

107TH CONGRESS  
1ST SESSION

# H. R. 2173

To amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2001

Mr. MCGOVERN (for himself, Mr. SIMPSON, Mr. RUSH, Mr. SHIMKUS, Mr. ROSS, Mr. WHITFIELD, Mr. PICKERING, Mr. SHOWS, Ms. MCKINNEY, and Mr. LANGEVIN) 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 with respect to health professions programs regarding the practice of pharmacy.

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 “Pharmacy Education  
5       Aid Act of 2001”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds as follows:

8               (1) Pharmacists are an important link in our  
9       Nation’s health care system. A critical shortage of

1 pharmacists is threatening the ability of community  
2 pharmacies to continue to provide important pre-  
3 scription related services.

4 (2) The Institute of Medicine (“IOM”) pre-  
5 pared a landmark report on medical errors, includ-  
6 ing medication errors. In the report, entitled “To  
7 Err is Human: Building a Safer Health System”,  
8 IOM indicated that medication errors can be par-  
9 tially attributed to factors such as staff shortages;  
10 having too many customers places great pressure on  
11 available staff, leading to a lack of concentration.

12 (3) In section 5 of Public Law 106–129, the  
13 Congress acknowledged a growing demand for phar-  
14 macists by requiring the Secretary of Health and  
15 Human Services to conduct a study to determine  
16 whether there is a shortage of pharmacists in the  
17 United States and, if so, to what extent.

18 (4) The study required by Public Law 106–129  
19 was conducted by the Health Resources and Services  
20 Administration (“HRSA”). The report from the  
21 study was submitted to the Congress in December  
22 2000, and is entitled “The Pharmacist Workforce: A  
23 Study in Supply and Demand for Pharmacists”.

24 (5) The findings described in the HRSA report  
25 include the following:

1 (A) “While the overall supply of phar-  
2 macists has increased in the past decade, there  
3 has been an unprecedented demand for phar-  
4 macists and for pharmaceutical care services,  
5 which has not been met by the currently avail-  
6 able supply.”

7 (B) The “evidence clearly indicates the  
8 emergence of a shortage of pharmacists over  
9 the past two years.”

10 (C) “The factors causing the current  
11 shortage are of a nature not likely to abate in  
12 the near future without fundamental changes in  
13 pharmacy practice and education.”

14 (6) In the report, HRSA projects that the num-  
15 ber of prescriptions filled by community pharmacists  
16 will increase 20 percent by 2004. In contrast, the  
17 number of community pharmacists is expected to in-  
18 crease only 6 percent by 2005.

19 (7) The demand for pharmacists will increase  
20 as prescription drug use continues to grow.

21 (8) The Federal Government has a role and the  
22 responsibility, through programs such as the Na-  
23 tional Health Service Corps and programs under  
24 title VII of the Public Health Service Act, to ensure  
25 access to pharmacists services. Although the statu-

1 tory provisions for the program for the National  
2 Health Service Corps expressly reference physicians,  
3 dentists, certified nurse midwives, certified nurse  
4 practitioners, and physician assistants, there is no  
5 statutory reference to pharmacists. The National  
6 Health Service Corps statute should provide for the  
7 significant participation of pharmacists.

8 **SEC. 3. INCLUSION OF PRACTICE OF PHARMACY IN PRO-**  
9 **GRAM FOR NATIONAL HEALTH SERVICE**  
10 **CORPS.**

11 (a) INCLUSION IN CORPS MISSION.—Section  
12 331(a)(3) of the Public Health Service Act (42 U.S.C.  
13 254d(a)(3)) is amended—

14 (1) in subparagraph (D), by adding at the end  
15 the following: “Such term includes pharmacist serv-  
16 ices.”; and

17 (2) by adding at the end the following:

18 “(E)(i) The term ‘pharmacist services’ in-  
19 cludes medication therapy management services.

20 “(ii) The term ‘medication therapy man-  
21 agement services’, with respect to pharmacist  
22 services, includes services to assure that medi-  
23 cations are used appropriately by patients; to  
24 enhance patients’ understanding of the appro-  
25 priate use of medications; to increase patients’

1 adherence to prescription medication regimens;  
2 to reduce the risk of adverse events associated  
3 with medications; and to reduce the need for  
4 other costly medical services through better  
5 management of medication therapy. Such serv-  
6 ices may include case management, disease  
7 management, drug therapy management, pa-  
8 tient training and education, counseling, drug  
9 therapy problem resolution, medication adminis-  
10 tration, the provision of special packaging, or  
11 other services that enhance the use of prescrip-  
12 tion medications.”.

13 (b) SCHOLARSHIP PROGRAM.—Section 338A(a)(1) of  
14 the Public Health Service Act (42 U.S.C. 254l(a)(1)) is  
15 amended by inserting “pharmacists,” after “physicians,”.

