude that the best, recent decisions concerning federal resource management have enjoyed significant, local input. That is why our proposal contains a unique element—Senator WYDEN's idea, actually—to foster both local consensus and federal accountability around the management of federal lands.

Only 75 percent of the money to be given to the counties is provided for the traditional school and road programs. The remaining 25 percent would be provided to the counties for federal land management investments. The counties may fund either commercial or noncommercial projects on the federal lands at the recommendation of local advisory groups, and with the agreement of federal land managers. Projects must comply with all environmental laws and regulations, and must be consistent with the applicable land management plan. Any proceeds from

revenue generating projects will be split equally between the affected county and the federal land management agency. The county share will go to supporting schools and roads, while the federal share will go to infrastructure maintenance or ecosystem restoration. Any funds left-over because of a lack of local agreement will be reallocated to counties where agreement on resource stewardship priorities has been reached.

This proposal is as value-neutral concerning the resource debate as we could make it. It neither encourages nor discourages a particular resource management outcome. But it does have a very heavy prejudice that Senator WYDEN and I have become very passionate about. We are in favor of people of goodwill reasoning together to improve the quality of their lives and the quality of our environment. We cannot legislate an end to conflict. But we can use the legislative process to create an environment in which people are motivated to resolve their differences. That is what we think this bill does.●

By Mrs. HUTCHISON (for herself, Mr. ABRAHAM, Mr. BENNETT, Mr. ROBERTS, Mr. BURNS, and Mr. HAGEL);

S. 1609. A bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the Medicare program; to the Committee on Finance.

THE AMERICAN HOSPITAL PRESERVATION ACT OF 1999

Mrs. HUTCHISON. Mr. President, I rise today to introduce, along with my colleagues Senators ABRAHAM, BENNETT, ROBERTS, BURNS, and HAGEL, the American Hospital Preservation Act of 1999.

Mr. President, the single biggest Medicare dollar issue facing hospitals today is a recently enacted reduction in the annual inflation adjustment for inpatient hospital payments. Prior to 1997, Medicare provided an annual inflation adjustment for the PPS (prospective payment system) payments it makes to hospitals, according to the patient's diagnosis. The inflation update is calculated using the projected increase in the hospital market basket indicator (MBI), which is just a way to calculate the overall inflation rate for hospital costs.

To achieve savings in the Medicare program, the 1997 balanced budget agreement between Congress and the President included a tightening of the MBI to ensure after-inflation savings in Medicare.

The bill I am introducing today will ease that tightening somewhat to reflect the savings we've made beyond our original estimate. Specifically, the bill will restore .5 percent of those scheduled reductions in the MBI for FY '00 through '02.

This restoration will bring inpatient reimbursement rates closer in line to actual health care inflation, which is

necessary given the significant reductions in government and private health insurance plans that providers are increasingly experiencing. The bill will also serve to help hospitals and other institutional providers to adjust to new outpatient payment systems as well as greater than anticipated costs stemming from Y2K compliance, prescription drugs, and blood supplies. Y2K compliance alone is estimated to cost hospitals between \$7 billion and \$8 billion. To make matters worse, the Health Care Finance Administration (HCFA) has been making cuts in its payments to hospitals and other Medicare providers that are even beyond the savings Congress originally called for.

My bill will provide a temporary shot in the arm to hospitals already hard hit by overall Medicare provider reimbursement cuts, and particularly cuts in outpatient services. As hospitals learn to adjust to the new reimbursement system for outpatient services, continuing to receive inflation adjustments might just mean the difference between disaster and survival.

This bill also reflects the recommendation made by the Medicare Payment Advisory Commission (MedPAC) to provide the 1/2 percent restoration to the inpatient MBI.

This legislation is particularly justified considering that, far from the \$115 billion originally envisioned to be saved through FY '02, the Medicare system is now projected to be in about \$200 billion better shape than anticipated. Savings in Medicare from hospitals alone are estimated to be \$20 billion more than first estimated.

Mr. President, rural hospitals, and all hospitals for that matter, operate on very slim margins yet manage to bring cutting-edge medical care to the communities they serve. But changes in Medicare payments to hospitals have put many institutions in a bind. Others are fighting for their lives.

