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111TH CONGRESS
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S. 1143

To amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies and health centers.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2009

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies and health centers.

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 ''Public Health Workforce Development Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The ability of the public health system to prevent, respond to, and recover from bioterrorism, acute outbreaks of infectious diseases, or other health threats and emergencies, and to prevent and reduce chronic disease, depends upon the existence of adequate numbers of well-trained public health professionals in Federal, State, local, and tribal public health departments and health centers.

(2) The public health system has an aging staff nearing retirement with no clear pipeline of highly-skilled and capable employees to fill the void, with the average age of the State public health workforce at 47 years.

(3) Retirement rates in some State public health agencies were as high as 20 percent as of June 2007, and projected to be as high as 45 percent in 2009.

(4) The ratio of public health workers to the population has dropped from 219 per 100,000 in 1980 to 158 per 100,000 in 2000, while responsibilities of such workers have continued to expand.

(5) Public health nurses comprise the largest segment of the public health workforce. A study by the Institute of Medicine in 2003 identified nursing as facing one of the most severe shortages of public

health workers. The average age of public health nurses is nearly 50 years, with the leaders of State public health nursing averaging more than 30 years of service. In one State nearly 40 percent of the public health nursing workforce was eligible for retirement as of June 2007.

(6) According to the Association of State and Territorial Health Officials, most of the approximately 6,400 graduates from accredited schools of public health took jobs in the private sector in 2004. The Bureau of Labor Statistics projects that there will be an increase in private sector demand for highly-educated graduates in scientific fields during the 10-year period ending in 2017. Public health agencies will have difficulty competing for those highly-skilled scientists.

(7) As of June 2007, approximately 42 percent of the epidemiology workforce in State and territorial health departments lacked formal academic training in epidemiology. States have reported that approximately 47 percent more epidemiologists are needed to adequately prevent and control avian influenza and other emerging diseases.

(8) The Partnership for Public Service reports that in the field of microbiology, there are more than

4 times as many full-time permanent employees over age 40 as under age 40 at the Centers for Disease Control and Prevention. Among full-time permanent employees with medical backgrounds at the Centers for Disease Control and Prevention and the Food and Drug Administration, there are 3 times as many employees over 40 years of age as under 40.

(9) More than 50 percent of States cite the lack of qualified individuals or individuals willing to relocate as being a major barrier to preparedness. A study conducted by the Health Resources and Services Association reported difficulty with recruiting more educated, skilled public health providers to work in traditionally medically underserved areas, such as rural populations. Public health agencies continue to face an unmet need for public health workers who are bilingual and culturally competent.

(10) Lack of access to advanced education, including baccalaureate nursing and graduate studies, is a significant barrier to upgrading the existing public health workforce, particularly in rural areas.

SEC. 3. PUBLIC HEALTH WORKFORCE RECRUITMENT AND RETENTION PROGRAMS.

Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

"Subpart 3—Public Health Workforce Recruitment and Retention Programs

"SEC. 780. PUBLIC HEALTH WORKFORCE SCHOLARSHIP PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish the Public Health Workforce Scholarship Program (referred to in this section as the 'Program') to assure an adequate supply of public health professionals to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies and health centers.

''(b) ELIGIBILITY.—To be eligible to participate in the Program, an individual shall—

''(1) be accepted for enrollment, or be enrolled, as a full-time student—

''(A) in an accredited (as determined by the Secretary) educational institution in a State or territory; and

''(B) in a course of study or program, offered by such institution and approved by the Secretary, leading to a health professions de-

gree (graduate, undergraduate, or associate) or certificate, which may include public health, laboratory sciences, epidemiology, environmental health, health communications, health education and behavioral sciences, information sciences, or public administration;

''(2) be a United States citizen;

''(3) submit an application to the Secretary to participate in the Program; and

''(4) sign and submit to the Secretary, at the time of the submission of such application, a written contract (described in subsection (d)) to serve, upon the completion of the course of study or program involved, for the applicable period of obligated service in the full-time employment of a Federal, State, local, or tribal public health agency or a health center.

''(c) DISSEMINATION OF INFORMATION.—

''(1) APPLICATION AND CONTRACT FORMS.—The Secretary shall disseminate application forms and contract forms to individuals desiring to participate in the Program. The Secretary shall include with such forms—

''(A) a fair summary of the rights and liabilities of an individual whose application is

approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled in the case of the individual's breach of the contract; and

"(B) information relating to the service obligation and such other information as may be necessary for the individual to understand the individual's prospective participation in the Program.

