

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1766

To amend the Public Health Service Act to establish an Office of Emergency Medical Services, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 1993

Mr. GUNDERSON (for himself, Mr. ROBERTS, Mr. SLATTERY, Mr. THOMAS of Wyoming, Mr. LANCASTER, Ms. SNOWE, and Mr. KYL) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act to establish an Office of Emergency Medical Services, and for other purposes.

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.**

4 This Act may be cited as the “Emergency Medical  
5 Services Amendments Act of 1993”.

6 **SEC. 2. ESTABLISHMENT OF OFFICE OF EMERGENCY MEDI-**  
7 **CAL SERVICES.**

8 Title XII of the Public Health Service Act (42 U.S.C.  
9 300d et seq.) is amended—

1 (1) in the heading for the title, by striking  
2 “TRAUMA CARE” and inserting “EMERGENCY  
3 MEDICAL SERVICES”;

4 (2) in the heading for part A, by striking  
5 “GENERAL” and all that follows and inserting  
6 “GENERAL AUTHORITIES AND DUTIES”; and

7 (3) by amending section 1201 to read as fol-  
8 lows:

9 **“SEC. 1201. ESTABLISHMENT OF OFFICE OF EMERGENCY**  
10 **MEDICAL SERVICES.**

11 “(a) IN GENERAL.—The Secretary shall establish an  
12 office to be known as the Office of Emergency Medical  
13 Services, which shall be headed by a director appointed  
14 by the Secretary. The Secretary shall carry out this title  
15 acting through the Director of such Office.

16 “(b) GENERAL AUTHORITIES AND DUTIES.—With  
17 respect to emergency medical services (including trauma  
18 care), the Secretary shall—

19 “(1) conduct and support research, training,  
20 evaluations, and demonstration projects;

21 “(2) foster the development of appropriate,  
22 modern systems of such services through the sharing  
23 of information among agencies and individuals in-  
24 volved in the study and provision of such services;

25 “(3) sponsor workshops and conferences;

1           “(4) as appropriate, disseminate to public and  
2 private entities information obtained in carrying out  
3 paragraphs (1) through (4);

4           “(5) provide technical assistance to State and  
5 local agencies;

6           “(6) coordinate activities of the Department of  
7 Health and Human Services; and

8           “(7) as appropriate, coordinate activities of  
9 such Department with activities of other Federal  
10 agencies.

11       “(c) CERTAIN REQUIREMENTS.—With respect to  
12 emergency medical services (including trauma care), the  
13 Secretary shall ensure that activities under subsection (b)  
14 are carried out regarding—

15           “(1) maintaining an adequate number of health  
16 professionals with expertise in the provision of the  
17 services, including hospital-based professionals and  
18 prehospital-based professionals;

19           “(2) developing, periodically reviewing, and re-  
20 vising as appropriate, in collaboration with appro-  
21 priate public and private entities, guidelines for the  
22 provision of such services (including, for various typ-  
23 ical circumstances, guidelines on the number and va-  
24 riety of professionals, on equipment, and on train-  
25 ing);

1           “(3) the appropriate use of available tech-  
2           nologies, including communications technologies; and

3           “(4) the unique needs of underserved inner-city  
4           areas and underserved rural areas.

5           “(d) GRANTS, COOPERATIVE AGREEMENTS, AND  
6           CONTRACTS.—In carrying out subsections (b) and (c), the  
7           Secretary may make grants and enter into cooperative  
8           agreements and contracts.

9           “(e) DEFINITIONS.—For purposes of this part:

10           “(1) The term ‘hospital-based professional’  
11           means a health professional (including an allied  
12           health professional) who has expertise in providing  
13           one or more emergency medical services and who  
14           normally provides the services at a medical facility.

15           “(2) The term ‘prehospital-based professional’  
16           means a health professional (including an allied  
17           health professional) who has expertise in providing  
18           one or more emergency medical services and who  
19           normally provides the services at the site of the med-  
20           ical emergency or during transport to a medical fa-  
21           cility.”.

