

118TH CONGRESS
1ST SESSION

S. 1586

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

IN THE SENATE OF THE UNITED STATES

MAY 11, 2023

Ms. STABENOW (for herself, Mr. CASEY, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Finance

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”.

6 **SEC. 2. NATIONAL GRADUATE NURSE EDUCATION PRO-**
7 **GRAM.**

8 Title XVIII of the Social Security Act (42 U.S.C.
9 1395 et seq.) is amended by inserting after section 1866G
10 the following new section:

1 **“SEC. 1866H. NATIONAL GRADUATE NURSE EDUCATION**
2 **PROGRAM.**

3 “(a) IN GENERAL.—

4 “(1) ESTABLISHMENT.—

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

12 “(B) WRITTEN AGREEMENTS.—Eligible
13 hospitals participating in the program shall
14 enter into written agreements pursuant to sub-
15 section (b)(1) in order to reimburse the eligible
16 partners of the hospital the share of the costs
17 attributable to each partner.

18 “(2) COSTS DESCRIBED.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B), the costs described in this para-
21 graph are the reasonable costs (as described in
22 section 1861(v)) of each eligible hospital for the
23 clinical education costs (as determined by the
24 Secretary) that are attributable to providing ad-
25 vanced practice registered nurses with qualified
26 clinical education.

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

19 “(3) ESTABLISHMENT OF REGIONS.—

20 “(A) IN GENERAL.—The Secretary shall
21 establish regions for Graduate Nurse Education
22 Hubs described in subsection (b) under the pro-
23 gram based on hospital referral regions.

24 “(B) LIMITATIONS.—

1 “(i) ONE HUB PER REGION.—Only
2 one Graduate Nurse Education Hub may
3 participate in the program with respect to
4 each region established by the Secretary
5 under subparagraph (A).

6 “(ii) ELIGIBLE HOSPITALS AND ELIGI-
7 BLE PARTNERS.—An eligible hospital or el-
8 igible partner may only participate in one
9 Graduate Nurse Education Hub under the
10 program.

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

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

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

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

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

4 “(A) the obligations of the eligible partners
5 with respect to the provision of qualified clinical
6 education; and

7 “(B) the obligation of the eligible hospital
8 to reimburse such eligible partners (in a timely
9 manner) for the costs of such qualified clinical
10 education that are attributable to such partner.

11 “(2) The hospital demonstrates to the Secretary
12 that it is leading a Graduate Nurse Education
13 (GNE) Hub which has established and will maintain
14 the following in order to provide qualified clinical
15 education to advanced practice registered nurses:

16 “(A) Partnerships with one or more—

17 “(i) applicable schools of nursing;

18 “(ii) hospitals or health systems in a
19 regional area; and

20 “(iii) applicable non-hospital commu-
21 nity-based care settings.

22 “(B) A governance structure that includes
23 one or more applicable schools of nursing in the
24 leadership and an oversight process that is de-
25 veloped and approved by the hospital, partici-

1 pating applicable schools of nursing, and other
2 hub partners, in accordance with requirements
3 established by the Secretary.

4 “(C) A process for timely reimbursement
5 of eligible partners for the costs of such quali-
6 fied clinical education that are attributable to
7 such partner.

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

10 “(E) A process for taking into consider-
11 ation local, State, and regional workforce needs
12 to facilitate innovation and value-based delivery
13 of health care.

14 “(c) PAYMENTS.—

15 “(1) PER-STUDENT RATE.—The amount of pay-
16 ment under this section to an eligible hospital shall
17 for each year of the program shall be equal to the
18 applicable per-student rate (as defined in paragraph
19 (2)) multiplied by the total number of advanced
20 practice registered nurses receiving qualified clinical
21 education through the eligible hospital under the
22 program.

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

1 “(A) for the first year of the program, a
2 per-student rate determined by the Secretary
3 based on data from the Graduate Nurse Edu-
4 cation Demonstration established under section
5 5509 of the Patient Protection and Affordable
6 Care Act (Public Law 111–148), increased or
7 decreased by the percentage change in the con-
8 sumer price index for all urban consumers (all
9 items; United States city average) from the last
10 year of the Graduate Nurse Education Dem-
11 onstration established under section 5509 for
12 which such data is available to the June pre-
13 ceding such first year of the program under this
14 section; and

15 “(B) for a subsequent year, the amount
16 determined under this paragraph for the pre-
17 ceding year, increased or decreased by the per-
18 centage change in the consumer price index for
19 all urban consumers (all items; United States
20 city average) for the 12-month period ending
21 with June of the previous year.