"(2) INFORMATION FOR SCHOOLS.—The Secretary shall distribute to health professions schools and other appropriate accredited academic institutions and relevant Federal, State, local, and tribal public health agencies, materials providing information on the Program and shall encourage such schools, institutions, and agencies to disseminate such materials to potentially eligible students.

"(3) UNDERSTANDABILITY AND TIMING.—The application form, contract form, and all other information furnished by the Secretary under this section shall—

"(A) be written in a manner calculated to be understood by the average individual applying to participate in the Program; and

"(B) be made available by the Secretary on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

"(d) CONTRACT.—The written contract between the Secretary and an individual shall contain—

"(1) an agreement on the part of the Secretary that the Secretary will provide the individual with a scholarship for a period of years (not to exceed 4 academic years) during which the individual shall pursue an approved course of study or program to prepare the individual to serve in the public health workforce;

"(2) an agreement on the part of the individual that the individual will—

"(A) maintain full-time enrollment in the approved course of study or program described in subsection (b)(1) until the individual completes that course of study or program;

"(B) while enrolled in the course of study or program, maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or program); and

"(C) immediately upon graduation, serve in the full-time employment of a Federal, State, local, or tribal public health agency or a health center in a position related to the course of study or program for which the contract was awarded for a period of time (referred to in this section as the 'period of obligated service') equal to the greater of—

"(i) 1 year for each academic year for which the individual was provided a scholarship under the Program; or

"(ii) 2 years;

"(3) an agreement by both parties as to the nature and extent of the scholarship assistance, which may include—

"(A) payment of the tuition expenses of the individual;

"(B) payment of all other reasonable educational expenses of the individual including fees, books, equipment, and laboratory expenses; and

"(C) payment of a stipend of not more than $1,200 per month for each month of the academic year involved (indexed to account for increases in the Consumer Price Index);

"(4) a provision that any financial obligation of the United States arising out of a contract entered into under this subsection and any obligation of the individual which is conditioned thereon, is contingent upon funds being appropriated for scholarships under this section;

"(5) a statement of the damages to which the United States is entitled for the individual's breach of the contract; and

"(6) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with the provisions of this section.

"(e) POSTPONING OBLIGATED SERVICE.—With respect to an individual receiving a degree or certificate from a school of medicine, public health, nursing, osteopathic medicine, dentistry, veterinary medicine, optometry, podiatry, pharmacy, psychology, or social work under a scholarship under the Program, the date of the initiation of the period of obligated service may be postponed, upon the submission by the individual of a petition for such postponement and approval by the Secretary, to the date on which the individual completes an approved internship, residency, or other relevant public health advanced training program.

"(f) ADMINISTRATIVE PROVISIONS.—

"(1) CONTRACTS WITH INSTITUTIONS.—The Secretary may contract with an educational institution in which a participant in the Program is enrolled, for the payment to the educational institution of the amounts of tuition and other reasonable educational expenses described in subsection (d)(3).

"(2) EMPLOYMENT CEILINGS.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section, while undergoing academic training, shall not be counted against any employment ceiling affecting the Department or any other Federal agency.

"(g) BREACH OF CONTRACT.—An individual who fails to comply with the contract entered into under subsection (d) shall be subject to the same financial penalties as provided for under section 338E for breaches of scholarship contracts under sections 338A.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $35,000,000 for each of the fiscal years 2010 through 2015.

"(i) DEFINITION.—For purposes of this subpart, the term 'health center' has the meaning given such term in section 330(a).

"SEC. 781. PUBLIC HEALTH WORKFORCE LOAN REPAYMENT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish the Public Health Workforce Loan Repayment Program (referred to in this section as the 'Program') to assure an adequate supply of public health professionals to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies and in health centers.

