

107TH CONGRESS
1ST SESSION

S. 1574

To ensure that hospitals that participate in the medicare program under title XVIII of the Social Security Act are able to appropriately recognize and respond to epidemics resulting from natural causes and bioterrorism.

IN THE SENATE OF THE UNITED STATES

OCTOBER 25, 2001

Mr. ROCKEFELLER introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To ensure that hospitals that participate in the medicare program under title XVIII of the Social Security Act are able to appropriately recognize and respond to epidemics resulting from natural causes and bioterrorism.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Public Health Emergency Planning and Information Act
6 of 2001”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. Finding.
 Sec. 3. Definitions.
 Sec. 4. Public health crisis education, information, and grant program.
 Sec. 5. Health disaster mitigation grant program for medicare hospitals.
 Sec. 6. Post-disaster compensation funding for medicare hospitals.

1 **SEC. 2. FINDING.**

2 The Senate finds that, during a public health crisis,
 3 such as a deliberate act of bioterrorism or a natural epi-
 4 demic, qualified professionals should be able to deliver ac-
 5 curate and timely information to the public in order to
 6 prevent panic and to promote public health.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) **MEDICARE HOSPITAL.**—The term “medi-
 10 care hospital” means a hospital (as defined in sec-
 11 tion 1861(e) of the Social Security Act (42 U.S.C.
 12 1395x(e))) that has entered into an agreement
 13 under section 1866 of such Act (42 U.S.C. 1395cc)
 14 or a critical access hospital (as defined in section
 15 1861(mm)(1) of such Act (42 U.S.C.
 16 1395x(mm)(1))).

17 (2) **SECRETARY.**—The term “Secretary” means
 18 the Secretary of Health and Human Services.

19 **SEC. 4. PUBLIC HEALTH CRISIS EDUCATION, INFORMA-**
 20 **TION, AND GRANT PROGRAM.**

21 (a) **ESTABLISHMENT OF PROGRAM.**—

1 (1) IN GENERAL.—The Secretary, acting
2 through the Office of Emergency Preparedness of
3 the Public Health Service, shall carry out a public
4 health crisis education, information, and grant pro-
5 gram in accordance with the provisions of this sec-
6 tion.

7 (2) CONSULTATION.—In carrying out the public
8 health crisis education, information, and grant pro-
9 gram under this section, the Secretary shall consult
10 with the Director of the Federal Emergency Man-
11 agement Agency.

12 (b) PUBLICATION OF EDUCATIONAL MATERIALS.—

13 (1) IN GENERAL.—The Secretary shall publish
14 public health crisis educational materials for use by
15 medicare hospitals and the general public.

16 (2) CONTENTS.—The educational materials
17 published under paragraph (1) shall contain—

18 (A) in the case of materials for medicare
19 hospitals, information regarding—

20 (i) basic personal safety of the staff of
21 the hospital during an epidemic resulting
22 from natural causes or bioterrorism; and

23 (ii) planning a response to such an
24 epidemic; and

1 (B) in the case of materials for the general
2 public, information that—

3 (i) addresses—

4 (I) basic personal safety, plan-
5 ning, and emergency preparedness for
6 families; and

7 (II) essential facts about the
8 symptoms and best responses to sus-
9 pected exposures to the biological
10 agents that the Secretary determines
11 to be the highest risk for bioterrorist
12 use; and

13 (ii) is designed to prepare the public
14 for the most likely foreseeable bioterrorism
15 events in order to avert panic and misin-
16 formation.

17 (3) EXCLUSION OF MEDICAL ADVICE.—The
18 educational materials published under paragraph (1)
19 shall not include advice on how to treat victims of
20 an epidemic resulting from natural causes or bioter-
21 rorism.

22 (4) DISTRIBUTION.—

23 (A) IN GENERAL.—Not later than January
24 31, 2002, the Secretary shall distribute the
25 public health crisis educational materials pub-

1 lished under paragraph (1) to the public
2 through the Health Alert Network of the Cen-
3 ters for Disease Control and Prevention.

4 (B) INTERNET AVAILABILITY.—In addition
5 to distributing the educational materials under
6 subparagraph (A), the Secretary shall make
7 such materials available on the Internet.

8 (c) INFORMATION REGARDING COMMUNITY AND
9 MEDIA COMMUNICATIONS.—

10 (1) IN GENERAL.—The Secretary shall publish
11 information regarding community and media com-
12 munications for medicare hospitals.

13 (2) CONTENTS.—The information under para-
14 graph (1) shall contain basic information
15 regarding—

16 (A) the materials available through the
17 Centers for Disease Control and Prevention re-
18 lating to communications between medicare hos-
19 pitals and the media; and

20 (B) the identification of likely biological
21 agents that may cause an epidemic.

22 (3) DISTRIBUTION.—Not later than January
23 31, 2002, the Secretary shall distribute the informa-
24 tion published under paragraph (1) to medicare hos-
25 pitals.