16 (c) LOAN REPAYMENT PROGRAM.—Section  
17 338B(a)(1) of the Public Health Service Act (42 U.S.C.  
18 254l–1(a)(1)) is amended by inserting “pharmacists,”  
19 after “physicians,”.

20 (d) FUNDING.—Section 338H(b)(2) of the Public  
21 Health Service Act (42 U.S.C. 254q(b)(2)) is amended—

22 (1) in subparagraph (A), by inserting before the  
23 period the following: “, which may include such con-  
24 tracts for individuals who are in a course of study  
25 or program leading to a pharmacy degree”; and

1           (2) by adding at the end the following subpara-  
2 graph:

3                   “(C) SCHOLARSHIPS FOR FIRST-YEAR  
4 STUDY IN PHARMACY.—Of the amounts appro-  
5 priated under paragraph (1) for a fiscal year,  
6 the Secretary shall obligate not less than 10  
7 percent for the purpose of providing contracts  
8 for scholarships under this subpart to individ-  
9 uals who are entering the first year of study in  
10 a course of study or program leading to a phar-  
11 macy degree. Amounts obligated under this sub-  
12 paragraph shall be in addition to amounts obli-  
13 gated under subparagraph (A).”.

14 **SEC. 4. CERTAIN HEALTH PROFESSIONS PROGRAMS RE-**  
15 **GARDING PRACTICE OF PHARMACY.**

16       Part E of title VII of the Public Health Service Act  
17 (42 U.S.C. 294n et seq.) is amended by adding at the end  
18 the following subpart:

19                   **“Subpart 3—Certain Workforce Programs**

20 **“SEC. 771. PRACTICING-PHARMACIST WORKFORCE.**

21                   “(a) RECRUITING AND RETAINING STUDENTS AND  
22 FACULTY.—

23                   “(1) IN GENERAL.—The Secretary may make  
24 awards of grants or contracts to qualifying schools  
25 of pharmacy (as defined in subsection (f)) for the

1 purpose of carrying out programs for recruiting and  
2 retaining students and teaching faculty for such  
3 schools, including programs to provide scholarships  
4 for attendance at such schools to full-time students  
5 who have financial need for the scholarships and  
6 who demonstrate a commitment to becoming prac-  
7 ticing pharmacists or faculty regarding the practice  
8 of pharmacy.

9 “(2) PREFERENCE IN PROVIDING SCHOLAR-  
10 SHIPS.—An award may not be made under para-  
11 graph (1) unless the qualifying school of pharmacy  
12 involved agrees that, in providing scholarships pur-  
13 suant to the award, the school will give preference  
14 to students for whom the costs of attending the  
15 school would constitute a severe financial hardship.

16 “(b) LOAN REPAYMENT PROGRAM REGARDING FAC-  
17 ULTY POSITIONS.—

18 “(1) IN GENERAL.—The Secretary may estab-  
19 lish a program of entering into contracts with indi-  
20 viduals described in paragraph (2) under which the  
21 individuals agree to serve as members of the fac-  
22 ulties of qualifying schools of pharmacy in consider-  
23 ation of the Federal Government agreeing to pay,  
24 for each year of such service, not more than \$20,000

1 of the principal and interest of the educational loans  
2 of such individuals.

3 “(2) ELIGIBLE INDIVIDUALS.—The individuals  
4 referred to in paragraph (1) are individuals who—

5 “(A) have a doctoral degree in pharmacy  
6 or the pharmaceutical sciences; or

7 “(B) are enrolled in a school of pharmacy  
8 and are in the final academic year of such  
9 school in a program leading to such a doctoral  
10 degree.

11 “(3) REQUIREMENTS REGARDING FACULTY PO-  
12 SITIONS.—The Secretary may not enter into a con-  
13 tract under paragraph (1) unless—

14 “(A) the individual involved has entered  
15 into a contract with a qualifying school of phar-  
16 macy to serve as a member of the faculty of the  
17 school for not less than 2 years;

18 “(B) the contract referred to in subpara-  
19 graph (A) provides that, in serving as a mem-  
20 ber of the faculty pursuant to such subpara-  
21 graph, the individual will—

22 “(i) serve full time; or

23 “(ii) serve as a member of the adjunct  
24 clinical faculty and in so serving will ac-  
25 tively supervise pharmacy students for 25

1 academic weeks per year (or such greater  
2 number of academic weeks as may be spec-  
3 ified in the contract); and

4 “(C) such contract provides that—

5 “(i) the school will, for each year for  
6 which the individual will serve as a mem-  
7 ber of the faculty under the contract with  
8 the school, make payments of the principal  
9 and interest due on the educational loans  
10 of the individual for such year in an  
11 amount equal to the amount of such pay-  
12 ments made by the Secretary for the year;

13 “(ii) the payments made by the school  
14 pursuant to clause (i) on behalf of the indi-  
15 vidual will be in addition to the pay that  
16 the individual would otherwise receive for  
17 serving as a member of such faculty; and

18 “(iii) the school, in making a deter-  
19 mination of the amount of compensation to  
20 be provided by the school to the individual  
21 for serving as a member of the faculty, will  
22 make the determination without regard to  
23 the amount of payments made (or to be  
24 made) to the individual by the Federal  
25 Government under paragraph (1).