"(b) ELIGIBILITY.—To be eligible to participate in the Program, an individual shall—

"(1)(A) be accepted for enrollment, or be enrolled, as a full-time or part-time student in an accredited academic educational institution in a State or territory in the final year of a course of study or program offered by that institution leading to a health professions degree or certificate, which may include a degree (graduate, undergraduate, or associate) or certificate relating to public health, laboratory sciences, epidemiology, environmental health, health communications, health education and behavioral sciences, information sciences, or public administration; or

"(B) have graduated, within 10 years, from an accredited educational institution in a State or territory and received a health professions degree (grad-

uate, undergraduate, or associate) or certificate, which may include a degree (graduate, undergraduate, or associate) or certificate relating to public health, laboratory sciences, epidemiology, environmental health, health communications, health education and behavioral sciences, information sciences, or public administration;

''(2)(A) in the case of an individual described in paragraph (1)(A), have accepted employment with a Federal, State, local, or tribal public health agency or a health center, as recognized by the Secretary, to commence upon graduation; or

''(B) in the case of an individual described in paragraph (1)(B), be employed by, or have accepted employment with, a Federal, State, local, or tribal public health agency or a health center, as recognized by the Secretary;

''(3) be a United States citizen;

''(4) submit an application to the Secretary to participate in the Program; and

''(5) sign and submit to the Secretary, at the time of the submission of such application, a written contract (described in subsection (d)) to serve for the applicable period of obligated service in the full-

time employment of a Federal, State, local, or tribal public health agency or a health center.

"(c) DISSEMINATION OF INFORMATION.—

"(1) APPLICATION AND CONTRACT FORMS.—The Secretary shall disseminate application forms and contract forms to individuals desiring to participate in the Program. The Secretary shall include with such forms—

"(A) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled to recover in the case of the individual's breach of the contract; and

"(B) information relating to the service obligation and such other information as may be necessary for the individual to understand the individual's prospective participation in the Program.

"(2) INFORMATION FOR SCHOOLS.—The Secretary shall distribute to health professions schools and other appropriate accredited academic institutions and relevant Federal, State, local, and tribal public health agencies and health centers, materials

providing information on the Program and shall encourage such schools, institutions, and agencies to disseminate such materials to potentially eligible students.

"(3) UNDERSTANDABILITY AND TIMING.—The application form, contract form, and all other information furnished by the Secretary under this section shall—

"(A) be written in a manner calculated to be understood by the average individual applying to participate in the Program; and

"(B) be made available by the Secretary on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

"(d) CONTRACT.—The written contract (referred to in this section) between the Secretary and an individual shall contain—

"(1) an agreement on the part of the Secretary that the Secretary will repay on behalf of the individual loans incurred by the individual in the pursuit of the relevant public health workforce educational degree or certificate in accordance with the terms of the contract;

"(2) an agreement on the part of the individual that the individual will serve, immediately upon graduation in the case of an individual described in subsection (b)(1)(A) service, or in the case of an individual described in subsection (b)(1)(B) continue to serve, in the full-time employment of a Federal, State, local, or tribal public health agency or health center in a position related to the course of study or program for which the contract was awarded for a period of time (referred to in this section as the 'period of obligated service') equal to the greater of—

"(A) 3 years; or

"(B) such longer period of time as determined appropriate by the Secretary and the individual;

"(3) an agreement, as appropriate, on the part of the individual to relocate for the entire period of obligated service to a political jurisdiction designated by the Secretary to be a priority service area in exchange for an additional loan repayment incentive amount that does not exceed 20 percent of the individual's eligible loan repayment award per academic year such that the total of the loan repayment and the incentive amount shall not exceed ⅓ of the eligible loan balance per year;

"(4) in the case of an individual described in subsection (b)(1)(A) who is in the final year of study and who has accepted employment with a Federal, State, local, or tribal public health agency or a health center upon graduation, an agreement on the part of the individual to complete the education or training, maintain an acceptable level of academic standing (as determined by the education institution offering the course of study or training), and agree to the period of obligated service;

"(5) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual that is conditioned thereon, is contingent on funds being appropriated for loan repayments under this section;

"(6) a statement of the damages to which the United States is entitled, under this section for the individual's breach of the contract; and

"(7) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

"(e) PAYMENTS.—

"(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the

Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

"(A) tuition expenses; or

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual.

"(2) PAYMENTS FOR YEARS SERVED.—

"(A) IN GENERAL.—For each year of obligated service that an individual contracts to serve under subsection (d) the Secretary may pay up to $35,000 on behalf of the individual for loans described in paragraph (1). With respect to participants under the Program whose total eligible loans are less than $105,000, the Secretary shall pay an amount that does not exceed ⅓ of the eligible loan balance for each year of obligated service of the individual.

