

HEALTH AND HUMAN SERVICES ACTS

PUBLIC LAW 108–163—DEC. 6, 2003

Public Law 108–163
108th Congress

An Act

To make certain technical and conforming amendments to correct the Health Care
Safety Net Amendments of 2002.

Dec. 6, 2003

[H.R. 3038]

*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 “Health Care Safety Net Amendments Technical Corrections Act of 2003”.

SEC. 2. TECHNICAL AMENDMENTS.

(a) HEALTH CENTERS.—

(1) IN GENERAL.—Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended to read as if—

(A) subparagraph (C) of the second paragraph (4) of section 101 of Public Law 107–251 had not been enacted;

(B) paragraph (7)(C) of such section 101 had not been enacted; and

(C) paragraphs (8) through (11) of such section 101 had not been enacted.

(2) AMENDMENTS PER PUBLIC LAW 107–251.—Section 330 of the Public Health Service Act (42 U.S.C. 254b), as amended by paragraph (1), is amended—

(A) in subsection (c)(1)(B), in the matter preceding clause (i), by striking “plan..” and inserting “plan.”;

(B) in subsection (d)(1)(B)(iii), in subclause (I), by adding “or” at the end;

(C) by striking subsection (k);

(D) by redesignating subsection (j) as subsection (k);

(E) by inserting after subsection (i) a subsection that is identical to the subsection (j) that appears (as an amendment) in section 101(8)(C) of Public Law 107–251;

(F) by redesignating subsection (l) as subsection (r), by transferring it from its current placement, and by inserting it after subsection (q);

(G) by inserting before subsection (m) a subsection that is identical to the subsection that appears (as an amendment) in section 101(9) of Public Law 107–251, and by redesignating as subsection (l) the subsection that is so inserted;

(H) in subsection (l) (as inserted and redesignated by subparagraph (G) of this paragraph), in the first sentence—

(i) by inserting after “shall provide” the following: “(either through the Department of Health and Human Services or by grant or contract);” and

(ii) by striking “(l)(3)” and inserting “(k)(3)”;

(I) in subsection (p), by striking “(j)(3)(G)” and inserting “(k)(3)(G)”;

(J) in subsection (r) (as redesignated, transferred, and inserted by subparagraph (F) of this paragraph)—

(i) in paragraph (1), by striking “\$802,124,000” and all that follows through the period and inserting “\$1,340,000,000 for fiscal year 2002 and such sums as may be necessary for each of the fiscal years 2003 through 2006.”;

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42 USC 201 note.

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(ii) in paragraph (2)(A)—

(I) by striking “(j)(3)” and inserting “(k)(3)”; and

(II) by striking “(j)(3)(G)(ii)” and inserting “(k)(3)(H)”; and

(iii) in paragraph (2), by striking subparagraph (B) and inserting a subparagraph that is identical to the subparagraph (B) that appears (as an amendment) in section 101(11)(B)(ii) of Public Law 107-251.

(b) **RURAL HEALTH OUTREACH.**—Section 330A(b)(4) of the Public Health Service Act (42 U.S.C. 254c(b)(4)) is amended by striking “799B” and inserting “799B(6)”.

(c) **TELEHEALTH.**—Section 330I of the Public Health Service Act (42 U.S.C. 254c-14) is amended—

(1) in subsection (a)(4), by striking “799B” and inserting “799B(6)”; and

(2) in subsection (c)(1), by striking “Health and Resources and Services Administration” and inserting “Health Resources and Services Administration”.

(d) **MENTAL HEALTH SERVICES VIA TELEHEALTH.**—Section 330K of the Public Health Service Act (42 U.S.C. 254c-16) is amended—

(1) in subsection (b)(2), by striking “subsection (a)(4)” and inserting “subsection (a)(3)”; and

(2) in subsection (c)(1)—

(A) in subparagraph (A), by striking “subsection (a)(4)(A)” and inserting “subsection (a)(3)(A)”; and

(B) in subparagraph (B), by striking “subsection (a)(4)(B)” and inserting “subsection (a)(3)(B)”.

(e) **TELEMEDICINE INCENTIVE GRANTS.**—

(1) **IN GENERAL.**—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

42 USC 254c-18. **“SEC. 330L. TELEMEDICINE; INCENTIVE GRANTS REGARDING COORDINATION AMONG STATES.**

“(a) **IN GENERAL.**—The Secretary may make grants to State professional licensing boards to carry out programs under which such licensing boards of various States cooperate to develop and implement State policies that will reduce statutory and regulatory barriers to telemedicine.

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2006.”.

42 USC 254c-17. (2) **REPEAL.**—Section 102 of the Health Care Safety Net Amendments of 2002 (Public Law 107-251) is repealed.

