

INDIAN HEALTH CARE AMENDMENTS
OF 1988

Public Law 100-713
100th Congress

An Act

Nov. 23, 1988
[H.R. 5261]

To reauthorize and amend the Indian Health Care Improvement Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Indian Health
Care
Amendments of
1988.
Appropriation
authorizations.
25 USC 1601
note.

SHORT TITLE

SECTION 1. This Act may be cited as the "Indian Health Care Amendments of 1988".

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SEC. 3. 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 Indian Health Care Improvement Act (25 U.S.C. 1601, et seqq.).

APPROPRIATION; AVAILABILITY

SEC. 4. Any new spending authority (described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

25 USC 1601
note.

TITLE I—INDIAN HEALTH MANPOWER

HEALTH PROFESSIONS RECRUITMENT PROGRAM FOR INDIANS

SEC. 101. Subsection (c) of section 102 (25 U.S.C. 1612 (c)) is amended to read as follows:

“(c) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

- “(1) \$600,000 for fiscal year 1989,
- “(2) \$650,000 for fiscal year 1990,
- “(3) \$700,000 for fiscal year 1991, and
- “(4) \$750,000 for fiscal year 1992.”.

HEALTH PROFESSIONS PREPARATORY SCHOLARSHIP PROGRAM

SEC. 102. (a) Section 103 (25 U.S.C. 1613) is amended by striking out subsection (d) and inserting in lieu thereof the following:

“(d) The Secretary shall not deny scholarship assistance to an eligible applicant under this section solely on the basis of the applicant's scholastic achievement if such applicant has been admitted to, or maintained good standing at, an accredited institution.

"(e) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

"(1) \$3,000,000 for fiscal year 1989,

"(2) \$3,700,000 for fiscal year 1990,

"(3) \$4,400,000 for fiscal year 1991, and

"(4) \$5,100,000 for fiscal year 1992."

25 USC 1613.

(b) Subsection (c) of section 103 is amended by striking out "expenses" and inserting in lieu thereof "expenses of a grantee while attending school full time".

INDIAN HEALTH SERVICE EXTERN PROGRAMS

SEC. 103. Subsection (d) of section 105 (25 U.S.C. 1614) is amended to read as follows:

"(d) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

"(1) \$300,000 for fiscal year 1989,

"(2) \$350,000 for fiscal year 1990,

"(3) \$400,000 for fiscal year 1991, and

"(4) \$450,000 for fiscal year 1992."

INDIAN HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

25 USC 1613a.

SEC. 104. (a) Section 104 is amended to read as follows:

"INDIAN HEALTH PROFESSIONS SCHOLARSHIPS

"SEC. 104. (a) In order to provide health professionals to Indian communities, the Secretary, acting through the Service and in accordance with this section, shall make scholarship grants to Indians who are enrolled full time in appropriately accredited schools of medicine, osteopathy, podiatry, psychology, dentistry, environmental health and engineering, nursing, optometry, public health, allied health professions, and social work. Such scholarships shall be designated Indian Health Scholarships and shall be made in accordance with section 338A of the Public Health Service Act (42 U.S.C. 2541), except as provided in subsection (b) of this section.

"(b)(1) The Secretary, acting through the Service, shall determine who shall receive scholarships under subsection (a) and shall determine the distribution of such scholarships among such health professions on the basis of the relative needs of Indians for additional service in such health professions.

"(2) An individual shall be eligible for a scholarship under subsection (a) in any year in which such individual is enrolled full time in a health profession school referred to in subsection (a).

"(3) The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by a recipient of an Indian Health Scholarship by service—

"(A) in the Indian Health Service;

"(B) in a program conducted under a contract entered into under the Indian Self-Determination Act;

"(C) in a program assisted under title V of this Act; or

"(D) in the private practice of the applicable profession if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area that addresses the health care needs of a substantial number of Indians.

“(e) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

“(1) \$3,000,000 for fiscal year 1989,

“(2) \$3,700,000 for fiscal year 1990,

“(3) \$4,400,000 for fiscal year 1991, and

“(4) \$5,100,000 for fiscal year 1992.”

25 USC 1613.

(b) Subsection (c) of section 103 is amended by striking out “expenses” and inserting in lieu thereof “expenses of a grantee while attending school full time”.

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“(1) \$300,000 for fiscal year 1989,

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“(3) \$400,000 for fiscal year 1991, and

“(4) \$450,000 for fiscal year 1992.”

INDIAN HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

25 USC 1613a.

SEC. 104. (a) Section 104 is amended to read as follows:

“INDIAN HEALTH PROFESSIONS SCHOLARSHIPS

“SEC. 104. (a) In order to provide health professionals to Indian communities, the Secretary, acting through the Service and in accordance with this section, shall make scholarship grants to Indians who are enrolled full time in appropriately accredited schools of medicine, osteopathy, podiatry, psychology, dentistry, environmental health and engineering, nursing, optometry, public health, allied health professions, and social work. Such scholarships shall be designated Indian Health Scholarships and shall be made in accordance with section 338A of the Public Health Service Act (42 U.S.C. 2541), except as provided in subsection (b) of this section.