1           “(4) APPLICABILITY OF CERTAIN PROVI-  
2           SIONS.—The provisions of sections 338C, 338G, and  
3           338I shall apply to the program established in para-  
4           graph (1) to the same extent and in the same man-  
5           ner as such provisions apply to the National Health  
6           Service Corps Loan Repayment Program established  
7           in subpart III of part D of title III, including the  
8           applicability of provisions regarding reimbursements  
9           for increased tax liability and provisions regarding  
10          bankruptcy.

11          “(5) WAIVER REGARDING SCHOOL CONTRIBU-  
12          TIONS.—The Secretary may waive the requirement  
13          established in paragraph (3)(C) if the Secretary de-  
14          termines that the requirement will impose an undue  
15          financial hardship on the school involved.

16          “(c) INFORMATION TECHNOLOGY.—The Secretary  
17          may make awards of grants or contracts to qualifying  
18          schools of pharmacy for the purpose of assisting such  
19          schools in acquiring and installing computer-based sys-  
20          tems to provide pharmaceutical education. Education pro-  
21          vided through such systems may be graduate education,  
22          professional education, or continuing education. The com-  
23          puter-based systems may be designed to provide on-site  
24          education, or education at remote sites (commonly re-  
25          ferred to as distance learning), or both.

1 “(d) FACILITIES.—

2 “(1) IN GENERAL.—The Secretary may make  
3 awards of grants or contracts to qualifying schools  
4 of pharmacy for construction projects to expand, re-  
5 model, renovate, or alter existing facilities for such  
6 schools or to provide new facilities for the schools.

7 “(2) CERTAIN RESTRICTIONS.—An award  
8 under paragraph (1) may not be expended for the  
9 costs of acquiring land or for off-site improvements.

10 “(3) RECAPTURE OF PAYMENTS.—If, during  
11 the 20-year period beginning on the date of the com-  
12 pletion of construction pursuant to paragraph (1)—

13 “(A) the school of pharmacy involved, or  
14 other owner of the facility, ceases to be a public  
15 or nonprofit private entity; or

16 “(B) the facility involved ceases to be used  
17 for the purposes for which it was constructed  
18 (unless the Secretary determines, in accordance  
19 with regulations, that there is good cause for  
20 releasing the school or other owner from such  
21 obligation);

22 the United States is entitled to recover from the  
23 school or other owner of the facility the amount  
24 bearing the same ratio to the current value (as de-  
25 termined by an agreement between the parties or by

1       action brought in the United States District Court  
2       for the district in which such facility is situated) of  
3       the facility as the amount of the Federal participa-  
4       tion bore to the cost of the construction of such fa-  
5       cility.

6       “(e) REQUIREMENT REGARDING EDUCATION IN  
7 PRACTICE OF PHARMACY.—With respect to the qualifying  
8 school of pharmacy involved, the Secretary shall ensure  
9 that programs and activities carried out with Federal  
10 funds provided under this section have the goal of edu-  
11 cating students to become licensed pharmacists, or the  
12 goal of providing for faculty to educate students to become  
13 licensed pharmacists.

14       “(f) QUALIFYING SCHOOL OF PHARMACY.—For pur-  
15 poses of this section, the term ‘qualifying school of phar-  
16 macy’ means a school of pharmacy (as defined in section  
17 799B) that, in providing clinical experience for students,  
18 requires that the students serve in a clinical rotation in  
19 which pharmacist services (as defined in section  
20 331(a)(3)(E)) are provided at or for—

21               “(1) a medical facility that serves a substantial  
22       number of individuals who reside in or are members  
23       of a medically underserved community (as so de-  
24       fined);

1           “(2) an entity described in any of subpara-  
2           graphs (A) through (L) of section 340B(a)(4) (relat-  
3           ing to the definition of covered entity);

4           “(3) a health care facility of the Department of  
5           Veterans Affairs or of any of the Armed Forces of  
6           the United States;

7           “(4) a health care facility of the Bureau of  
8           Prisons;

9           “(5) a health care facility operated by, or with  
10          funds received from, the Indian Health Service; or

11          “(6) a disproportionate share hospital under  
12          section 1923 of the Social Security Act.

13          “(g) AUTHORIZATION OF APPROPRIATIONS.—For the  
14          purpose of carrying out this section, there are authorized  
15          to be appropriated such sums as may be necessary for  
16          each of the fiscal years 2002 through 2006.”.

○