1 (4) AUTHORITY TO AWARD GRANTS.—

2 (A) IN GENERAL.—Subject to subpara-
3 graph (B), the Secretary may award grants to
4 medicare hospitals that have submitted applica-
5 tions in accordance with paragraph (6).

6 (B) MAXIMUM AMOUNT OF GRANT.—The
7 aggregate amount of grants awarded to a hos-
8 pital under this paragraph during a year may
9 not exceed \$5,000.

10 (5) USE OF FUNDS.—Grants awarded under
11 paragraph (4) may be used for activities such as—

12 (A) to adapt the educational materials dis-
13 tributed under subsection (b) for local use; and

14 (B) to assist hospitals in applying the in-
15 formation regarding community and media rela-
16 tions distributed under subsection (c) and in
17 developing ties with the local and regional
18 media.

19 (6) APPLICATION.—A medicare hospital seeking
20 a grant under paragraph (4) shall submit an appli-
21 cation to the Secretary at such time, in such form
22 and manner, and containing such information as the
23 Secretary may require.

24 (d) PROGRAM FOR COMMUNICATION TO PRESS AND
25 PUBLIC.—The Secretary, acting through the Office of

1 Communication of the Centers for Disease Control and
2 Prevention, shall establish a program to provide the nec-
3 essary staff and resources to communicate with the public
4 and the press during a public health crisis, to maintain
5 updated media resources, and to promote public health
6 awareness in the course of the regular activities of the
7 Centers for Disease Control and Prevention.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) IN GENERAL.—There are authorized to be
10 appropriated \$5,000,000 for fiscal year 2002 to
11 carry out this section (other than subsection (d)).

12 (2) COMMUNICATION PROGRAM.—There are au-
13 thorized to be appropriated \$5,000,000 for fiscal
14 year 2002 to carry out subsection (d).

15 (3) AVAILABILITY.—Any amounts appropriated
16 under the authority contained in this subsection
17 shall remain available, without fiscal year limitation,
18 through September 30, 2011.

19 **SEC. 5. HEALTH DISASTER MITIGATION GRANT PROGRAM**
20 **FOR MEDICARE HOSPITALS.**

21 (a) EPIDEMIC TRAINING, RECOGNITION, AND RE-
22 SPONSE STANDARDS DEFINED.—In this section, the term
23 “epidemic training, recognition, and response standards”
24 means standards identified by the Secretary as being de-
25 signed to educate the staff of medicare hospitals regarding

1 epidemics resulting from natural causes or bioterrorism
2 and to enable such staff to effectively recognize and re-
3 spond to such epidemics. Standards that the Secretary
4 may identify include the following:

5 (1) Emergency management guidelines devel-
6 oped by the Joint Commission of Accreditation of
7 Healthcare Organizations.

8 (2) Curricula for emergency medicine developed
9 by the American College of Emergency Physicians.

10 (3) Standards developed by a Federal agency
11 responsible for homeland security.

12 (4) Any other standards that the Secretary de-
13 termines appropriate.

14 (b) GRANTS AUTHORIZED.—The Secretary may
15 award grants to medicare hospitals that have submitted
16 applications in accordance with subsection (d) for the pur-
17 pose of assisting such hospitals in meeting the epidemic
18 training, recognition, and response standards.

19 (c) USE OF FUNDS.—

20 (1) IN GENERAL.—Subject to paragraph (2),
21 grants awarded under subsection (b) may be used
22 for activities such as—

23 (A) training the staffs of medicare hos-
24 pitals in emergency medicine in accordance with

1 the epidemic training, recognition, and response
2 standards;

3 (B) increasing communication between
4 medicare hospitals, health care systems,
5 prehospital emergency responders, and law en-
6 forcement personnel in accordance with such
7 standards;

8 (C) purchasing pharmaceuticals and sup-
9 plies required by such standards intended for
10 use only in public health emergencies; and

11 (D) purchasing decontamination or safety
12 equipment required by such standards.

13 (2) SUPPLEMENT AND NOT SUPPLANT.—Funds
14 made available under a grant awarded under sub-
15 section (b) shall be used to supplement and not sup-
16 plant other Federal, State, and local funds expended
17 for the activities described in paragraph (1).

18 (d) APPLICATION.—A medicare hospital (or a consor-
19 tium of medicare hospitals) seeking a grant under this sec-
20 tion shall submit an application to the Secretary at such
21 time, in such form and manner, and containing such infor-
22 mation as the Secretary may require.

23 (e) APPROVAL.—In approving applications submitted
24 under subsection (d), the Secretary shall give priority to

1 those applications that are submitted by a consortium of
2 medicare hospitals.

3 (f) MAXIMUM AMOUNT OF GRANT.—A grant awarded
4 under this section may not exceed \$5,000,000.

