

MEDICARE MODERNIZATION AND PRESCRIPTION DRUG
ACT OF 2002 (SECTION 942: HEALTH PROFESSIONS PRO-
GRAMS REGARDING PRACTICE OF PHARMACY)

JUNE 26, 2002.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. TAUZIN, from the Committee on Energy and Commerce,
submitted the following

R E P O R T

[To accompany H.R. 4992]

The Committee on Energy and Commerce, to whom was referred
the bill (H.R. 4992) to amend the Public Health Service Act to es-
tablish health professions programs regarding practice of phar-
macy, having considered the same, report favorably thereon with-
out amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 4992, to amend the Public Health Service Act to establish
health professions programs regarding practice of pharmacy, grants
the Secretary of the Department of Health and Human Services
(HHS) additional authority to respond to the pending pharmacist

shortage. H.R. 4992 includes three provisions to generate interest in the pharmacy profession and improve pharmacy education. Public service announcements are designed to inform the public about the essential role pharmacist play in the delivery of health care services and encourage individuals to join the pharmacist profession. A demonstration project is included to expand the participation level of pharmacists in the National Health Service Corps loan repayment program. Finally, new information technology grants are permitted for schools of pharmacy to enhance computer-based systems for pharmaceutical education and encourage the development of distance education programs for schools of pharmacy.

BACKGROUND AND NEED FOR LEGISLATION

In December 2000, the HHS issued a report titled, *The Pharmacist Workforce: A Study of the Supply and Demand for Pharmacists*. The report concluded that a rapid increase in the demand for pharmacists coupled with a constrained ability to increase the supply of pharmacists will lead to a shortage of pharmacists.

Pharmacists provide services that are critical to high quality health care and medication use. Pharmacists can help to significantly reduce the number of medication errors by educating patients about how to properly take drugs. Over-the-counter drugs and prescription drugs alike can cause allergic reactions that are potentially fatal. Pharmacists play an integral role in helping patients prevent these adverse reactions.

As the utilization of drugs continues to increase, the supply of well-educated pharmacists is essential to advancing high-quality health care. H.R. 4992 seeks to encourage individuals to pursue the pharmacy profession.

HEARINGS

The Committee on Energy and Commerce has not held hearings on this legislation.

COMMITTEE CONSIDERATION

On Thursday, June 20, 2002, the Full Committee met in open markup session and favorably ordered reported a Committee Print on Certain Health Professions Programs Regarding Practice of Pharmacy by voice vote, amended, a quorum being present. Chairman Tauzin then introduced H.R. 4992 to reflect the Committee's action.

COMMITTEE VOTES

There were no record votes taken in connection with ordering H.R. 4992 reported. A motion by Chairman Tauzin to order H.R. 4992 reported to the House, amended, was agreed to by a voice vote.

COMMITTEE OVERSIGHT FINDINGS

The Committee has not held oversight or legislative hearings on this legislation.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

H.R. 4992 will complement the existing efforts of the Health Resources and Services Administration to increase the number of individuals interested in pursuing the pharmacy profession.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 4992, to amend the Public Health Service Act to establish health professions programs regarding practice of pharmacy, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974, which is included in the report to accompany H.R. 4984.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 is included in the report to accompany H.R. 4984.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act. The estimate is included in the report to accompany H.R. 4984.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 3, which grants Congress the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 771. Public Service Announcements

Section 771 grants the Secretary the authority to develop and issue public service announcements to advertise and promote the pharmacist profession. The Secretary may also award grants to State and local governments to conduct public service announcements to encourage individuals from disadvantaged backgrounds to enter the pharmacist profession.

Section 772. Demonstration Project

Section 772 establishes a demonstration project to expand the number of pharmacists who are currently eligible to participate in the National Health Service Corps Loan Repayment Program. It allows pharmacists participating in the program to provide medication therapy management services to assure that medications are used appropriately by patients.

Section 773. Information Technology

Section 773 grants the Secretary the authority to make grants or contracts available to qualifying schools of pharmacy for the purpose of assisting these schools in acquiring and installing computer-based systems to provide pharmaceutical education.