"(B) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this

subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

"(3) TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from payments under paragraph (2) on behalf of an individual—

"(A) the Secretary shall, in addition to such payments, make payments to the individual in an amount not to exceed 39 percent of the total amount of loan repayments made for the taxable year involved; and

"(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

"(4) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Program to establish a schedule for the making of such payments.

"(f) POSTPONING OBLIGATED SERVICE.—With respect to an individual receiving a degree or certificate from a school of medicine, public health, nursing, osteopathic medicine, dentistry, veterinary medicine, optometry, po-

diatry, pharmacy, psychology, or social work, the date of the initiation of the period of obligated service may be postponed, upon the submission by the individual of a petition for such postponement and approval by the Secretary, to the date on which the individual completes an approved internship, residency, or other relevant public health advanced training program.

"(g) ADMINISTRATIVE PROVISIONS.—

"(1) HIRING PRIORITY.—Notwithstanding any other provision of law, Federal, State, local, and tribal public health agencies and health centers may give hiring priority to any individual who has qualified for and is willing to execute a contract to participate in the Program.

"(2) EMPLOYMENT CEILINGS.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section, who are serving as full-time employees of a State, local, or tribal public health agency or a health center, or who are in the last year of public health workforce academic preparation, shall not be counted against any employment ceiling affecting the Department or any other Federal agency.

"(h) BREACH OF CONTRACT.—An individual who fails to comply with the contract entered into under subsection (d) shall be subject to the same financial penalties as provided for under section 338E for breaches of loan repayment contracts under section 338B.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $195,000,000 for each of the fiscal years 2010 through 2015.

"SEC. 782. GRANTS FOR STATE AND LOCAL PROGRAMS.

"(a) IN GENERAL.—For the purpose of operating State, local, tribal, and health center public health workforce loan repayment programs under this subpart, the Secretary shall award a grant to any public health agency that receives public health preparedness cooperative agreements, or other successor cooperative agreements, from the Department of Health and Human Services.

"(b) REQUIREMENTS.—A State or local loan repayment program operated with a grant under subsection (a) shall incorporate all provisions of the Public Health Workforce Loan Repayment Program under section 781, including the ability to designate priority service areas within the relevant political jurisdiction.

"(c) ADMINISTRATION.—The head of the State or local office that receives a grant under subsection (a) shall

be responsible for contracting and operating the loan repayment program under the grant.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to obligate or limit any State, local, or tribal government entity from implementing independent or supplemental public health workforce development programs within their borders.

"SEC. 783. TRAINING FOR MID-CAREER PUBLIC HEALTH PROFESSIONALS.

"(a) IN GENERAL.—The Secretary may make grants to, or enter into contracts with, any eligible entity to award scholarships to eligible individuals to enroll in degree or professional training programs for the purpose of enabling mid-career professionals in the public health workforce to receive additional training in the field of public health.

"(b) ELIGIBILITY.—

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' indicates an accredited educational institution that offers a course of study, certificate program, or professional training program in infectious disease science, medicine, public health, veterinary medicine, or other discipline impacting or influenced by bioterrorism or emerging infectious diseases.

"(2) ELIGIBLE INDIVIDUALS.—The term 'eligible individuals' includes those individuals employed in public health positions at the Federal, State, tribal, or local level or a health center who are interested in retaining or upgrading their education.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $30,000,000 for each of the fiscal years 2010 through 2015.

"SEC. 784. CATALOGUE OF FEDERAL PUBLIC HEALTH WORKFORCE EMPLOYMENT OPPORTUNITIES.

"(a) IN GENERAL.—The Director of the Office of Personnel Management, in cooperation with the Secretary, shall ensure that, included in the Internet website of the Office of Personnel Management, there is an online catalogue, or link to an online catalogue, of public health workforce employment opportunities in the Federal Government.

"(b) REQUIREMENTS.—To the extent practicable, the catalogue described in subsection (a) shall include—

"(1) existing and projected job openings in the Federal public health workforce; and

"(2) a general discussion of the occupations that comprise the Federal public health workforce.

1 "(c) INFORMATION.—The Secretary shall include a
2 copy of the catalogue described in subsection (a), or a
3 prominent reference to the catalogue, in—
4 "(1) the application forms provided under sec-
5 tion 780(c)(1); and
6 "(2) the information for schools provided under
7 section 780(c)(2).".

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