Public Law 99-117
99th Congress

An Act

To amend various provisions of the Public Health Service Act.

Oct. 7, 1985
[S. 1689]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Health Services Amendments of 1985".

Health Services Amendments of 1985.
42 USC 201 note.

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

42 USC 201 note.

HANSEN'S DISEASE PROGRAM

SEC. 2. (a) Section 320 is amended to read as follows:

42 USC 247e.

"HANSEN'S DISEASE PROGRAM

"SEC. 320. (a) The Secretary—

Louisiana.
Hawaii.

"(1) shall provide care and treatment (including outpatient care) without charge at the Gillis W. Long Hansen's Disease Center in Carville, Louisiana, to any person suffering from Hansen's disease who needs and requests care and treatment for that disease; and

"(2) may provide for the care and treatment (including outpatient care) of Hansen's disease without charge for any person who requests such care and treatment.

"(b) The Secretary shall make payments to the Board of Health of Hawaii for the care and treatment (including outpatient care) in its facilities of persons suffering from Hansen's disease at a rate, determined from time to time by the Secretary, which shall, subject to the availability of appropriations, be approximately equal to the operating cost per patient of those facilities, except that the rate determined by the Secretary shall not be greater than the comparable operating cost per Hansen's disease patient at the Gillis W. Long Hansen's Disease Center in Carville, Louisiana.".

(b) The Public Health Service Facility in Carville, Louisiana, shall be known and designated as the "Gillis W. Long Hansen's Disease Center". Any reference in a law, map, regulation, document, record, or other paper of the United States to such facility shall be held to be a reference to the Gillis W. Long Hansen's Disease Center.

LIMITED APPLICABILITY OF CERTAIN ADDITIONAL SPECIAL PAY TO PHYSICIANS IN THE PUBLIC HEALTH SERVICE COMMISSIONED CORPS

SEC. 3. (a) Section 208(a)(2) is amended—

42 USC 210.

(1) by striking out "Commissioned" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), commissioned"; and

(2) by adding at the end the following new subparagraph:

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"(B) A commissioned medical officer in the Regular or Reserve Corps may not receive additional special pay under section 302(a)(4) of title 37, United States Code, for any period during which the officer is providing obligated service under (i) section 338B, (ii) section 225(e) (as such section was in effect prior to October 1, 1977), or (iii) section 752 (as such section was in effect between October 1, 1977, and August 13, 1981).".

42 USC 254m.
42 USC 234.
42 USC 294u.

42 USC 210 note.

(b) The amendment made by subsection (a) shall not diminish any benefits under an agreement entered into before the date of enactment of this Act by a commissioned medical officer in the Regular Corps or the Reserve Corps of the Public Health Service.

CASH AWARDS FOR COMMISSIONED OFFICERS

42 USC 213a.

SEC. 4. Section 221(a) is amended by adding at the end thereof the following:

10 USC 1124.

"(15) Section 1124, Cash awards for suggestions, inventions, or scientific achievements.".

HEALTH CARE FOR INVOLUNTARILY SEPARATED COMMISSIONED OFFICERS AND DEPENDENTS

42 USC 253.

SEC. 5. Section 326 is amended by inserting after subsection (a) the following new subsection:

"(b)(1) The Secretary may provide health care for an officer of the Regular or Reserve Corps involuntarily separated from the Service, and for any dependent of such officer, if—

"(A) the officer or dependent was receiving health care at the expense of the Service at the time of separation; and

"(B) the Secretary finds that the officer or dependent is unable to obtain appropriate insurance for the conditions for which the officer or dependent was receiving health care.

"(2) Health care may be provided under paragraph (1) for a period of not more than one year from the date of separation of the officer from the Service.".

EVALUATION FUNDING

98 Stat. 2817.
42 USC 242c.

SEC. 6. Section 305(h) is amended by adding at the end thereof the following new sentence: "In administering this subsection, the Secretary shall assure that the amount to be made available in any fiscal year is seven and one-half percent of the maximum amount authorized to be made available under section 2113 in such fiscal year.".

