

118TH CONGRESS
1ST SESSION

H. R. 3623

To amend title XVIII of the Social Security Act to establish a national graduate nurse education program.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2023

Ms. UNDERWOOD (for herself, Ms. BONAMICI, and Mr. HORSFORD) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to establish a national graduate nurse education program.

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 “Educating Future
5 Nurses Act”.

1 **SEC. 2. NATIONAL GRADUATE NURSE EDUCATION PRO-**
2 **GRAM.**

3 Title XVIII of the Social Security Act (42 U.S.C.
4 1395 et seq.) is amended by inserting after section 1866G
5 the following new section:

6 **“SEC. 1866H. NATIONAL GRADUATE NURSE EDUCATION**
7 **PROGRAM.**

8 “(a) IN GENERAL.—

9 “(1) ESTABLISHMENT.—

10 “(A) IN GENERAL.—The Secretary shall
11 establish a national graduate nurse education
12 program under this title under which an eligible
13 hospital may receive payment for the hospital’s
14 reasonable costs (described in paragraph (2))
15 for the provision of qualified clinical education
16 to advanced practice registered nurses.

17 “(B) WRITTEN AGREEMENTS.—Eligible
18 hospitals participating in the program shall
19 enter into written agreements pursuant to sub-
20 section (b)(1) in order to reimburse the eligible
21 partners of the hospital the share of the costs
22 attributable to each partner.

23 “(2) COSTS DESCRIBED.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graph (B), the costs described in this para-
26 graph are the reasonable costs (as described in

1 section 1861(v)) of each eligible hospital for the
2 clinical education costs (as determined by the
3 Secretary) that are attributable to providing ad-
4 vanced practice registered nurses with qualified
5 clinical education.

6 “(B) LIMITATION.—With respect to a
7 year, the amount reimbursed under subpara-
8 graph (A) may not exceed the amount of costs
9 described in subparagraph (A) that are attrib-
10 utable to an increase in the number of advanced
11 practice registered nurses enrolled in an accred-
12 ited school of nursing that provides qualified
13 clinical education during the year and for which
14 the hospital is being reimbursed under the pro-
15 gram, as compared to the average number of
16 advanced practice registered nurses who grad-
17 uated in each year during the period beginning
18 on January 1, 2021, and ending on December
19 31, 2022 (as determined by the Secretary),
20 from the graduate nursing education program
21 operated by the applicable school of nursing
22 that is an eligible partner of the hospital for
23 purposes of the program.

24 “(3) ESTABLISHMENT OF REGIONS.—

1 “(A) IN GENERAL.—The Secretary shall
2 establish regions for Graduate Nurse Education
3 Hubs described in subsection (b) under the pro-
4 gram based on hospital referral regions.

5 “(B) LIMITATIONS.—

6 “(i) ONE HUB PER REGION.—Only
7 one Graduate Nurse Education Hub may
8 participate in the program with respect to
9 each region established by the Secretary
10 under subparagraph (A).

11 “(ii) ELIGIBLE HOSPITALS AND ELIGI-
12 BLE PARTNERS.—An eligible hospital or el-
13 igible partner may only participate in one
14 Graduate Nurse Education Hub under the
15 program.

16 “(4) SUPPLEMENT NOT SUPPLANT.—Payments
17 under this section in any given year shall supple-
18 ment, not supplant, other Federal funds that have
19 been made available in the year for advanced prac-
20 tice registered nurse clinical education or training.

21 “(5) WAIVER AUTHORITY.—The Secretary may
22 waive such requirements of title XI and this title as
23 may be necessary to carry out the program.

1 “(6) ADMINISTRATION.—Chapter 35 of title 44,
2 United States Code, shall not apply to the imple-
3 mentation of this section.

4 “(b) REQUIREMENTS.—No payment shall be made
5 under this section to an eligible hospital unless such hos-
6 pital meets the following requirements:

7 “(1) The hospital has in effect a written agree-
8 ment with the eligible partners of the hospital. Such
9 written agreement shall describe, at a minimum—

10 “(A) the obligations of the eligible partners
11 with respect to the provision of qualified clinical
12 education; and

13 “(B) the obligation of the eligible hospital
14 to reimburse such eligible partners (in a timely
15 manner) for the costs of such qualified clinical
16 education that are attributable to such partner.

17 “(2) The hospital demonstrates to the Secretary
18 that it is leading a Graduate Nurse Education
19 (GNE) Hub which has established and will maintain
20 the following in order to provide qualified clinical
21 education to advanced practice registered nurses:

22 “(A) Partnerships with one or more—

23 “(i) applicable schools of nursing;

24 “(ii) hospitals or health systems in a
25 regional area; and

1 “(iii) applicable non-hospital commu-
2 nity-based care settings.

3 “(B) A governance structure that includes
4 one or more applicable schools of nursing in the
5 leadership and an oversight process that is de-
6 veloped and approved by the hospital, partici-
7 pating applicable schools of nursing, and other
8 hub partners, in accordance with requirements
9 established by the Secretary.