“(b)(1) The Secretary, acting through the Service, shall determine who shall receive scholarships under subsection (a) and shall determine the distribution of such scholarships among such health professions on the basis of the relative needs of Indians for additional service in such health professions.

“(2) An individual shall be eligible for a scholarship under subsection (a) in any year in which such individual is enrolled full time in a health profession school referred to in subsection (a).

“(3) The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by a recipient of an Indian Health Scholarship by service—

“(A) in the Indian Health Service;

“(B) in a program conducted under a contract entered into under the Indian Self-Determination Act;

“(C) in a program assisted under title V of this Act; or

“(D) in the private practice of the applicable profession if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area addresses the health care needs of a substantial number of Indians.

“(c) For purposes of this section, the term ‘Indian’ has the same meaning given that term by subsection (c) of section 4 of this Act, including all individuals described in clauses (1) through (4) of that section.

(d) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

- “(1) \$5,100,000 for fiscal year 1989,
- “(2) \$6,000,000 for fiscal year 1990,
- “(3) \$7,100,000 for fiscal year 1991, and
- “(4) \$8,234,000 for fiscal year 1992.”

(b)(1) Section 338I of the Public Health Service Act (42 U.S.C. 254r) is repealed.

(2) Scholarships that have been provided under section 338I of the Public Health Service Act (42 U.S.C. 254r) on or before the date of enactment of this Act—

42 USC 254r
note.

(A) shall continue to be provided under the provisions of such section that were in effect on the day before the date of enactment of this Act,

(B) shall be subject to the same terms and conditions to which such scholarships were subject on the day before the date of enactment of this Act, and

(C) shall be funded from funds appropriated to carry out section 104 of the Indian Health Care Improvement Act, as amended by this Act.

CONTINUING EDUCATION ALLOWANCES

SEC. 105. Subsection (b) of section 106 (25 U.S.C. 1615(b)) is amended to read as follows:

(b) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

- “(1) \$500,000 for fiscal year 1989,
- “(2) \$526,300 for fiscal year 1990,
- “(3) \$553,800 for fiscal year 1991, and
- “(4) \$582,500 for fiscal year 1992.”

NATIVE HAWAIIAN HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

SEC. 106. Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254b, et seq.) is amended by adding at the end thereof the following new section:

“SEC. 338J. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS.

42 USC 254s.

“(a) Subject to the availability of funds appropriated under the authority of subsection (d), the Secretary shall provide scholarship assistance, pursuant to a contract with the Kamehameha Schools/Bishop Estate, to students who—

- “(1) meet the requirements of section 338A(b), and
- “(2) are Native Hawaiians.

“(b)(1) The scholarship assistance provided under subsection (a) shall be provided under the same terms and subject to the same conditions, regulations, and rules that apply to scholarship assistance provided under section 338A.

“(2) The Native Hawaiian Health Scholarship program shall not be administered by or through the Indian Health Service.

“(c) For purposes of this section, the term ‘Native Hawaiian’ means any individual who is—

- “(1) a citizen of the United States,

“(2) a resident of the State of Hawaii, and
 “(3) a descendant of the aboriginal people, who prior to 1795 occupied and exercised sovereignty in the area that now constitutes the State of Hawaii, as evidenced by—

“(A) genealogical records,

“(B) Kupuna (elders) or Kama’aina (long-term community residents) verification, or

“(C) birth records of the State of Hawaii.

“(d) There are authorized to be appropriated \$1,800,000 for each of the fiscal years 1990, 1991, and 1992 for the purpose of funding the scholarship assistance provided under subsection (a).”

COMMUNITY HEALTH REPRESENTATIVES

SEC. 107. Title I is amended by adding at the end thereof the following new section:

“COMMUNITY HEALTH REPRESENTATIVE PROGRAM

25 USC 1616.

“SEC. 107. (a) Under the authority of the Act of November 2, 1921 (25 U.S.C. 13), popularly known as the Snyder Act, the Secretary shall maintain a Community Health Representative Program under which the Service—

“(1) provides for the training of Indians as health paraprofessionals, and

“(2) uses such paraprofessionals in the provision of health care, health promotion, and disease prevention services to Indian communities.