42 USC 300aa-12.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH SERVICES BLOCK GRANT

98 Stat. 2359, 2355.
42 USC 300x-4.

SEC. 7. (a)(1) Section 1916(c) is amended—

(A) by striking out paragraphs (14) and (15); and

(B) by inserting immediately after paragraph (13) the following:

"(14) Of the amount allotted to a State under this part in any fiscal year, the State agrees to use—

"(A) in fiscal year 1985, not less than 3 percent of such amount; and

"(B) in any other fiscal year, not less than 5 percent of such amount,

to initiate and provide new or expanded alcohol and drug abuse services for women.

"(15) Of the amount to be used in any fiscal year for mental health activities, the State agrees to use not less than 10 percent of such amount to initiate and provide—

"(A) in fiscal year 1985, new comprehensive community mental health services for underserved areas or for underserved populations, with special emphasis on new mental health services for severely disturbed children and adolescents; and

"(B) in any other fiscal year, new or expanded comprehensive community mental health services for underserved areas or for underserved populations, with special emphasis on new or expanded mental health services for severely disturbed children and adolescents.".

(3) Section 1916(g) is amended by inserting "or expanded" after "new" in the first sentence. 98 Stat. 2359, 2357. 42 USC 300x-4.

(b) Section 1917(a) is amended— 98 Stat. 2359. 42 USC 300x-5.

(1) by redesignating clauses (1), (2), (3), and (4) as clauses (A), (B), (C), and (D), respectively;

(2) by inserting "(1)" after "(a)"; and

(3) in clause (C) (as so redesignated), by inserting "or expanded" after "new".

(c) Section 1920A is amended— 98 Stat. 2359. 42 USC 300x-9.

(1) by striking out "part B of title XIX" in clause (1) and inserting in lieu thereof "this part"; and

(2) by striking out "such part" each place it occurs in clause (2) and inserting in lieu thereof "this part".

TECHNICAL AMENDMENTS RELATING TO GRANTS FOR A COUNCIL ON HEALTH CARE TECHNOLOGY

SEC. 8. (a) Section 309 is amended— 98 Stat. 2820. 42 USC 242n.

(1) by inserting "GRANTS FOR A" before "COUNCIL" in the section heading;

(2) by striking out "Council on Health Care Technology" and all that follows through "this section" in subsection (a)(1) and inserting in lieu thereof "council on health care technology";

(3) by inserting "(i)" before "The Secretary" in subsection (a)(2)(A);

(4) by striking out "to the National Academy" and all that follows through "The amount of such grant" in subsection (a)(2)(A) and inserting in lieu thereof the following: "for the planning, development, and establishment of the council. The amount of an initial grant";

(5) by adding at the end of subsection (a)(2)(A) the following: "(ii) The Secretary shall request the National Academy of Sciences, acting through appropriate units, to submit an application for an initial grant under paragraph (1). If the Academy submits an acceptable application, the Secretary shall make the initial grant to the Academy. If the Academy does not submit an acceptable application for an initial grant under paragraph (1), the Secretary shall request one or more appropriate nonprofit private entities to submit an application for an initial grant under paragraph (1) and shall make a grant to the entity which submits the best acceptable application.";

(6) by striking out "The Council shall" in subsection (c)(1) and inserting in lieu thereof "In order to qualify for a grant under this section for the operation of the council, the applicant must

demonstrate that it has the capability to, and that under the grant it will";

(7) by striking out subsections (d), (f), and (g) and inserting in lieu thereof the following:

"(d) In order to qualify for an initial grant under this section to plan, develop, and establish the council under this section, the applicant must assure that the council will be composed of at least 10 members—

"(1) each of whom has education, training, experience, or expertise relating to the quality and cost effectiveness of health care technologies, and

"(2) who, as a group, provide representation of organizations of health professionals, hospitals, and other health care providers, health care insurers, employers, consumers, and manufacturers of products for health care.