5 (g) MEDICARE HOSPITAL REQUIRED TO FURNISH
6 SECRETARY WITH INFORMATION.—A medicare hospital
7 receiving a grant under this section shall furnish the Sec-
8 retary with such information as the Secretary may
9 require—

10 (1) to evaluate the activity for which the grant
11 is made; and

12 (2) to ensure that funding provided under the
13 grant is expended for the purposes for which it is
14 made.

15 (h) REPORTS.—

16 (1) INTERIM REPORTS.—

17 (A) IN GENERAL.—The Secretary shall
18 submit, at least annually, a report on the grant
19 program established under this section to the
20 appropriate committees of Congress.

21 (B) CONTENTS.—A report submitted
22 under subparagraph (A) shall include informa-
23 tion on—

24 (i) the number of grants made;

1 (ii) the nature of the activities for
2 which funding is provided under the grant
3 program;

4 (iii) the geographic distribution of
5 grant recipients; and

6 (iv) such other matters as the Sec-
7 retary determines appropriate.

8 (2) FINAL REPORT.—Not later than 6 months
9 after the completion of all of the activities for which
10 a grant is made under this section, the Secretary
11 shall submit a final report to the committees re-
12 ferred to in paragraph (1)(A) on the grant program
13 established under this section, together with such
14 recommendations for legislation and administrative
15 action as the Secretary determines appropriate.

16 (i) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) AUTHORIZATION.—There are authorized to
18 be appropriated \$250,000,000, for fiscal year 2002,
19 to carry out this section.

20 (2) AVAILABILITY.—Any amounts appropriated
21 under the authority contained in paragraph (1) shall
22 remain available, without fiscal year limitation,
23 through September 30, 2011.

1 **SEC. 6. POST-DISASTER COMPENSATION FUNDING FOR**
2 **MEDICARE HOSPITALS.**

3 (a) GRANTS AUTHORIZED.—The Secretary may
4 award grants to medicare hospitals that serve an area that
5 the President has determined warrants assistance by the
6 Federal Government under the Robert T. Stafford Dis-
7 aster Relief and Emergency Assistance Act due to the di-
8 rect effects of an epidemic that have submitted applica-
9 tions in accordance with subsection (c) for the purpose of
10 reimbursing the costs described in subsection (b).

11 (b) USE OF FUNDS.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 grants awarded under subsection (a) may be used to
14 reimburse the following costs:

15 (A) The cost of replacing decontamination
16 or safety equipment that was used during the
17 period for which the President has determined
18 assistance is warranted under subsection (a) to
19 restore emergency preparedness.

20 (B) The cost of providing health care to
21 uninsured individuals during such a period.

22 (C) The cost of paying unexpected over-
23 time compensation to primary and secondary
24 health care providers who were needed to create
25 temporary surge capacity during such a period.

1 (2) SUPPLEMENT AND NOT SUPPLANT.—Funds
2 made available under a grant awarded under sub-
3 section (a) shall be used to supplement and not sup-
4 plant other Federal, State, and local funds expended
5 to reimburse the costs described in paragraph (1).

6 (c) APPLICATION.—A medicare hospital seeking a
7 grant under this section shall submit an application to the
8 Secretary at such time, in such form and manner, and
9 containing such information as the Secretary may require.

10 (d) MAXIMUM AMOUNT OF GRANT.—A grant award-
11 ed under this section may not exceed \$1,000,000.

12 (e) MEDICARE HOSPITAL REQUIRED TO FURNISH
13 SECRETARY WITH INFORMATION.—A medicare hospital
14 receiving a grant under this section shall furnish the Sec-
15 retary with such information as the Secretary may require
16 to ensure that funding provided under the grant is ex-
17 pended for the purposes for which it is made.

18 (f) REPORTS.—

19 (1) INTERIM REPORTS.—

20 (A) IN GENERAL.—The Secretary shall
21 submit, at least annually, a report on the grant
22 program established under this section to the
23 appropriate committees of Congress.

1 (B) CONTENTS.—A report submitted
2 under subparagraph (A) shall include informa-
3 tion on—

4 (i) the number of grants made;

5 (ii) the nature of the costs reimbursed
6 under the grant program;

7 (iii) the geographic distribution of
8 grant recipients; and

9 (iv) such other matters as the Sec-
10 retary determines appropriate.

11 (2) FINAL REPORT.—Not later than March 30,
12 2011, the Secretary shall submit a final report to
13 the committees referred to in paragraph (1)(A) on
14 the grant program established under this section, to-
15 gether with such recommendations for legislation
16 and administrative action as the Secretary deter-
17 mines appropriate.

18 (g) AUTHORIZATION OF APPROPRIATIONS.—

19 (1) AUTHORIZATION.—There are authorized to
20 be appropriated \$50,000,000, for fiscal year 2002,
21 to carry out this section.

22 (2) AVAILABILITY.—Any amounts appropriated
23 under the authority contained in paragraph (1) shall

- 1 remain available, without fiscal year limitation,
- 2 through September 30, 2011.

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