

117TH CONGRESS
2D SESSION

S. 3611

To provide for improvements in the reimbursement of eligible health care providers through the Provider Relief Fund, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2022

Mrs. SHAHEEN (for herself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for improvements in the reimbursement of eligible health care providers through the Provider Relief Fund, and for other purposes.

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 “Provider Relief Fund
5 Improvement Act”.

6 **SEC. 2. COVID-19 PROVIDER RELIEF FUND IMPROVE-**
7 **MENTS.**

8 (a) EXTENSION OF DEADLINE FOR ELIGIBLE
9 HEALTH CARE PROVIDERS TO USE CERTAIN FUNDS RE-

1 CEIVED FROM THE COVID-19 PROVIDER RELIEF
2 FUND.—

3 (1) PAYMENT RECEIVED PERIODS 1 AND 2.—

4 Effective June 29, 2021, the deadline by which an
5 eligible health care provider is required to use reim-
6 bursements from the Provider Relief Fund received
7 by such eligible health care provider during a cov-
8 ered payment received period is extended until the
9 end of the COVID-19 emergency period.

10 (2) ADJUSTMENT OF REPORTING TIME PE-

11 RIOD.—The Secretary shall make appropriate ad-
12 justments to the reporting time period (as specified
13 in the Provider Relief Fund guidance) that cor-
14 responds to a covered payment received period to re-
15 flect the extension of the applicable deadline under
16 paragraph (1).

17 (3) MODIFICATION OF DEADLINE FOR PERIOD

18 3.—The deadline by which an eligible health care
19 provider is required to use reimbursements from the
20 Provider Relief Fund received by such eligible health
21 care provider during the Payment Received Period
22 referred to in the Provider Relief Fund Guidance as
23 the Period 3 specified in table 1 of such guidance
24 (beginning on January 1, 2021, and ending on June
25 30, 2021) shall be the later of—

1 (A) the end of the COVID–19 emergency
2 period; or

3 (B) June 30, 2022.

4 (b) REQUIREMENT TO DISTRIBUTE REMAINING
5 COVID–19 PROVIDER RELIEF FUNDS BY MARCH 31,
6 2022.—

7 (1) REQUIREMENT FOR DISTRIBUTIONS.—

8 (A) IN GENERAL.—Not later than March
9 31, 2022, the Secretary shall distribute to eligi-
10 ble health care providers for health care related
11 expenses or lost revenues that are attributable
12 to coronavirus, any remaining funds appro-
13 priated to the Provider Relief Fund as of the
14 date of the enactment of this section for reim-
15 bursements.

16 (B) DEADLINE TO USE FUNDS.—The
17 deadline by which an eligible health care pro-
18 vider is required to use reimbursements received
19 pursuant to subparagraph (A) is June 30,
20 2023.

21 (2) ACCOUNTING FOR HEALTH CARE RELATED
22 EXPENSES OR LOST REVENUES IN THE SECOND,
23 THIRD, AND FOURTH QUARTERS OF 2021.—Notwith-
24 standing any other provision of law, distributions
25 made under paragraph (1) to eligible health care

1 providers shall account for financial losses and
2 changes in operating expenses occurring in the sec-
3 ond, third, or fourth quarter of calendar year 2021,
4 that are attributable to coronavirus.

5 (3) ALLOCATION OF PAYMENTS RETURNED DUE
6 TO PREVIOUS DEADLINES.—

7 (A) IN GENERAL.—The Secretary shall es-
8 tablish a process for eligible health care pro-
9 viders to apply to receive funds from the Sec-
10 retary in amounts up to the amount each such
11 provider returned to the Provider Relief Fund
12 due to previous reporting and use of funds
13 deadlines.

14 (B) CLARIFICATIONS.—Funding under this
15 paragraph shall be—

16 (i) available with respect to amounts
17 returned by eligible health care providers
18 between June 30, 2021, and December 30,
19 2021; and

20 (ii) in addition to amounts made
21 available to such providers under para-
22 graph (1).

23 (c) CLARIFICATION OF USE OF FUNDS FOR WORK-
24 PLACE SAFETY AND SECURITY.—

1 (1) IN GENERAL.—Funds appropriated to the
2 Provider Relief Fund for eligible health care pro-
3 viders and funds appropriated under section 1150C
4 of the Social Security Act (42 U.S.C. 1320b–26) for
5 eligible health care providers (as defined in sub-
6 section (e)(1) of such section) before, on, or after
7 the date of the enactment of this section may be
8 used to reimburse an eligible health care provider for
9 expenses incurred by the eligible health care provider
10 for measures taken to establish or improve the secu-
11 rity of the workplace of such eligible health care pro-
12 vider and improve the safety of personnel of such eli-
13 gible health care provider present at such workplace.