"(e) As a condition for receiving a grant under this section, the applicant must agree to submit to the Secretary an annual report on the council's activities under the grant. The Secretary shall provide for timely transmittal of a copy of each such report to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.";

(8) by redesignating subsection (h) as subsection (f); and

(9) by striking out "Council" each place it appears in subsections (a)(2), (b), and (c)(2) and inserting in lieu thereof "council".

Effective date. 42 USC 242n note. 98 Stat. 2815. 42 USC 201 note.

(b) The amendments made by this section shall take effect as of the date of the enactment of the Health Promotion and Disease Prevention Amendments of 1984.

LIMITED EXCEPTION TO GRADE LIMITATIONS FOR COMMISSIONED OFFICERS OF THE PUBLIC HEALTH SERVICE WHO ARE ASSIGNED TO THE DEPARTMENT OF DEFENSE

42 USC 207.

SEC. 9. Section 206 is amended by adding at the end thereof the following new subsection:

"(e) In computing the maximum number of commissioned officers of the Public Health Service authorized by law to hold a grade which corresponds to the grade of brigadier general or major general, there may be excluded from such computation not more than three officers who hold such a grade so long as such officers are assigned to duty and are serving in a policymaking position in the office of the Assistant Secretary of Defense for Health Affairs.".

CONTINUING CARE FOR CERTAIN PSYCHIATRIC PATIENTS

Contracts. 42 USC 241 note. 42 USC 241.

SEC. 10. In any fiscal year beginning after September 30, 1981, from funds appropriated for carrying out section 301 of the Public Health Service Act with respect to mental health, the Secretary of Health and Human Services may provide, by contract or otherwise, for the continuing care of psychiatric patients who were under active and continuous treatment at the National Institute on Drug Abuse Clinical Research Center on the date such Clinical Research Center ceased operations.

TECHNICAL AMENDMENTS

42 USC 243.

SEC. 11. (a)(1) The first sentence of section 311(c)(1) is amended—

(A) by striking out "referred to in section 317(f)"; and

(B) by striking out "involving or resulting from disasters or any such disease".

(2) The second sentence of section 311(c)(1) is amended by striking out "resulting from disasters or any disease or condition referred to in section 317(f)". 42 USC 243.

(b) Section 504 is amended— 98 Stat. 2361.

(1) by striking out "1915(e)" in subsection (g) and inserting in lieu thereof "1916(e)"; and 42 USC 290aa-3.

(2) by striking out the section heading and inserting in lieu thereof the following:

"NATIONAL INSTITUTE OF MENTAL HEALTH".

(c) Section 928(b) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "(42 U.S.C. 247b(j)(1)(A))" and inserting in lieu thereof "(42 U.S.C. 247b(j))". 95 Stat. 569. 42 USC 247b.

(d) Section 4(c)(2)(A) of the Federal Cigarette Labeling and Advertising Act is amended by striking out "brand" the first place it appears and inserting in lieu thereof "brand style". 98 Stat. 2201. 15 USC 1333.

REPEAL OF OBSOLETE PROVISIONS

SEC. 12. (a) Section 314(g) is repealed. 42 USC 246.

(b) Section 315 is repealed. 42 USC 247.

(c) Section 328 is repealed. 42 USC 254a-1

(d) Title IX is repealed. 42 USC 299-299j.

(e) Title XII is repealed. 42 USC 300d-4, 300d-6.

(f) Section 2105 is repealed. 42 USC 300aa-4.

Approved October 7, 1985.

LEGISLATIVE HISTORY—S. 1689:

CONGRESSIONAL RECORD, Vol. 131 (1985):
Sept. 23, considered and passed Senate.
Sept. 24, considered and passed House.