Rural communities across Texas have felt the impact of hospital closures for more than a decade now. When a rural hospital closes, local residents lose access to routine, preventative care, not to mention emergency services that can save life and limb. Doctors and other highly trained professionals move away. Then people must drive a hundred miles or more in some cases to get the care city dwellers take for granted. Local economies suffer when jobs are lost. Existing businesses may have to move, and new businesses won't locate in places where health care is unavailable. Hospital closure can be a death-knell for struggling towns.

Other rescue efforts are moving forward to preserve the ability of our nation's hospitals and other Medicare providers to provide adequate health care to their patients. I am cosponsoring a number of bills that have been introduced to strengthen hospitals' financial position. one would limit hospitals' losses under the new outpatient reimbursement system; another would

increase the reimbursements made to rural hospitals for seniors in Medicare Choice-Plus (managed care) plans.

Finally, my successful effort to ensure that states' tobacco settlement funds stay in our state and out of the clutches of the federal government has meant that many hospitals across the country are receiving a financial boost. As a result, hospitals across Texas and health care systems across the country are in line to receive the lion's share of \$246 billion in state tobacco settlement payments over the next 25 years and beyond.

America's hospitals aren't out of the woods yet, but first aid is on the way.

Thank you, Mr. President, and I urge my colleagues to support and pass the American Hospital Preservation Act of 1999.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Hospital Preservation Act of 1999".

SEC. 2. REVISION OF PPS HOSPITAL PAYMENT UPDATE.

(a) IN GENERAL.—Section 1886(b)(3)(B)(i) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)) is amended—

(I) in subclause (XV), by striking "1.8 percentage points" and inserting "1.3 percentage points"; and

(2) in subclause (XVI), by striking "1.1 percentage points" and inserting "0.6 percentage point".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

ADDITIONAL COSPONSORS

S. 51

At the request of Mr. BIDEN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 71

At the request of Ms. SNOWE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 71, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

S. 424

At the request of Mr. COVERDELL, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 469

At the request of Mr. BREAUX, the name of the Senator from Nevada (Mr.

BRYAN) was added as a cosponsor of S. 469, a bill to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes.

S. 655

At the request of Mr. LOTT, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 655, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 665

At the request of Mr. COVERDELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 665, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases.

S. 666

At the request of Mr. LUGAR, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 666, a bill to authorize a new trade and investment policy for sub-Saharan Africa.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 914

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 914, a bill to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes.

S. 922

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 935

At the request of Mr. LUGAR, the name of the Senator from Massachu-

sets (Mr. KERRY) was added as a cosponsor of S. 935, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1023

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1023, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 1024

At the request of Mr. MOYNIHAN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1024, a bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care.

S. 1028

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1070

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1086

At the request of Mrs. HUTCHISON, the names of the Senator from Maine (Ms. SNOWE) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1086, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 1140

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1140, a bill to require the

Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers.

S. 1142

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1142, a bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes.

S. 1211

At the request of Mr. BENNETT, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1211, a bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1225

At the request of Ms. COLLINS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1225, a bill to provide for a rural education initiative, and for other purposes.

S. 1232

At the request of Mr. COCHRAN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1232, a bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code.

S. 1272

At the request of Mr. NICKLES, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1300

At the request of Mr. HARKIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1300, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to prevent the wearing away of an employee's accrued benefit under a defined plan by the adoption of a plan amendment reducing future accruals under the plan.

S. 1308

At the request of Mr. MURKOWSKI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1308, a bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear power plants.

S. 1452

At the request of Mr. SHELBY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1452, a bill to modernize the requirements under the National Manu-

factured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1473

At the request of Mr. ROBB, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. DODD), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1478

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1478, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 1483

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1483, a bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers.

S. 1547

At the request of Mr. BURNS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1548

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1548, a bill to establish a program to help States expand the existing education system to include at least 1 year of early education preceding the year a child enters kindergarten.

S. 1571

At the request of Mr. JEFFORDS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1571, a bill to amend title 38, United States Code, to provide for permanent eligibility of former members of the Selected Reserve for veterans housing loans.

S. 1580

At the request of Mr. ROBERTS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1580, a bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes.

S. 1590

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr.

