

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the Public Health Service Act to provide assistance for graduate medical education funding for women's hospitals.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

H. R. 3590

To amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. WHITEHOUSE (for himself and Mr. CASEY) to the amendment (No. 2786) proposed by Mr. REID

Viz:

- 1 On page 1507, after line 19, insert the following:
- 2 **SEC. 5510. SUPPORT OF GRADUATE MEDICAL EDUCATION**
- 3 **PROGRAMS IN WOMEN'S HOSPITALS.**
- 4 Subpart IX of part D of title III of the Public Health
- 5 Service Act (42 U.S.C. 256e et seq.) is amended—
- 6 (1) in the subpart heading, by adding “**and**
- 7 **Women's Hospitals**” at the end; and

1 (2) by adding at the end the following:

2 **“SEC. 340E-1. SUPPORT OF GRADUATE MEDICAL EDU-**
3 **CATION PROGRAMS IN WOMEN’S HOSPITALS.**

4 “(a) PAYMENTS.—The Secretary shall make two pay-
5 ments under this section to each women’s hospital for each
6 of fiscal years 2010 through 2014, one for the direct ex-
7 penses and the other for indirect expenses associated with
8 operating approved graduate medical residency training
9 programs. The Secretary shall promulgate regulations
10 pursuant to the rulemaking requirements of title 5, United
11 States Code, which shall govern payments made under this
12 subpart.

13 “(b) AMOUNT OF PAYMENTS.—

14 “(1) IN GENERAL.—Subject to paragraphs (2)
15 and (3), the amounts payable under this section to
16 a women’s hospital for an approved graduate med-
17 ical residency training program for a fiscal year
18 shall be each of the following:

19 “(A) DIRECT EXPENSE AMOUNT.—The
20 amount determined in accordance with sub-
21 section (c) for direct expenses associated with
22 operating approved graduate medical residency
23 training programs for a fiscal year.

24 “(B) INDIRECT EXPENSE AMOUNT.—The
25 amount determined in accordance with sub-

1 section (c) for indirect expenses associated with
2 the treatment of more severely ill patients and
3 the additional costs relating to teaching resi-
4 dents in such programs for a fiscal year.

5 “(2) CAPPED AMOUNT.—

6 “(A) IN GENERAL.—The total of the pay-
7 ments made to women’s hospitals under para-
8 graph (1)(A) or paragraph (1)(B) in a fiscal
9 year shall not exceed the funds appropriated
10 under subsection (e) for such payments for that
11 fiscal year.

12 “(B) PRO RATA REDUCTIONS OF PAY-
13 MENTS FOR DIRECT EXPENSES.—If the Sec-
14 retary determines that the amount of funds ap-
15 propriated under subsection (e) for a fiscal year
16 is insufficient to provide the total amount of
17 payments otherwise due for such periods under
18 paragraph (1)(A), the Secretary shall reduce
19 the amounts so payable on a pro rata basis to
20 reflect such shortfall.

21 “(3) ANNUAL REPORTING REQUIRED.—The
22 provisions of subsection (b)(3) of section 340E shall
23 apply to women’s hospitals under this section in the
24 same manner as such provisions apply to children’s
25 hospitals under such section 340E. In applying such

1 provisions, the Secretary may make such modifica-
2 tions as may be necessary to apply such provisions
3 to women's hospitals.

4 “(c) APPLICATION OF CERTAIN PROVISIONS.—The
5 provisions of subsections (c) and (d) of section 340E shall
6 apply to women's hospitals under this section in the same
7 manner as such provisions apply to children's hospitals
8 under such section 340E. In applying such provisions, the
9 Secretary may make such modifications as may be nec-
10 essary to apply such provisions to women's hospitals.

11 “(d) MAKING OF PAYMENTS.—

12 “(1) INTERIM PAYMENTS.—The Secretary shall
13 determine, before the beginning of each fiscal year
14 involved for which payments may be made for a hos-
15 pital under this section, the amounts of the pay-
16 ments for direct graduate medical education and in-
17 direct medical education for such fiscal year and
18 shall (subject to paragraph (2)) make the payments
19 of such amounts in 12 equal interim installments
20 during such period. Such interim payments to each
21 individual hospital shall be based on the number of
22 residents reported in the hospital's most recently
23 filed Medicare cost report prior to the application
24 date for the Federal fiscal year for which the interim
25 payment amounts are established. In the case of a

1 hospital that does not report residents on a Medicare
2 cost report, such interim payments shall be based on
3 the number of residents trained during the hospital's
4 most recently completed Medicare cost report filing
5 period.

6 “(2) WITHHOLDING.—The Secretary shall with-
7 hold up to 25 percent from each interim installment
8 for direct and indirect graduate medical education
9 paid under paragraph (1) as necessary to ensure a
10 hospital will not be overpaid on an interim basis.

11 “(3) RECONCILIATION.—Prior to the end of
12 each fiscal year, the Secretary shall determine any
13 changes to the number of residents reported by a
14 hospital in the application of the hospital for the
15 current fiscal year to determine the final amount
16 payable to the hospital for the current fiscal year for
17 both direct expense and indirect expense amounts.
18 Based on such determination, the Secretary shall re-
19 coup any overpayments made and pay any balance
20 due to the extent possible. The final amount so de-
21 termined shall be considered a final intermediary de-
22 termination for the purposes of section 1878 of the
23 Social Security Act and shall be subject to adminis-
24 trative and judicial review under that section in the
25 same manner as the amount of payment under sec-

1 tion 1886(d) of such Act is subject to review under
2 such section.

3 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section,
5 \$12,000,000 for fiscal year 2010, and such sums as may
6 be necessary for each of fiscal years 2011 through 2014.

7 “(f) DEFINITIONS.—In this section:

8 “(1) APPROVED GRADUATE MEDICAL RESI-
9 DENCY TRAINING PROGRAM.—The term ‘approved
10 graduate medical residency training program’ has
11 the meaning given the term ‘approved medical resi-
12 dency training program’ in section 1886(h)(5)(A) of
13 the Social Security Act.

14 “(2) DIRECT GRADUATE MEDICAL EDUCATION
15 COSTS.—The term ‘direct graduate medical edu-
16 cation costs’ has the meaning given such term in
17 section 1886(h)(5)(C) of the Social Security Act.

18 “(3) WOMEN’S HOSPITAL.—The term ‘women’s
19 hospital’ means a hospital—

20 “(A) that has a Medicare provider agree-
21 ment under title XVIII of the Social Security
22 Act;

23 “(B) that has an approved graduate med-
24 ical residency training program;

1 “(C) that has not been excluded from the
2 Medicare prospective payment system;

3 “(D) that had at least 3,000 births during
4 2007, as determined by the Centers for Medi-
5 care & Medicaid Services; and

6 “(E) with respect to which and as deter-
7 mined by the Centers for Medicare & Medicaid
8 Services, less than 4 percent of the total dis-
9 charges from the hospital during 2007 were
10 Medicare discharges of individuals who, as of
11 the time of the discharge—

12 “(i) were enrolled in the original
13 Medicare fee-for-service program under
14 part A of title XVIII of the Social Security
15 Act; and

16 “(ii) were not enrolled in—

17 “(I) a Medicare Advantage plan
18 under part C of title XVIII of that
19 Act;

20 “(II) an eligible organization
21 under section 1876 of that Act; or

22 “(III) a PACE program under
23 section 1894 of that Act.”.