22           **SEC. 3. STATE OFFICES OF EMERGENCY MEDICAL SERV-**  
23           **ICES.**

24           (a) TECHNICAL AMENDMENTS TO FACILITATE ES-  
25           TABLISHMENT OF PROGRAM.—

1           (1) IN GENERAL.—Title XII of the Public  
2 Health Service Act (42 U.S.C. 300d et seq.) is  
3 amended—

4           (A) by redesignating section 1232 as sec-  
5 tion 1235;

6           (B) by redesignating sections 1231 and  
7 1233 as sections 1241 and 1242, respectively;  
8 and

9           (C) by redesignating sections 1211 through  
10 1222 as sections 1221 through 1232, respec-  
11 tively.

12           (2) MODIFICATIONS IN FORMAT OF TITLE  
13 XII.—Title XII of the Public Health Service Act, as  
14 amended by paragraph (1) of this subsection, is  
15 amended—

16           (A) by striking “PART B” and all that fol-  
17 low through “STATE PLANS” and inserting the  
18 following:

19           “Subpart II—Formula Grants With Respect to  
20           Modifications of State Plans”;

21           (B) by striking “PART C—GENERAL PRO-  
22           VISIONS” and inserting the following:

1 “Subpart III—General Provisions”;

2 (C) by redesignating sections 1202 and  
3 1203 as sections 1211 and 1212, respectively;  
4 and

5 (D) by inserting before section 1211 (as so  
6 redesignated) the following:

7 “PART B—TRAUMA CARE

8 “Subpart I—Advisory Council; Clearinghouse”.

9 (b) STATE OFFICES.—Title XII of the Public Health  
10 Service Act, as amended by subsection (a) of this section,  
11 is amended by inserting after section 1201 the following  
12 new section:

13 **“SEC. 1202. STATE OFFICES OF EMERGENCY MEDICAL**  
14 **SERVICES.**

15 “(a) PROGRAM OF GRANTS.—The Secretary may  
16 make grants to States for the purpose of improving the  
17 availability and quality of emergency medical services  
18 through the operation of State offices of emergency medi-  
19 cal services.

20 “(b) REQUIREMENT OF MATCHING FUNDS.—

21 “(1) IN GENERAL.—The Secretary may not  
22 make a grant under subsection (a) unless the State  
23 involved agrees, with respect to the costs to be in-  
24 curred by the State in carrying out the purpose de-

1 scribed in such subsection, to provide non-Federal  
2 contributions toward such costs in an amount that—

3 “(A) for the first fiscal year of payments  
4 under the grant, is not less than \$1 for each \$3  
5 of Federal funds provided in the grant;

6 “(B) for any second fiscal year of such  
7 payments, is not less than \$1 for each \$1 of  
8 Federal funds provided in the grant; and

9 “(C) for any third fiscal year of such pay-  
10 ments, is not less than \$3 for each \$1 of Fed-  
11 eral funds provided in the grant.

12 “(2) DETERMINATION OF AMOUNT OF NON-  
13 FEDERAL CONTRIBUTION.—

14 “(A) Subject to subparagraph (B), non-  
15 Federal contributions required in paragraph (1)  
16 may be in cash or in kind, fairly evaluated, in-  
17 cluding plant, equipment, or services. Amounts  
18 provided by the Federal Government, or serv-  
19 ices assisted or subsidized to any significant ex-  
20 tent by the Federal Government, may not be in-  
21 cluded in determining the amount of such non-  
22 Federal contributions.

23 “(B) The Secretary may not make a grant  
24 under subsection (a) unless the State involved  
25 agrees that—

1           “(i) for the first fiscal year of pay-  
2           ments under the grant, 100 percent or less  
3           of the non-Federal contributions required  
4           in paragraph (1) will be provided in the  
5           form of in-kind contributions;

6           “(ii) for any second fiscal year of such  
7           payments, not more than 50 percent of  
8           such non-Federal contributions will be pro-  
9           vided in the form of in-kind contributions;  
10          and

11          “(iii) for any third fiscal year of such  
12          payments, such non-Federal contributions  
13          will be provided solely in the form of cash.