CLELAND) was added as a cosponsor of S. 1590, a bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes.

S. 1600

At the request of Mr. HARKIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1600, a bill to amend the Employee Retirement Income Security Act of 1974 to prevent the wearing away of an employee's accrued benefit under a defined benefit plan by the adoption of a plan amendment reducing future accruals under the plan.

SENATE JOINT RESOLUTION 30

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Joint Resolution 30, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of Senate Concurrent Resolution 34, a concurrent resolution relating to the observance of "In Memory" Day.

SENATE RESOLUTION 69

At the request of Mr. COVERDELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of Senate Resolution 69, a resolution to prohibit the consideration of retroactive tax increases in the Senate.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 99

At the request of Mr. REID, the names of the Senator from Virginia (Mr. ROBB), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Florida (Mr. MACK) were added as cosponsors of Senate Resolution 99, a resolution designating November 20, 1999, as "National Survivors for Prevention of Suicide Day."

SENATE RESOLUTION 128

At the request of Mr. COCHRAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of Senate Resolution 128, a resolution designating March 2000, as "Arts Education Month."

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Iowa (Mr. GRASSLEY), the Senator from Virginia (Mr. ROBB), the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. FITZGERALD), the Senator from Michigan (Mr. LEVIN), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of Senate Resolution 179, a

resolution designating October 15, 1999, as "National Mammography Day."

AMENDMENT NO. 1658

At the request of Mr. HELMS the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of amendment No. 1658 proposed to H.R. 2084, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENTS SUBMITTED

BANKRUPTCY REFORM ACT OF 1999

BAUCUS AMENDMENT NO. 1681

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill (S. 625) to amend title 11, United States Code, and for other purposes; as follows:

Section 353(e)(2) of the Consolidated and Rural Development Act (7 U.S.C. 2001(e)(2)) is amended—

(1) by striking "Shared" and inserting the following:

“(A) IN GENERAL.—Shared”; and

(2) by adding at the end the following:

“(B) REPAYMENT OF RECAPTURE AMOUNT.—The borrower may repay the recapture amount to the Secretary over a period not to exceed 25 years at an interest rate equal to the applicable rate of interest of Federal borrowing, as determined by the Secretary.”

KOHL AMENDMENTS NOS. 1682-1684

(Ordered to lie on the table.)

Mr. KOHL submitted three amendments intended to be proposed by him to the bill, S. 625, *supra*; as follows:

AMENDMENT NO. 1682

At the appropriate place in title III, insert the following:

SEC. 3. LIMITATION.

Section 522 of title 11, United States Code, as amended by sections 224 and 307 of this Act, is amended—

(1) in subsection (b)(3)(A), by inserting "subject to subsection (n)," before "any property"; and

(2) by adding at the end the following:

“(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate \$100,000 in value in—

“(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

“(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

“(C) a burial plot for the debtor or a dependent of the debtor.

“(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of that farmer.”

AMENDMENT NO. 1683

On page 96, strike all through page 97, line 11.

AMENDMENT NO. 1684

On page 97, strike all language from line 4, beginning with "if the debt," through line 9,

ending with "use of the debtor, or". Additionally, on page 97, line 10, strike the word "other".

LIEBERMAN (AND DODD)

AMENDMENT NO. 1685

(Ordered to lie on the table.)

Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by them to the bill, S. 625, *supra*; as follows:

At the appropriate place, insert the following:

SEC. ____ INDIVIDUALS' RIGHT TO FREEDOM FROM RESTRAINT AND REPORTING OF SENTINEL EVENTS UNDER MEDICARE.

(a) AMENDMENT TO SOCIAL SECURITY ACT.—

(1) IN GENERAL.—Part D of title XVIII of the Social Security Act (42 U.S.C. 1395x et seq.) is amended by adding at the end the following:

“INDIVIDUALS' FREEDOM FROM RESTRAINT AND REPORTING OF SENTINEL EVENTS

“SEC. 1897. (a) DEFINITIONS.—In this section:

“(1) CHEMICAL RESTRAINT.—The term 'chemical restraint' means the non-therapeutic use of a medication that—

“(A) is unrelated to the patient's medical condition; and

“(B) is imposed for disciplinary purposes or the convenience of staff.

