

(b) Utilization of services and facilities of Federal agencies; payment; advances or reimbursement

With a view to avoiding unnecessary duplication of existing staffs and facilities of the Federal Government, the Secretary is authorized to utilize available services and facilities of any agency of the Federal Government in carrying out the provisions of this subchapter, and to pay for such services and facilities, either in advance or by way of reimbursement, in accordance with an agreement between the Secretary and the head of such agency.

(June 27, 1934, ch. 847, title XI, §1105, as added Pub. L. 89-754, title V, §502(a), Nov. 3, 1966, 80 Stat. 1276; amended Pub. L. 93-383, title III, §312(a)(5), Aug. 22, 1974, 88 Stat. 683.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-383 substituted “or medical practice facility (as defined in section 1749aaa-5 of this title)” for “(as defined in section 1749aaa-5(1) of this title)”.

§ 1749aaa-5. Definitions

For the purposes of this subchapter—

(1) The term “group practice facility” means a facility in a State for the provision of preventive, diagnostic, and treatment services to ambulatory patients (in which patient care is under the professional supervision of persons licensed to practice medicine or osteopathy in the State or, in the case of optometric care or treatment, is under the professional supervision of persons licensed to practice optometry in the State, or, in the case of dental diagnosis or treatment, is under the professional supervision of persons licensed to practice dentistry in the State, or, in the case of podiatric care or treatment, is under the professional supervision of persons licensed to practice podiatry in the State) and which is primarily for the provision of such health services by a medical or dental group.

(2) The term “medical practice facility” means an adequately equipped facility in which not more than four persons licensed to practice medicine in the State where the facility is located can provide, as may be appropriate, preventive, diagnostic, and treatment services, and which is situated in a rural area or small town, or in a low-income section of an urban area, in which there exists, as determined by the Secretary, a critical shortage of physicians. As used in this paragraph—

(A) the term “small town” means any town, village, or city having a population of not more than 10,000 inhabitants according to the most recent available data compiled by the Bureau of the Census; and

(B) the term “low-income section of an urban area” means a section of a larger urban area in which the median family income is substantially lower, as determined by the Secretary, than the median family income for the area as a whole.

(3) The term “medical or dental group” means a partnership or other association or group of persons licensed to practice medicine, osteopathy, or surgery in the State, or of per-

sons licensed to practice optometry in the State, or of persons licensed to practice dentistry in the State, or of persons licensed to practice podiatry in the State, or of any combination of such persons, who, as their principal professional activity and as a group responsibility, engage or undertake to engage in the coordinated practice of their profession primarily in one or more group practice facilities, and who (in this connection) share common overhead expenses (if and to the extent such expenses are paid by members of the group), medical and other records, and substantial portions of the equipment and the professional, technical, and administrative staffs, and which partnership or association or group is composed of at least such professional personnel and make available at least such health services as may be provided in regulations prescribed under this subchapter.

(4) The term “group practice unit or organization” means—

(A) a private nonprofit agency or organization undertaking to provide, directly or through arrangements with a medical or dental group, comprehensive medical care, osteopathic care, optometric care, dental care, or podiatric care, or any combination thereof, which may include hospitalization, to members or subscribers primarily on a group practice prepayments basis; or

(B) a private nonprofit agency or organization, established for the purpose of improving the availability of medical, osteopathic, optometric, dental or podiatric care in the community or having some function or functions related to the provision of such care, which will, through lease or other arrangement, make the group practice facility with respect to which assistance has been requested under this subchapter available to a medical or dental group for use by it.

(5) The term “nonprofit organization” means a corporation, association, foundation, trust, or other organization no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual except, in the case of an organization the purposes of which include the provision of personal health services to its members or subscribers or their dependents under a plan of such organization for the provision of such services to them (which plan may include the provision of other services or insurance benefits to them), through the provision of such health services (or such other services or insurance benefits) to such members or subscribers or dependents under such plan.

(6) The term “State” includes the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the District of Columbia.

(7) The term “mortgage” means a first mortgage on real estate in fee simple, or on the interest of either the lessor or lessee thereof (A) under a lease for not less than ninety-nine years which is renewable, or (B) under a lease having a period of not less than fifty years to run from the date the mortgage was executed. The term “first mortgage” means such classes

of first liens as are commonly given to secure advances (including but not limited to advances during construction) on, or the unpaid purchase price of, real estate under the laws of the State in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby, and any mortgage may be in the form of one or more trust mortgages or mortgage indentures or deeds of trust, securing notes, bonds, or other credit instruments, and, by the same instrument or by a separate instrument, may create a security interest in initial equipment, whether or not attached to the realty.

(8) The term "mortgagee" means the original lender under a mortgage, and his or its successors and assigns, and includes the holders of credit instruments issued under a trust mortgage or deed of trust pursuant to which such holders act by and through a trustee named therein.

(9) The term "mortgagor" means the original borrower under a mortgage and his or its successors and assigns.

