§ 300kk. Data collection, analysis, and quality

In collecting data described in paragraph (1), the Secretary or designee shall—

(A) use Office of Management and Budget standards, at a minimum, for race and ethnicity measures;

(B) develop standards for the measurement of sex, primary language, and disability status;

(C) develop standards for the collection of data described in paragraph (1) that, at a minimum—

(i) collects self-reported data by the applicant, recipient, or participant; and

(ii) collects data from a parent or legal guardian if the applicant, recipient, or participant is a minor or legally incapacitated;

(D) survey health care providers and establish other procedures in order to assess access to care and treatment for individuals with disabilities and to identify—

(i) locations where individuals with disabilities access primary, acute (including intensive), and long-term care;

(ii) the number of providers with accessible facilities and equipment to meet the needs of the individuals with disabilities, including medical diagnostic equipment that meets the minimum technical criteria set forth in section 794f of title 29; and

(E) require that any reporting requirement imposed for purposes of measuring quality under any ongoing or federally conducted or supported health care or public health program, activity, or survey includes requirements for the collection of data on individuals receiving health care items or services under such programs activities by race, ethnicity, sex, primary language, and disability status.

1 So in original.
(b) Data analysis

(1) In general

For each federally conducted or supported health care or public health program or activity, the Secretary shall analyze data collected under paragraph (a) to detect and monitor trends in health disparities (as defined for purposes of section 285t of this title) at the Federal and State levels.

(c) Data reporting and dissemination

(1) In general

The Secretary shall make the analyses described in (b) available to—

(A) the Office of Minority Health;
(B) the National Center on Minority Health and Health Disparities;
(C) the Agency for Healthcare Research and Quality;
(D) the Centers for Disease Control and Prevention;
(E) the Centers for Medicare & Medicaid Services;
(F) the Indian Health Service and epidemiology centers funded under the Indian Health Care Improvement Act [25 U.S.C. 1601 et seq.];
(G) the Office of Rural Health;
(H) other agencies within the Department of Health and Human Services; and
(I) other entities as determined appropriate by the Secretary.

(2) Reporting of data

The Secretary shall report data and analyses described in (a) and (b) through—

(A) public postings on the Internet websites of the Department of Health and Human Services; and
(B) any other reporting or dissemination mechanisms determined appropriate by the Secretary.

(3) Availability of data

The Secretary may make data described in (a) and (b) available for additional research, analyses, and dissemination to other Federal agencies, non-governmental entities, and the public, in accordance with any Federal agency’s data user agreements.

(d) Limitations on use of data

Nothing in this section shall be construed to permit the use of information collected under this section in a manner that would adversely affect any individual.

(e) Protection and sharing of data

(1) Privacy and other safeguards

The Secretary shall ensure (through the promulgation of regulations or otherwise) that—

(A) all data collected pursuant to subsection (a) is protected—
   (i) under privacy protections that are at least as broad as those that the Secretary applies to other health data under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2333); and
   (ii) from all inappropriate internal use by any entity that collects, stores, or receives the data, including use of such data in determinations of eligibility (or continued eligibility) in health plans, and from other inappropriate uses, as defined by the Secretary; and
(B) all appropriate information security safeguards are used in the collection, analysis, and sharing of data collected pursuant to subsection (a).

(2) Data sharing

The Secretary shall establish procedures for sharing data collected pursuant to subsection (a), measures relating to such data, and analyses of such data, with other relevant Federal and State agencies including the agencies, centers, and entities within the Department of Health and Human Services specified in subsection (c)(1).

(f) Data on rural underserved populations

The Secretary shall ensure that any data collected in accordance with this section regarding racial and ethnic minority groups are also collected regarding underserved rural and frontier populations.

(g) Authorization of appropriations

For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2014.

(h) Requirement for implementation

Notwithstanding any other provision of this section, data may not be collected under this section unless funds are directly appropriated for such purpose in an appropriations Act.

(i) Consultation

The Secretary shall consult with the Director of the Office of Personnel Management, the Secretary of Defense, the Secretary of Veterans Affairs, the Director of the Bureau of the Census, the Commissioner of Social Security, and the head of other appropriate Federal agencies in carrying out this section.

References in Text

Section 285t of this title, referred to in subsec. (b)(1), was in the original “section 485E”, meaning section 485E of act July 1, 1944, which was renumbered section 464z-3 by Pub. L. 111–148, title X, §10334(c)(1)(D)(i), Mar. 23, 2010, 124 Stat. 973, and is classified to section 285t of this title. The act of July 1, 1944, no longer contains a section 485E.