“(b) The Secretary, acting through the Community Health Representative Program of the Service, shall—

“(1) provide a high standard of training for paraprofessionals to Community Health Representatives to ensure that the Community Health Representatives provide quality health care, health promotion, and disease prevention services to the Indian communities served by such Program,

“(2) in order to provide such training, develop a curriculum that—

“(A) combines education in the theory of health care with supervised practical experience in the provision of health care, and

“(B) provides instruction and practical experience in health promotion and disease prevention activities,

“(3) develop a system which identifies the needs of Community Health Representatives for continuing education in health care, health promotion, and disease prevention and develop programs that meet the needs for such continuing education,

“(4) develop and maintain a system that provides close supervision of Community Health Representatives,

“(5) develop a system under which the work of Community Health Representatives is reviewed and evaluated, and

“(6) promote traditional health care practices of the Indian tribes served consistent with the Service standards for the provision of health care, health promotion, and disease prevention.”

INDIAN HEALTH SERVICE CLINICAL STAFFING

Sec. 108. Title I, as amended by section 107 of this Act, is further amended by adding at the end thereof the following new sections:

"INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM

"Sec. 108. (a)(1) The Secretary, acting through the Service, shall establish a program to be known as the Indian Health Service Loan Repayment Program (hereinafter referred to as the 'Loan Repayment Program') in order to assure an adequate supply of trained physicians, dentists, nurses, nurse practitioners, physician assistants, clinical and counseling psychologists, graduates of schools of public health, graduates of schools of social work, and other health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian health programs.

25 USC 1616a.

"(2) For the purposes of this section—

"(A) the term 'Indian health program' means any health program or facility funded, in whole or part, by the Service for the benefit of Indians and administered—

"(i) directly by the Service;

"(ii) by any Indian tribe or tribal or Indian organization pursuant to a contract under—

"(I) the Indian Self-Determination Act, or

"(II) section 23 of the Act of April 30, 1908 (25 U.S.C. 47), popularly known as the 'Buy-Indian' Act; or

"(iii) by an urban Indian organization pursuant to title V of this Act; and

"(B) the term 'State' has the same meaning given such term in section 331(i)(4) of the Public Health Service Act.

(b) To be eligible to participate in the Loan Repayment Program, an individual must—

"(1)(A) be enrolled—

"(i) as a full-time student in the final year of a course of study or program in an accredited institution, as determined by the Secretary, within any State; or

"(ii) in an approved graduate training program in medicine, osteopathy, dentistry, or other health profession; or

"(B) have—

"(i) a degree in medicine, osteopathy, dentistry, or other health profession;

"(ii) completed an approved graduate training program in medicine, osteopathy, dentistry, or other health profession in a State, except that the Secretary may waive the completion requirement of this clause for good cause; and

"(iii) a license to practice medicine, osteopathy, dentistry, or other health profession in a State;

"(2)(A) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Public Health Service;

"(B) be eligible for selection for civilian service in the Regular or Reserve Corps of the Public Health Service;

"(C) meet the professional standards for civil service employment in the Indian Health Service; or

"(D) be employed in an Indian health program without a service obligation;

- Contracts. “(3) submit an application to participate in the Loan Repayment Program; and
- “(4) sign and submit to the Secretary, at the time of submission of such application, a written contract (described in subsection (f) to accept repayment of educational loans and to serve (in accordance with this section) for the applicable period of obligated service in an Indian health program.
- Contracts. “(c)(1) In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under subsection (l) in the case of the individual’s breach of the contract. The Secretary shall provide such individuals with sufficient information regarding the advantages and disadvantages of service as a commissioned officer in the Regular or Reserve Corps of the Public Health Service or a civilian employee of the Indian Health Service to enable the individual to make a decision on an informed basis.
- “(2) The application form, contract form, and all other information furnished by the Secretary under this section shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.
- “(3) The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.
- “(d)(1) The Secretary, acting through the Service and in accordance with subsection (k), shall annually—
- “(A) identify the positions in each Indian Health program for which there is a need or a vacancy, and
- “(B) rank those positions in order of priority.
- “(2) Consistent with the priority determined under paragraph (1), the Secretary, in determining which applications under the Loan Repayment Program to approve (and which contracts to accept), shall give priority to applications made by—
- “(A) Indians; and
- “(B) individuals recruited through the efforts of Indian tribes or tribal or Indian organizations.
- Contracts. “(e)(1) An individual becomes a participant in the Loan Repayment Program only on the Secretary’s approval of the individual’s application submitted under subsection (b)(3) and the Secretary’s acceptance of the contract submitted by the individual under subsection (b)(4).
- “(2) The Secretary shall provide written notice to an individual promptly on—
- “(A) the Secretary’s approving, under paragraph (1), of the individual’s participation in the Loan Repayment Program; or
- “(B) the Secretary’s disapproving an individual’s participation in such Program.
- Contracts. “(f) The written contract referred to in this section between the Secretary and an individual shall contain—
- “(1) an agreement under which—
- “(A) subject to paragraph (3), the Secretary agree

