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AMENDMENT TO MR. BARTON'S AMENDMENT #1

SUBTITLE B

OFFERED BY MR. BURGESS

(Amendment to Medicaid Reconciliation Provisions)

Add at the end the following new section:

SEC. 3203. RECOMPUTATION OF HPSA, MUA, AND MUP DESIGNATIONS WITHIN HURRICANE KATRINA AFFECTED AREAS.

(a) IN GENERAL.—For purposes of the Public Health Service Act (42 U.S.C. 201 et seq.), the Secretary of Health and Human Services shall conduct a review of all Hurricane Katrina disaster areas and, as appropriate taking into account the lack of availability of health care providers and services due to Hurricane Katrina—

(1) shall designate such areas as health professional shortage areas or medically underserved areas; and

(2) shall designate one of more populations of each such area as a medically underserved population.

(b) HURRICANE KATRINA DISASTER AREA DEFINED.—For purposes of this section, the term "Hurricane Katrina disaster area" means an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and

1 Emergency Assistance Act (42 U.S.C. 5170) as a result
2 of Hurricane Katrina and which the President has deter-
3 mined, before September 14, 2005, warrants individual
4 and public assistance from the Federal Government under
5 such Act.

6 **SEC. 3204. WAIVER OF CERTAIN REQUIREMENTS APPLICA-**
7 **BLE TO THE PROVISION OF HEALTH CARE IN**
8 **AREAS IMPACTED BY HURRICANE KATRINA.**

9 (a) ELIGIBLE AREA.—
10 (1) DEFINITION.—In this section, the term "el-
11 igible area" means an area identified by the Sec-
12 retary of Health and Human Services pursuant to
13 paragraph (2).
14 (2) IDENTIFICATION.—Not later than 30 days
15 after the date of the enactment of this Act, the Sec-
16 retary of Health and Human Services shall identify
17 areas that—
18 (A) have been directly impacted by Hurri-
19 cane Katrina; or
20 (B) are located in a State which has ab-
21 sorbed a significant number of Hurricane
22 Katrina evacuees.
23 (b) HEALTH CENTERS.—For the purpose of deter-
24 mining whether an entity located in an eligible area quali-

1 fies as a health center under section 330 of the Public
2 Health Service Act (42 U.S.C. 254b):
3 (1) BOARD COMPOSITION.—
4 (A) WAIVER.—The Secretary of Health
5 and Human Services shall waive any require-
6 ment that a majority of the governing board of
7 the entity be consumers of the entity's health
8 care services.
9 (B) RULE OF CONSTRUCTION.—This para-
10 graph shall not be construed as requiring the
11 Secretary of Health and Human Services to
12 waive a requirement that the governing board
13 of the entity include representation of the con-
14 sumers of the entity's health care services.
15 (2) MEDICALLY UNDERSERVED POPULATION.—
16 (A) DETERMINATION.—At the request of
17 the entity, the Secretary of Health and Human
18 Services shall determine whether, taking into
19 consideration any change in population associ-
20 ated with Hurricane Katrina, the entity serves
21 a medically underserved population (as that
22 term is defined in section 330(b)(3) of the Pub-
23 lic Health Service Act (42 U.S.C. 254b(b)(3))).
24 (B) DEADLINE.—The Secretary of Health
25 and Human Services shall make a determina-

1 tion under subparagraph (A) not later than 60
2 days after the date on which the Secretary re-
3 ceives the request for the determination.
4 (C) RESTRICTION.—The Secretary of
5 Health and Human Services shall not make any
6 determination under this paragraph on whether
7 a population has ceased to qualify as a medi-
8 cally underserved population under section 330
9 of the Public Health Service Act (42 U.S.C.
10 254b).
11 (3) REQUIRED PRIMARY HEALTH SERVICES.—
12 The Secretary of Health and Human Services shall
13 waive any requirement for the entity to provide pri-
14 mary health services described in clause (iii), (iv), or
15 (v) of section 330(b)(1) of the Public Health Service
16 Act (42 U.S.C. 254b(b)(1)).
17 (c) NATIONAL HEALTH SERVICE CORPS.—Notwith-
18 standing the provisions of subpart II of part D of title
19 III of the Public Health Service Act (42 U.S.C. 254d et
20 seq.) requiring that members of the National Health Serv-
21 ice Corps be assigned to health professional shortage
22 areas, the Secretary of Health and Human Services may
23 assign members of the National Health Service Corps to
24 any eligible area.

1 (d) TERMINATION OF AUTHORITY.—The authority
2 vested by this Act in the Secretary of Health and Human
3 Services and the Secretary of Homeland Security shall ter-
4 minate on the date that is 2 years after enactment of this
5 Act. The Secretary of Health and Human Services may
6 not grant any waiver under subsection (b)(1) or (b)(3) and
7 may not make any assignment of personnel under sub-
8 section (c), and the Secretary of Homeland Security may
9 not allow any agreement under subsection (d), for a period
10 extending beyond such date.