The Indian Health Care Improvement Act, referred to in subsec. (c)(1)(F), is Pub. L. 94–437, Sept. 30, 1976, 90 Stat. 1400, which is classified principally to chapter 16 (§1601 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 25 and Tables.

SUBCHAPTER XXX—COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORTS

§ 300ll. Purpose

The purpose of this subchapter is to establish a national voluntary insurance program for purchasing community living assistance services and supports in order to—

(1) provide individuals with functional limitations with tools that will allow them to maintain their personal and financial independence and live in the community through a new financing strategy for community living assistance services and supports;

(2) establish an infrastructure that will help address the Nation's community living assistance services and supports needs;

(3) alleviate burdens on family caregivers; and

(4) address institutional bias by providing a financing mechanism that supports personal choice and independence to live in the community.


Effective Date

Pub. L. 111–148, title VIII, § 8002(e), Mar. 23, 2010, 124 Stat. 847, provided that: "The amendments made by subsections (a), (b), and (d) [enacting this subchapter, amending section 1396a of this title, and amending provisions set out as a note under section 1396p of this title] take effect on January 1, 2011."

Construction

Pub. L. 111–148, title VIII, § 8002(f), Mar. 23, 2010, 124 Stat. 847, provided that: "Nothing in this title [enacting this subchapter, amending section 1396a of this title, and amending provisions set out as a note under section 1396p of this title] or the amendments made by this title are [sic] intended to replace or displace public or private disability insurance benefits, including such benefits that are for income replacement."

PERSONAL CARE ATTENDANTS WORKFORCE ADVISORY PANEL

Pub. L. 111–148, title VIII, § 8002(c), Mar. 23, 2010, 124 Stat. 846, provided that:

"(1) Establishment.—Not later than 90 days after the date of enactment of this Act [Mar. 23, 2010], the Secretary of Health and Human Services shall establish a Personal Care Attendants Workforce Advisory Panel for the purpose of examining and advising the Secretary and Congress on workforce issues related to personal care attendant workers, including with respect to the adequacy of the number of such workers, the salaries, wages, and benefits of such workers, and access to the services provided by such workers.

"(2) Membership.—In appointing members to the Personal Care Attendants Workforce Advisory Panel, the Secretary shall ensure that such members include the following:

"(A) Individuals with disabilities of all ages.

"(B) Senior individuals.

"(C) Representatives of individuals with disabilities.

"(D) Representatives of senior individuals.

"(E) Representatives of workforce and labor organizations.

"(F) Representatives of home and community-based service providers.

"(G) Representatives of assisted living providers."

§ 300ll–1. Definitions

In this subchapter:

(1) Active enrollee

The term "active enrollee" means an individual who is enrolled in the CLASS program in accordance with section 300ll–3 of this title and who has paid any premiums due to maintain such enrollment.

(2) Actively employed

The term "actively employed" means an individual who—

(A) is reporting for work at the individual's usual place of employment or at another location to which the individual is required to travel because of the individual's employment (or in the case of an individual who is a member of the uniformed services, is on active duty and is physically able to perform the duties of the individual's position); and

(B) is able to perform all the usual and customary duties of the individual's employment on the individual's regular work schedule.

(3) Activities of daily living

The term "activities of daily living" means each of the following activities specified in section 7702B(c)(2)(B) of title 26:

(A) Eating.

(B) Toileting.

(C) Transferring.

(D) Dressing.

(E) Bathing.

(F) Continence.

(4) CLASS program

The term "CLASS program" means the program established under this subchapter.

(5) Eligibility Assessment System

The term "Eligibility Assessment System" means the entity established by the Secretary under section 300ll–4(a)(2) of this title to make functional eligibility determinations for the CLASS program.

(6) Eligible beneficiary

(A) In general

The term "eligible beneficiary" means any individual who is an active enrollee in the CLASS program and, as of the date described in subparagraph (B)—

(i) has paid premiums for enrollment in such program for at least 60 months;

(ii) has earned, with respect to at least 3 calendar years that occur during the first 60 months for which the individual has paid premiums for enrollment in the program, at least an amount equal to the amount of wages and self-employment income which an individual must have in order to be credited with a quarter of coverage under section 213(d) of the Social Security Act [42 U.S.C. 413(d)] for the year; and

(iii) has paid premiums for enrollment in such program for at least 24 consecutive months, if a lapse in premium payments of more than 3 months has occurred during