14          “(c) CERTAIN REQUIRED ACTIVITIES.—The Sec-  
15          retary may not make a grant under subsection (a) unless  
16          the State involved agrees that activities carried out by an  
17          office operated pursuant to such subsection will include—

18                 “(1) coordinating the activities carried out in  
19                 the State that relate to emergency medical services;

20                 “(2) activities regarding the matters described  
21                 in paragraphs (1) through (4) section 1201(b);

22                 “(3) identifying Federal and State programs re-  
23                 garding emergency medical services and providing  
24                 technical assistance to public and nonprofit private  
25                 entities regarding participation in such programs.

1       “(d) REQUIREMENT REGARDING ANNUAL BUDGET  
2 FOR OFFICE.—The Secretary may not make a grant  
3 under subsection (a) unless the State involved agrees that,  
4 for any fiscal year for which the State receives such a  
5 grant, the office operated pursuant to subsection (a) will  
6 be provided with an annual budget of not less than  
7 \$50,000.

8       “(e) CERTAIN USES OF FUNDS.—

9           “(1) RESTRICTIONS.—The Secretary may not  
10 make a grant under subsection (a) unless the State  
11 involved agrees that—

12               “(A) if research with respect to emergency  
13 medical services is conducted pursuant to the  
14 grant, not more than 10 percent of the grant  
15 will be expended for such research; and

16               “(B) the grant will not be expended to pro-  
17 vide emergency medical services (including pro-  
18 viding cash payments regarding such services).

19           “(2) ESTABLISHMENT OF OFFICE.—Activities  
20 for which a State may expend a grant under sub-  
21 section (a) include paying the costs of establishing  
22 an office of emergency medical services for purposes  
23 of such subsection.

24       “(f) REPORTS.—The Secretary may not make a  
25 grant under subsection (a) unless the State involved

1 agrees to submit to the Secretary reports containing such  
2 information as the Secretary may require regarding activi-  
3 ties carried out under this section by the State.

4 “(g) REQUIREMENT OF APPLICATION.—The Sec-  
5 retary may not make a grant under subsection (a) unless  
6 an application for the grant is submitted to the Secretary  
7 and the application is in such form, is made in such man-  
8 ner, and contains such agreements, assurances, and infor-  
9 mation as the Secretary determines to be necessary to  
10 carry out this section.”.

11 **SEC. 4. PROGRAMS FOR RURAL AREAS.**

12 (a) IN GENERAL.—Title XII of the Public Health  
13 Service Act, as amended by section 3 of this Act, is  
14 amended—

15 (1) by transferring section 1204 to part A;

16 (2) by redesignating such section as section  
17 1203;

18 (3) by inserting such section after section 1202;

19 and

20 (4) in section 1203 (as so redesignated)—

21 (A) by redesignating subsection (c) as sub-  
22 section (d); and

23 (B) by inserting after subsection (b) the  
24 following new subsection:

1       “(c) DEMONSTRATION PROGRAM REGARDING TELE-  
2 COMMUNICATIONS.—

3           “(1) LINKAGES FOR RURAL FACILITIES.—  
4       Projects under subsection (a)(1) shall include dem-  
5 onstration projects to establish telecommunications  
6 between rural medical facilities and medical facilities  
7 that have expertise or equipment that can be utilized  
8 by the rural facilities through the telecommuni-  
9 cations.

10          “(2) MODES OF COMMUNICATION.—The Sec-  
11 retary shall ensure that the telecommunications  
12 technologies demonstrated under paragraph (1) in-  
13 clude (interactive) video telecommunications, (static  
14 video imaging transmitted through the telephone  
15 system), and facsimiles transmitted through such  
16 system.”.

17       (b) CONFORMING AMENDMENT.—Section 1203 of the  
18 Public Health Service Act, as redesignated by subsection  
19 (a)(2) of this section, is amended in the heading for the  
20 section by striking “**ESTABLISHMENT**” and all that  
21 follows and inserting “**PROGRAMS FOR RURAL**  
22 **AREAS.**”.