“(2) PHYSICAL RESTRAINT.—The term 'physical restraint' means any mechanical or personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely. Such term does not include devices, such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets, and other methods involving the physical holding of a resident for the purpose of conducting routine physical examinations or tests or to protect the patient from falling out of bed or to permit a patient to participate in activities without the risk of physical harm to the patient.

“(3) PROVIDER OF SERVICES.—The term 'provider of services' has the meaning given that term in section 1861(u), except that for purposes of this section the term includes a psychiatric hospital but does not include a home health agency or skilled nursing facility.

“(4) SECLUSION.—The term 'seclusion' means any separation of the resident from the general population of the facility that prevents the resident from returning to such population when he or she desires.

“(5) SENTINEL EVENT.—The term 'sentinel event' means an unexpected occurrence involving an individual in the care of a provider of services for treatment for a psychiatric or psychological illness that results in death or serious physical or psychological injury that is unrelated to the natural course of the individual's illness or underlying condition.

“(b) PROTECTION OF RIGHT TO BE FREE FROM RESTRAINTS.—A provider of services eligible to be paid under this title for providing services to an individual entitled to benefits under part A or enrolled under part B (including an individual provided with a Medicare+Choice plan offered by a Medicare+Choice organization under part C) shall—

“(1) protect and promote the right of each such individual to be free from physical or mental abuse, corporal punishment, and any physical or chemical restraints or involuntary seclusion imposed for purposes of discipline or convenience;

“(2) impose restraints—

“(A) only to ensure the physical safety of the individual or other individuals in the

care or custody of the provider, a staff member, or others; and

“(B) only upon the written order of a physician or other licensed independent practitioner permitted by the State and the facility to order such restraint or seclusion that specifies the duration and circumstances under which the restraints are to be used (except in emergency circumstances specified by the Secretary until such an order could reasonably be obtained); and

“(2) submit the reports required under subsection (d).

“(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the use of restraints for medical immobilization, adaptive support, or medical protection.

“(d) REPORTS.—

“(1) REPORTS TO AGENCIES OR ENTITIES WITH OVERSIGHT AUTHORITY.—

“(A) IN GENERAL.—A provider of services shall report each sentinel event that occurs to an individual while the individual is in the care or custody of the provider to—

“(i) in the case of a provider of services participating in the program established under this title or the medicaid program under title XIX as a result of accreditation by a national accrediting body, the national accrediting body for that provider; and

“(ii) in the case of all other providers of services, the Secretary or, upon agreement between the Secretary and the relevant State, the State agency designated by the Secretary.

“(B) INVESTIGATION AND FURTHER REPORTING OF SENTINEL EVENTS.—Upon receipt of a report made pursuant to subparagraph (A), the agency or entity with oversight authority shall—

“(i) ensure that the provider—

“(I) conducts an investigation of the sentinel event reported;

“(II) determines the root cause or causes of the sentinel event; and

“(III) establishes a time-limited plan or strategy, that allows the agency or entity with oversight authority to review and approve the analyses and any corrective actions proposed or made by the provider of services, to correct the problem or problems that resulted in the sentinel event, and to lead to risk reduction; and

“(ii) prepare and submit the reports required under paragraph (2).

“(2) REPORTS TO THE SECRETARY.—

“(A) IN GENERAL.—Subject to subparagraph (D), the agency or entity with oversight authority shall submit a report containing the information described in subparagraph (B) to the Secretary in such form and manner, and by such date, as the Secretary prescribes.

“(B) INFORMATION TO BE REPORTED.—

“(i) IN GENERAL.—The report submitted under subparagraph (A) shall be submitted to the Secretary at regular intervals, but not less frequently than annually, and shall include—

“(I) a description of the sentinel events occurring during the period covered by the report;

“(II) a description of any corrective action taken by the providers of services with respect to the sentinel events or any other measures necessary to prevent similar sentinel events from occurring in the future;

“(III) proposed systems changes identified as a result of analysis of events from multiple providers; and

“(IV) such additional information as the Secretary determines to be essential to ensure compliance with the requirements of this section.

“(ii) INFORMATION EXCLUDED.—The report submitted under subparagraph (A) shall not identify any individual provider of services, practitioner, or individual.