10 “(C) A process for timely reimbursement
11 of eligible partners for the costs of such quali-
12 fied clinical education that are attributable to
13 such partner.

14 “(D) An adequate system for coordination
15 of clinical education sites and preceptors.

16 “(E) A process for taking into consider-
17 ation local, State, and regional workforce needs
18 to facilitate innovation and value-based delivery
19 of health care.

20 “(c) PAYMENTS.—

21 “(1) PER-STUDENT RATE.—The amount of pay-
22 ment under this section to an eligible hospital shall
23 for each year of the program shall be equal to the
24 applicable per-student rate (as defined in paragraph
25 (2)) multiplied by the total number of advanced

1 practice registered nurses receiving qualified clinical
2 education through the eligible hospital under the
3 program.

4 “(2) APPLICABLE PER-STUDENT RATE.—The
5 applicable per-student rate, with respect to an eligi-
6 ble hospital, is—

7 “(A) for the first year of the program, a
8 per-student rate determined by the Secretary
9 based on data from the Graduate Nurse Edu-
10 cation Demonstration established under section
11 5509 of the Patient Protection and Affordable
12 Care Act (Public Law 111–148), increased or
13 decreased by the percentage change in the con-
14 sumer price index for all urban consumers (all
15 items; United States city average) from the last
16 year of the Graduate Nurse Education Dem-
17 onstration established under section 5509 for
18 which such data is available to the June pre-
19 ceeding such first year of the program under this
20 section; and

21 “(B) for a subsequent year, the amount
22 determined under this paragraph for the pre-
23 ceeding year, increased or decreased by the per-
24 centage change in the consumer price index for
25 all urban consumers (all items; United States

1 city average) for the 12-month period ending
2 with June of the previous year.

3 “(d) ANNUAL REPORTING REQUIRED.—

4 “(1) REDUCTION IN PAYMENT FOR FAILURE TO
5 REPORT.—

6 “(A) IN GENERAL.—The amount payable
7 under this section to an eligible hospital shall
8 be reduced by 25 percent if the Secretary deter-
9 mines that—

10 “(i) the hospital has failed to provide
11 the Secretary the report required under
12 paragraph (2) for the year; or

13 “(ii) such report fails to provide the
14 information required under any subpara-
15 graph of such paragraph.

16 “(B) NOTICE AND OPPORTUNITY TO PRO-
17 VIDE MISSING INFORMATION.—Before imposing
18 a reduction under subparagraph (A) on the
19 basis of a hospital’s failure to provide informa-
20 tion described in subparagraph (A)(ii), the Sec-
21 retary shall provide notice to the hospital of
22 such failure and the Secretary’s intention to im-
23 pose such reduction and shall provide the hos-
24 pital with the opportunity to provide the re-
25 quired information within a period of 30 days

1 beginning on the date of such notice. If the hos-
2 pital provides such information within such pe-
3 riod, no reduction shall be made under subpara-
4 graph (A) on the basis of the previous failure
5 to provide such information.

6 “(C) LIMITATION.—In the case where the
7 amount payable under this section to an eligible
8 hospital is reduced pursuant to subparagraph
9 (A), the eligible hospital may not make any cor-
10 responding reductions in payment to eligible
11 partners.

12 “(2) ANNUAL REPORT.—The report required
13 under this paragraph for an eligible hospital for a
14 year is a report that includes (in a form and manner
15 specified by the Secretary) the following information
16 for the academic year completed immediately prior
17 to such year:

18 “(A) The types of qualified clinical edu-
19 cation provided to advanced practice registered
20 nurses under the program.

21 “(B) The type and number of academic or
22 practice partnerships established as a result of
23 working together in a Graduate Nurse Edu-
24 cation (GNE) Hub.

1 “(C) The number of advanced practice reg-
2 istered nurse students receiving qualified clin-
3 ical education through the eligible hospital
4 under the program.

5 “(D) Any changes in qualified clinical edu-
6 cation made during such academic year (except
7 that the first report submitted by the eligible
8 hospital under this paragraph shall be for such
9 changes since the first year in which the hos-
10 pital received payment under this section), in-
11 cluding—

12 “(i) changes in curricula, clinical edu-
13 cation experiences, and types of clinical
14 education, and benefits that have resulted
15 from such changes; and

16 “(ii) changes for purposes of meas-
17 uring and improving the quality and safety
18 of patient care.

19 “(E) The numbers of advanced practice
20 registered nurses who graduated from their pro-
21 gram at the end of such academic year and care
22 for individuals within the borders of the service
23 area of the hospital or within the borders of the
24 State in which the hospital is located.

1 “(F) The number of patients treated by
2 advanced practice registered nurses under the
3 program.

4 “(G) The number of visits by patients
5 treated by such advanced practice registered
6 nurses.