22 “(d) ANNUAL REPORTING REQUIRED .—

23 “(1) REDUCTION IN PAYMENT FOR FAILURE TO
24 REPORT.—

1 “(A) IN GENERAL.—The amount payable
2 under this section to an eligible hospital shall
3 be reduced by 25 percent if the Secretary deter-
4 mines that—

5 “(i) the hospital has failed to provide
6 the Secretary the report required under
7 paragraph (2) for the year; or

8 “(ii) such report fails to provide the
9 information required under any subpara-
10 graph of such paragraph.

11 “(B) NOTICE AND OPPORTUNITY TO PRO-
12 VIDE MISSING INFORMATION.—Before imposing
13 a reduction under subparagraph (A) on the
14 basis of a hospital’s failure to provide informa-
15 tion described in subparagraph (A)(ii), the Sec-
16 retary shall provide notice to the hospital of
17 such failure and the Secretary’s intention to im-
18 pose such reduction and shall provide the hos-
19 pital with the opportunity to provide the re-
20 quired information within a period of 30 days
21 beginning on the date of such notice. If the hos-
22 pital provides such information within such pe-
23 riod, no reduction shall be made under subpara-
24 graph (A) on the basis of the previous failure
25 to provide such information.

1 “(C) LIMITATION.—In the case where the
2 amount payable under this section to an eligible
3 hospital is reduced pursuant to subparagraph
4 (A), the eligible hospital may not make any cor-
5 responding reductions in payment to eligible
6 partners.

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

13 “(A) The types of qualified clinical edu-
14 cation provided to advanced practice registered
15 nurses under the program.

16 “(B) The type and number of academic or
17 practice partnerships established as a result of
18 working together in a Graduate Nurse Edu-
19 cation (GNE) Hub.

20 “(C) The number of advanced practice reg-
21 istered nurse students receiving qualified clin-
22 ical education through the eligible hospital
23 under the program.

24 “(D) Any changes in qualified clinical edu-
25 cation made during such academic year (except

1 that the first report submitted by the eligible
2 hospital under this paragraph shall be for such
3 changes since the first year in which the hos-
4 pital received payment under this section), in-
5 cluding—

6 “(i) changes in curricula, clinical edu-
7 cation experiences, and types of clinical
8 education, and benefits that have resulted
9 from such changes; and

10 “(ii) changes for purposes of meas-
11 uring and improving the quality and safety
12 of patient care.

13 “(E) The numbers of advanced practice
14 registered nurses who graduated from their pro-
15 gram at the end of such academic year and care
16 for individuals within the borders of the service
17 area of the hospital or within the borders of the
18 State in which the hospital is located.

19 “(F) The number of patients treated by
20 advanced practice registered nurses under the
21 program.

22 “(G) The number of visits by patients
23 treated by such advanced practice registered
24 nurses.

1 “(H) Of the number of advanced practice
2 registered nurses who graduated from their pro-
3 gram at the end of such academic year, the
4 number and percentage of such advanced prac-
5 tice registered nurses who entered practice at a
6 health care facility—

7 “(i) primarily serving a health profes-
8 sional shortage area with a designation in
9 effect under section 332 of the Public
10 Health Service Act or a medically under-
11 served community (as defined in section
12 799B of such Act); or

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

15 “(I) Other information as deemed appro-
16 priate by the Secretary.

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

20 “(A) summarizing the information sub-
21 mitted in reports to the Secretary under para-
22 graph (2);

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

1 “(C) making recommendations for im-
2 provements to the program.

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

12 “(f) DEFINITIONS.—In this section:

13 “(1) ADVANCED PRACTICE REGISTERED
14 NURSE.—The term ‘advanced practice registered
15 nurse’ includes the following:

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

18 “(B) A nurse practitioner (as defined in
19 such subsection).

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

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

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

15 “(3) APPLICABLE SCHOOL OF NURSING.—The
16 term ‘applicable school of nursing’ means an accred-
17 ited school of nursing (as defined in section 801 of
18 the Public Health Service Act) which has entered
19 into a written agreement (as described in subsection
20 (b)(1)) with the eligible hospital participating in the
21 program.

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

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

6 “(A) 1 or more applicable schools of nurs-
7 ing; and

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

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

12 “(A) An applicable school of nursing.

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

15 “(C) An applicable non-hospital commu-
16 nity-based care setting.

17 “(7) QUALIFIED CLINICAL EDUCATION.—

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

20 “(i) that provides an advanced prac-
21 tice registered nurse with the clinical skills
22 necessary to provide primary care, preven-
23 tive care, transitional care, acute care,
24 chronic care management, and other serv-
25 ices appropriate for individuals entitled to,

1 or enrolled for, benefits under part A, or
2 enrolled under part B; and

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

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

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