23 **SEC. 5. FUNDING.**

24       Title XII of the Public Health Service Act, as amend-  
25 ed by the preceding provisions of this Act, is amended—

1 (1) by inserting after subpart III of part B the  
2 following:

3 “PART C—FUNDING”;

4 (2) by transferring section 1235 to part C (as  
5 so added); and

6 (3) in such section, by striking subsections (a)  
7 and (b) and inserting the following:

8 “(a) EMERGENCY MEDICAL SERVICES GEN-  
9 ERALLY.—

10 “(1) IN GENERAL.—For the purpose of carry-  
11 ing out section 1201 other than with respect to trau-  
12 ma care, there are authorized to be appropriated  
13 \$2,000,000 for fiscal year 1993, and such sums as  
14 may be necessary for each of the fiscal years 1994  
15 and 1995.

16 “(2) STATE OFFICES.—For the purpose of car-  
17 rying out section 1202, there are authorized to be  
18 appropriated \$3,000,000 for fiscal year 1993, and  
19 such sums as may be necessary for each of the fiscal  
20 years 1994 and 1995.

21 “(3) CERTAIN TELECOMMUNICATIONS DEM-  
22 ONSTRATIONS.—For the purpose of carrying out sec-  
23 tion 1203(c), there are authorized to be appro-  
24 priated \$10,000,000 for fiscal year 1993 and such

1 sums as may be necessary for each of the fiscal  
2 years 1994 and 1995.

3 “(b) TRAUMA CARE AND CERTAIN OTHER ACTIVI-  
4 TIES.—

5 “(1) IN GENERAL.—For the purpose of carry-  
6 ing out part B, section 1201 with respect to trauma  
7 care, and section 1203 (other than subsection (c) of  
8 such section), there are authorized to be appro-  
9 priated \$60,000,000 for fiscal year 1993, and such  
10 sums as may be necessary for each of the fiscal  
11 years 1994 and 1995.

12 “(2) ALLOCATION OF FUNDS BY SECRETARY.—

13 “(A) For the purpose of carrying out sub-  
14 part I of part B, section 1201 with respect to  
15 trauma care, and section 1203 (other than sub-  
16 section (c) of such section), the Secretary shall  
17 make available 10 percent of the amounts ap-  
18 propriated for a fiscal year under paragraph  
19 (1).

20 “(B) For the purpose of carrying out sec-  
21 tion 1203 (other than subsection (c) of such  
22 section), the Secretary shall make available 10  
23 percent of the amounts appropriated for a fiscal  
24 year under paragraph (1).

1           “(C)(i) For the purpose of making allot-  
2           ments under section 1221(a), the Secretary  
3           shall, subject to subsection (c), make available  
4           80 percent of the amounts appropriated for a  
5           fiscal year under paragraph (1).

6           “(ii) Amounts paid to a State under sec-  
7           tion 1221(a) for a fiscal year shall, for the pur-  
8           poses for which the amounts were paid, remain  
9           available for obligation until the end of the fis-  
10          cal year immediately following the fiscal year  
11          for which the amounts were paid.”.

12 **SEC. 6. CONFORMING AMENDMENTS.**

13          Title XII of the Public Health Service Act, as amend-  
14          ed by the preceding provisions of this Act, is amended—

15               (1) in section 1203(b), by striking “1214(c)(1)”  
16               and inserting “1224(c)(1)”;

17               (2) in section 1211(b)(3), by striking “1213(c)”  
18               and inserting “1223(c)”;

19               (3) in section 1221—

20                     (A) in subsection (a)—

21                             (i) by striking “1218” and inserting  
22                             “1228”; and

23                             (ii) by striking “1217” and inserting  
24                             “1227”; and

25                     (B) in subsection (b)—

1 (i) by striking “1233” and inserting  
2 “1242”; and

3 (ii) by striking “1213” and inserting  
4 “1223”;