7 “(H) Of the number of advanced practice
8 registered nurses who graduated from their pro-
9 gram at the end of such academic year, the
10 number and percentage of such advanced prac-
11 tice registered nurses who entered practice at a
12 health care facility—

13 “(i) primarily serving a health profes-
14 sional shortage area with a designation in
15 effect under section 332 of the Public
16 Health Service Act or a medically under-
17 served community (as defined in section
18 799B of such Act); or

19 “(ii) located in a rural area (as de-
20 fined in section 1886(d)(2)(D)).

21 “(I) Other information as deemed appro-
22 priate by the Secretary.

23 “(3) REPORT TO CONGRESS.—Not later than 2
24 years after the date of the enactment of this section,
25 the Secretary shall submit to Congress a report—

1 “(A) summarizing the information sub-
2 mitted in reports to the Secretary under para-
3 graph (2);

4 “(B) describing the results of the program
5 carried out under this section; and

6 “(C) making recommendations for im-
7 provements to the program.

8 “(e) FUNDING.—For purposes of carrying the pro-
9 gram under this section, the Secretary shall provide for
10 the transfer, from the Federal Hospital Insurance Trust
11 Fund under section 1817 and the Federal Supplementary
12 Medical Insurance Trust Fund under section 1841, in
13 such proportion as the Secretary determines appropriate,
14 of such sums as the Secretary determines necessary, to
15 the Centers for Medicare & Medicaid Services Program
16 Management Account.

17 “(f) DEFINITIONS.—In this section:

18 “(1) ADVANCED PRACTICE REGISTERED
19 NURSE.—The term ‘advanced practice registered
20 nurse’ includes the following:

21 “(A) A clinical nurse specialist (as defined
22 in subsection (aa)(5) of section 1861).

23 “(B) A nurse practitioner (as defined in
24 such subsection).

1 “(C) A certified registered nurse anes-
2 thetist (as defined in subsection (bb)(2) of such
3 section).

4 “(D) A certified nurse-midwife (as defined
5 in subsection (gg)(2) of such section).

6 “(2) APPLICABLE NON-HOSPITAL COMMUNITY-
7 BASED CARE SETTING.—The term ‘applicable non-
8 hospital community-based care setting’ means a non-
9 hospital community-based care setting which has en-
10 tered into a written agreement (as described in sub-
11 section (b)(1)) with the eligible hospital participating
12 in the program. Such settings include Federally
13 qualified health centers, rural health clinics, nurse
14 managed clinics, ambulatory practices (including re-
15 tail clinics), accountable care organizations, physi-
16 cian or practitioner offices, schools, nursing homes,
17 hospice programs, long-term care facilities, home
18 health agencies, and other non-hospital settings as
19 determined appropriate by the Secretary.

20 “(3) APPLICABLE SCHOOL OF NURSING.—The
21 term ‘applicable school of nursing’ means an accred-
22 ited school of nursing (as defined in section 801 of
23 the Public Health Service Act) which has entered
24 into a written agreement (as described in subsection

1 (b)(1)) with the eligible hospital participating in the
2 program.

3 “(4) PROGRAM.—The term ‘program’ means
4 the graduate nurse education program established
5 under subsection (a).

6 “(5) ELIGIBLE HOSPITAL.—The term ‘eligible
7 hospital’ means a hospital (as defined in subsection
8 (e) of section 1861) or a critical access hospital (as
9 defined in subsection (mm)(1) of such section) that
10 has a written agreement in place with—

11 “(A) 1 or more applicable schools of nurs-
12 ing; and

13 “(B) 2 or more applicable non-hospital
14 community-based care settings.

15 “(6) ELIGIBLE PARTNERS.—The term ‘eligible
16 partners’ includes the following:

17 “(A) An applicable school of nursing.

18 “(B) A hospital or health system in a re-
19 gional area.

20 “(C) An applicable non-hospital commu-
21 nity-based care setting.

22 “(7) QUALIFIED CLINICAL EDUCATION.—

23 “(A) IN GENERAL.—The term ‘qualified
24 clinical education’ means education—

1 “(i) that provides an advanced prac-
2 tice registered nurse with the clinical skills
3 necessary to provide primary care, preven-
4 tive care, transitional care, acute care,
5 chronic care management, and other serv-
6 ices appropriate for individuals entitled to,
7 or enrolled for, benefits under part A, or
8 enrolled under part B; and

9 “(ii) subject to subparagraph (B), at
10 least half of which is provided in a non-
11 hospital community-based care setting.

12 “(B) WAIVER OF REQUIREMENT HALF OF
13 QUALIFIED EDUCATION BE PROVIDED IN NON-
14 HOSPITAL COMMUNITY-BASED CARE SETTING IN
15 CERTAIN AREAS.—The Secretary may waive the
16 requirement under subparagraph (A)(ii) with
17 respect to eligible hospitals located in rural or
18 medically underserved areas.”.

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