(f) **HEALTH PROFESSIONAL SHORTAGE AREAS.**—

(1) **IN GENERAL.**—Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended—

(A) in subsection (a)(1)—

(i) by striking “such date of enactment” and inserting “such date of designation”; and

(ii) by striking “, issued after the date of enactment of this Act, that revise” and inserting “regarding”; and
(B) in subsection (a)(3), by striking “330(h)(4)” and inserting “330(h)(5)”;
(C) in subsection (b)(2), by striking “designation,.” and inserting “designation.”; and

(D) by adding at the end the following:

Reports.
Regulations.

“(j)(1) The Secretary shall submit the report described in paragraph (2) if the Secretary, acting through the Administrator of the Health Resources and Services Administration, issues—

“(A) a regulation that revises the definition of a health professional shortage area for purposes of this section; or

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“(B) a regulation that revises the standards concerning priority of such an area under section 333A.

“(2) On issuing a regulation described in paragraph (1), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that describes the regulation.

“(3) Each regulation described in paragraph (1) shall take effect 180 days after the committees described in paragraph (2) receive a report referred to in such paragraph describing the regulation.”.

Effective date.

(2) REPEAL.—Subsection (b) of section 302 of the Health Care Safety Net Amendments of 2002 (Public Law 107-251) is repealed.

42 USC 254e note.

(g) ASSIGNMENT OF CORPS PERSONNEL.—Section 333(a)(1) of the Public Health Service Act (42 U.S.C. 254f) is amended by moving subparagraph (C) so that the margin of subparagraph (C) is aligned with the margins of subparagraphs (A), (B), and (D).

(h) PRIORITIES IN ASSIGNMENT OF CORPS PERSONNEL.—Section 333A(c)(4) of the Public Health Service Act (42 U.S.C. 254f-1(c)(4)) is amended by striking “30 days” and inserting “30 days from such notification”.

(i) CHARGES FOR SERVICES.—Section 334(b)(1)(B) of the Public Health Service Act (42 U.S.C. 254g(b)(1)(B)) is amended by inserting “the payment of” after “applied to”.

(j) NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM.—Section 338A(d)(1) (42 U.S.C. 254l(d)(1)) is amended by moving subparagraph (B) so that the margin of subparagraph (B) is aligned with the margin of subparagraphs (A) and (C).

(k) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(e) of the Public Health Service Act (42 U.S.C. 254l-1) is amended by striking “PARTICIPATION.—” and all that follows through “An individual” and inserting “PARTICIPATION.— An individual”.

(l) BREACH OF CONTRACT.—

(1) IN GENERAL.—Section 338E of the Public Health Service Act (42 U.S.C. 254o) is amended—

(A) in subsection (c)(1), by moving subparagraphs (A), (B), and (C), and the flush matter following subparagraph (C), 2 ems to the left; and

(B) by adding at the end the following:

“(f) The amendment made by section 313(a)(4) of the Health Care Safety Net Amendments of 2002 (Public Law 107-251) shall apply to any obligation for which a discharge in bankruptcy has not been granted before the date that is 31 days after the date of enactment of such Act.”.

Applicability.

(2) REPEAL.—Subsection (b) of section 313 of the Health Care Safety Net Amendments of 2002 (Public Law 107-251) is repealed.

42 USC 254o note.

(m) MISCELLANEOUS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) in subsections (g)(1)(G)(ii), (k)(2), and (n)(1)(C) of section 224, and sections 317A(a)(2), 317E(c), and 318A(e), by striking “330, 330(h)” and inserting “330”;

42 USC 233, 247b-1, 247b-6, 247c-1.

(2) in section 1313, by striking “329, 330, and 330(h)” and inserting “329 and 330”; and

42 USC 300e-12.

(3) in section 2652(a)(2), by striking “section 340” and inserting “section 330(h)”.

42 USC 300ff-52.

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(n) HEALTH CARE SAFETY NET AMENDMENTS OF 2002.—The Health Care Safety Net Amendments of 2002 (Public Law 107-251) is amended—

42 USC 1396a
note.

(1) in section 404(c)(5), by striking “Health Care Financing Administration and the Health Research” and inserting “Centers for Medicare & Medicaid Services and the Health Resources”; and

42 USC 254b
note.

(2) in section 501, by striking “solvency for managed care networks” and inserting “guarantees of solvency for managed care networks or plans”.

42 USC 233 note.

SEC. 3. EFFECTIVE DATE.

This Act is deemed to have taken effect immediately after the enactment of Public Law 107-251.

Approved December 6, 2003.

LEGISLATIVE HISTORY—H.R. 3038:

HOUSE REPORTS: No. 108-275 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 149 (2003):

Oct. 1, considered and passed House.
Nov. 20, considered and passed Senate.