5 (4) in section 1222—

6 (A) in subsection (a)—

7 (i) in paragraph (1), by striking  
8 “1211(a)” and inserting “1221(a)”; and

9 (ii) in paragraph (2)(A), by striking  
10 “1211(c)” and inserting “1221(c)”; and

11 (B) in subsection (b), by striking  
12 “1211(a)” and inserting “1221(a)”; and

13 (5) in section 1223—

14 (A) in subsection (a), by striking  
15 “1211(b)” and inserting “1221(b)”; and

16 (B) in subsection (b)—

17 (i) in paragraph (1), by striking  
18 “1211(a)” and inserting “1221(a)”; and

19 (ii) in paragraph (3), by striking  
20 “1211(a)” and inserting “1221(a)”; and

21 (C) in subsection (d), by striking  
22 “1211(a)” and inserting “1221(a)”; and

23 (6) in section 1224—

1 (A) in each of subsections (a) through (c),  
2 by striking “1211(a)” and inserting “1221(a)”;  
3 and

4 (B) in subsection (b), by striking  
5 “1213(a)(7)” and inserting “1223(a)(7)”;  
6 (7) in section 1225—

7 (A) in subsection (a)—

8 (i) by striking “1211(a)” and insert-  
9 ing “1221(a)”;

10 (ii) by striking “1233” and inserting  
11 “1242”;

12 (B) in subsection (b), by striking  
13 “1211(b)” and inserting “1221(b)”;

14 (8) in section 1226, in each of subsections (a)  
15 through (c), by striking “1211(a)” and inserting  
16 “1221(a)”;

17 (9) in section 1227—

18 (A) by striking “1211(a)” and inserting  
19 “1221(a)”;

20 (B) by striking “1214” and inserting  
21 “1224”;

22 (10) in section 1228—

23 (A) in each of subsections (a) through (c),  
24 by striking “1211(a)” each place such term ap-  
25 pears and inserting “1221(a)”;

1 (B) in subsection (b), in each of para-  
2 graphs (2)(A) and (3)(A), by striking  
3 “1232(a)” and inserting “1251(a)”; and

4 (C) in subsection (c)(2)—

5 (i) by striking “1232(b)(3)” and in-  
6 serting “1251(b)(3)”; and

7 (ii) by striking “1217” and inserting  
8 “1227”;

9 (11) in section 1229(a), by striking “1211(a)”  
10 each place such term appears and inserting  
11 “1221(a)”;

12 (12) in section 1230(a), by striking “1211(a)”  
13 each place such term appears and inserting  
14 “1221(a)”;

15 (13) in section 1231—

16 (A) in each of subsections (a) and (b), by  
17 striking “1211(a)” each place such term ap-  
18 pears and inserting “1221(a)”; and

19 (B) in each of subsections (a) and (b), by  
20 striking “1211(b)” and inserting “1221(b)”;

21 (14) in section 1232, by striking “1211” and  
22 inserting “1221”;

23 (15) in section 1241—

1 (A) in the matter preceding paragraph (1),  
2 by striking “this title” and inserting “this  
3 part”; and

4 (B) in paragraph (1), by striking “1213”  
5 and inserting “1223”;  
6 (16) in section 1242—

7 (A) in each of subsections (a) and (b), by  
8 striking “1211” each place such term appears  
9 and inserting “1221”;

10 (B) in subsection (b)—

11 (i) by striking “part B” and inserting  
12 “subpart II”; and

13 (ii) by striking “1214(c)(1)” and in-  
14 serting “1224(c)(1)”;

15 (C) in subsection (c), by striking “1213”  
16 and inserting “1223”; and

17 (17) in section 1251(c)(1)—

18 (A) by striking “1211(a)” and inserting  
19 “1221(a)”;

20 (B) by striking “1218(a)(2)” and inserting  
21 “1228(a)(2)”;

22 (C) by striking “part B” and inserting  
23 “subpart II”.

1 **SEC. 7. EFFECTIVE DATE.**

2       The amendments made by this Act shall take effect  
3 October 1, 1992, or upon the date of the enactment of  
4 this Act, whichever occurs later.

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