Section 774. Authorization of Appropriations

Section 774 authorizes such sums as necessary for fiscal years 2003 through 2006 for the programs outlined.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

PUBLIC HEALTH SERVICE ACT

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**TITLE VII—HEALTH PROFESSIONS
EDUCATION**

* * * * *

**PART E—HEALTH PROFESSIONS AND PUBLIC
HEALTH WORKFORCE**

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Subpart 3—Pharmacist Workforce Programs**SEC. 771. PUBLIC SERVICE ANNOUNCEMENTS.****(a) PUBLIC SERVICE ANNOUNCEMENTS.—**

(1) *IN GENERAL.*—The Secretary shall develop and issue public service announcements that advertise and promote the pharmacist profession, highlight the advantages and rewards of being a pharmacist, and encourage individuals to enter the pharmacist profession.

(2) *METHOD.*—The public service announcements described in subsection (a) shall be broadcast through appropriate media outlets, including television or radio, in a manner intended to reach as wide and diverse an audience as possible.

(b) *STATE AND LOCAL PUBLIC SERVICE ANNOUNCEMENTS.*—

(1) *IN GENERAL.*—The Secretary shall award grants to entities to support State and local advertising campaigns through appropriate media outlets to promote the pharmacist profession, highlight the advantages and rewards of being a pharmacist, and encourage individuals from disadvantaged backgrounds to enter the pharmacist profession.

(2) *USE OF FUNDS.*—An entity that receives a grant under subsection (a) shall use funds received through such grant to acquire local television and radio time, place advertisements in local newspapers, and post information on billboards or on the Internet, in order to—

(A) advertise and promote the pharmacist profession;

(B) promote pharmacist education programs;

(C) inform the public of public assistance regarding such education programs;

(D) highlight individuals in the community that are presently practicing as pharmacists to recruit new pharmacists; and

(E) provide any other information to recruit individuals for the pharmacist profession.

(3) *METHOD.*—The campaigns described in subsection (a) shall be broadcast on television or radio, placed in newspapers as advertisements, or posted on billboards or the Internet, in a manner intended to reach as wide and diverse an audience as possible.

SEC. 772. DEMONSTRATION PROJECT.

(a) *IN GENERAL.*—The Secretary shall establish a demonstration project to enhance the participation of individuals who are pharmacists in the National Health Service Corps Loan Repayment Program described in section 338B.

(b) *SERVICES.*—Services that may be provided by pharmacists pursuant to the demonstration project established under this section include medication therapy management services to assure that medications are used appropriately by patients, to enhance patients' understanding of the appropriate use of medications, to increase patients' adherence to prescription medication regimens, to reduce the risk of adverse events associated with medications, and to reduce the need for other costly medical services through better management of medication therapy. Such services may include case management, disease management, drug therapy management, patient training and education, counseling, drug therapy problem resolution, medication administration, the provision of special packaging, or other services that enhance the use of prescription medications.

(c) *PROCEDURE.*—The Secretary may not provide assistance to an individual under this section unless the individual agrees to comply with all requirements described in sections 338B and 338D.

(d) *LIMITATIONS.*—The demonstration project described in this section shall provide for the participation of—

(1) individuals to provide services in rural and urban areas; and

(2) enough individuals to allow the Secretary to properly analyze the effectiveness of such project.

(e) *DESIGNATIONS.*—The demonstration project described in this section, and any pharmacists who are selected to participate in such project, shall not be considered by the Secretary in the designation of a health professional shortage area under section 332 during fiscal years 2003 through 2005.

(f) *RULE OF CONSTRUCTION.*—This section shall not be construed to require any State to participate in the project described in this section.

(g) *REPORT.*—The Secretary shall prepare and submit a report on the project to—

(1) the Committee on Health, Education, Labor, and Pensions of the Senate;

(2) the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate;

(3) the Committee on Energy and Commerce of the House of Representatives; and

(4) the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the House of Representatives.

SEC. 773. INFORMATION TECHNOLOGY.

(a) *GRANTS AND CONTRACTS.*—The Secretary may make awards of grants or contracts to qualifying schools of pharmacy for the purpose of assisting such schools in acquiring and installing computer-based systems to provide pharmaceutical education. Education provided through such systems may be graduate education, professional education, or continuing education. The computer-based systems may be designed to provide on-site education, or education at remote sites (commonly referred to as distance learning), or both.

(b) *QUALIFYING SCHOOL OF PHARMACY.*—For purposes of this section, the term “qualifying school of pharmacy” means a school of pharmacy (as defined in section 799B) that requires students to serve in a clinical rotation in which pharmacist services are part of the curriculum.

SEC. 774. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2006.

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