14 (2) ADDITIONAL CLARIFICATION OF PERMISS-
15 SIBLE EXPENSES.—Expenses for workplace security
16 and safety of personnel of an eligible health care
17 provider described in paragraph (1) shall include the
18 following:

19 (A) Mitigation of risk of violence at the
20 workplace of such eligible health care provider,
21 including the employment of additional security
22 personnel, conduct of risk assessment activities,
23 implementation of response plans, implementa-
24 tion of small-scale changes to physical plant
25 (such as the addition of more secure locks, the

1 use of key card access, altering ingress and
2 egress points, and the installation of additional
3 security cameras), and staff education and
4 training.

5 (B) Measures to prevent violence at the
6 workplace and against personnel of such eligible
7 health care provider, including education and
8 training of personnel on de-escalation protocols
9 and installation of panic buttons and other
10 similar, required equipment.

11 (C) Trauma support for personnel with re-
12 spect to violence in the workplace, such as
13 counseling and other supports in the event of
14 significant workplace safety episodes, which
15 may include events that do not result in vio-
16 lence but may have significant impacts on per-
17 sonnel and the operations of the eligible health
18 care provider (commonly referred to as near-
19 misses).

20 (d) DEFINITIONS.—In this section:

21 (1) CORONAVIRUS.—The term “coronavirus”
22 means severe acute respiratory syndrome
23 coronavirus 2 (SARS-CoV-2) or another
24 coronavirus with pandemic potential.

1 (2) COVERED PAYMENT RECEIVED PERIOD.—
2 The term “covered payment received period” means,
3 with respect to Payment Received Periods referred
4 to in the Provider Relief Fund Guidance—

5 (A) the “Period 1” specified in table 1 of
6 such guidance (beginning on April 10, 2020,
7 and ending on June 30, 2020); and

8 (B) the “Period 2” specified in such table
9 (beginning on July 1, 2020, and ending on De-
10 cember 31, 2020).

11 (3) COVID–19 EMERGENCY PERIOD.—The
12 term “COVID–19 emergency period” means the
13 emergency period described in section 1135(g)(1)(B)
14 of the Social Security Act (42 U.S.C. 1320b–
15 5(g)(1)(B)).

16 (4) ELIGIBLE HEALTH CARE PROVIDER.—The
17 term “eligible health care provider” has the meaning
18 given such term in the third proviso of the third
19 paragraph under the heading “Department of
20 Health and Human Services—Office of the Sec-
21 retary—Public Health and Social Services Emer-
22 gency Fund” in division B of the CARES Act (Pub-
23 lic Law 116–136).

24 (5) PROVIDER RELIEF FUND.—The term “Pro-
25 vider Relief Fund” means the funding appropriated

1 to prevent, prepare for, and respond to coronavirus,
2 domestically or internationally, for necessary ex-
3 penses to reimburse, through grants or other mecha-
4 nisms, eligible health care providers for health care
5 related expenses or lost revenues that are attrib-
6 utable to coronavirus for which appropriations are
7 made under—

8 (A) the third paragraph under the heading
9 “Department of Health and Human Services—
10 Office of the Secretary—Public Health and So-
11 cial Services Emergency Fund” in division B of
12 the CARES Act (Public Law 116–136);

13 (B) the first paragraph under the heading
14 “Department of Health and Human Services—
15 Office of the Secretary—Public Health and So-
16 cial Services Emergency Fund” in division B of
17 the Paycheck Protection Program and Health
18 Care Enhancement Act (Public Law 116–139);
19 and

20 (C) the third paragraph under the heading
21 “Department of Health and Human Services—
22 Office of the Secretary—Public Health and So-
23 cial Services Emergency Fund” of the
24 Coronavirus Response and Relief Supplemental
25 Appropriations Act, 2021 (division M of the

1 Consolidated Appropriations Act, 2021 (Public
2 Law 116–260)).

3 (6) PROVIDER RELIEF FUND GUIDANCE.—The
4 term “Provider Relief Fund Guidance” refers to the
5 guidance entitled “Provider Relief Fund General and
6 Targeted Distribution Post-Payment Notice of Re-
7 porting Requirements” issued by the Secretary of
8 Health and Human Services on June 11, 2021.

9 (7) SECRETARY.—The term “Secretary” means
10 the Secretary of Health and Human Services, acting
11 through the Administrator of the Health Resources
12 and Services Administration.

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