(June 27, 1934, ch. 847, title XI, §1106, as added Pub. L. 89-754, title V, §502(a), Nov. 3, 1966, 80 Stat. 1276; amended Pub. L. 93-383, title III, §312(a)(6), (b), Aug. 22, 1974, 88 Stat. 683, 684.)

AMENDMENTS

1974—Par. (1). Pub. L. 93-383, §312(b)(1), inserted references to practice of osteopathy and authorized inclusion of podiatric care or treatment under the professional supervision of persons licensed to practice podiatry in the State.

Par. (2). Pub. L. 93-383, §312(a)(6), added par. (2). Former par. (2) redesignated (3).

Par. (3). Pub. L. 93-383, §312(a)(6), (b)(2), redesignated former par. (2) as par. (3) and inserted references to persons licensed to practice osteopathy and persons licensed to practice podiatry. Former par. (3) redesignated (4).

Par. (4). Pub. L. 93-383, §312(a)(6), (b)(3), (4), redesignated former par. (3) as par. (4) and in cls. (A) and (B) inserted references to osteopathic care and podiatric care wherever appearing. Former par. (4) redesignated (5).

Pars. (5) to (9). Pub. L. 93-383, §312(a)(6), redesignated former pars. (4) to (8) as pars. (5) to (9), respectively.

SUBCHAPTER IX—C—NATIONAL INSURANCE DEVELOPMENT PROGRAM

§§ 1749bbb to 1749bbb-2. Omitted

CODIFICATION

Sections 1749bbb to 1749bbb-2 were omitted in view of the termination of parts A to D of this subchapter by former section 1749bbb of this title.

Section 1749bbb, act June 27, 1934, ch. 847, title XII, §1201, as added Pub. L. 90-448, title XI, §1103, Aug. 1, 1968, 82 Stat. 556; amended Pub. L. 91-609, title VI, §602(a), Dec. 31, 1970, 84 Stat. 1788; Pub. L. 94-13, §2, Apr. 8, 1975, 89 Stat. 69; Pub. L. 95-24, title I, §104(a), Apr. 30, 1977, 91 Stat. 55; Pub. L. 95-406, §5, Sept. 30, 1978, 92 Stat. 880; Pub. L. 95-557, title III, §307(a), Oct. 31, 1978, 92 Stat. 2097; Pub. L. 96-153, title VI, §601, Dec. 21, 1979, 93 Stat. 1137; Pub. L. 97-35, title III, §342(a), Aug. 13, 1981, 95 Stat. 420; Pub. L. 97-289, §4(c), Oct. 6, 1982, 96 Stat. 1231; Pub. L. 98-35, §4(c), May 26, 1983, 97 Stat. 198; Pub. L. 98-109, §5(c), Oct. 1, 1983, 97 Stat. 746; Pub. L. 98-181, title I [title IV, §452(a), (b)(1)], Nov. 30, 1983, 97 Stat. 1230; Pub. L. 98-473, title I, §113, Oct. 12, 1984, 98 Stat. 1964; Pub. L. 99-120, §4(b), Oct. 8, 1985, 99 Stat. 503; Pub. L. 99-156, §4(b), Nov. 15, 1985, 99 Stat. 816; Pub. L.

99-219, §4(b), Dec. 26, 1985, 99 Stat. 1731; Pub. L. 99-267, §4(b), Mar. 27, 1986, 100 Stat. 74; Pub. L. 99-272, title III, §301(b), Apr. 7, 1986, 100 Stat. 106; Pub. L. 99-289, §1(b), May 2, 1986, 100 Stat. 412; Pub. L. 99-345, §1, June 24, 1986, 100 Stat. 673; Pub. L. 99-430, Sept. 30, 1986, 100 Stat. 986; Pub. L. 100-122, §1, Sept. 30, 1987, 101 Stat. 793; Pub. L. 100-154, Nov. 5, 1987, 101 Stat. 890; Pub. L. 100-170, Nov. 17, 1987, 101 Stat. 914; Pub. L. 100-179, Dec. 3, 1987, 101 Stat. 1018; Pub. L. 100-200, Dec. 21, 1987, 101 Stat. 1327; Pub. L. 100-242, title V, §§542(a), (b), 545(a), Feb. 5, 1988, 101 Stat. 1940, 1942; Pub. L. 101-137, §6(a), (b), Nov. 3, 1989, 103 Stat. 825; Pub. L. 101-508, title II, §2301(a), (b), Nov. 5, 1990, 104 Stat. 1388-23, read as follows:

"(a) The Director is authorized to establish and carry out the programs provided for in parts A, B, C, and D of this subchapter.

"(b) The powers of the Director under part B shall terminate on November 30, 1983, and part A shall terminate on September 30, 1985, and parts C and D shall terminate on September 30, 1995, except to the extent necessary—

"(1) to continue reinsurance and direct insurance in accordance with the provisions of sections 1749bbb-9(b) and 1749bbb-10a(c) of this title until September 30, 1985, and September 30, 1996, respectively;

"(2) to process, verify, and pay claims for reinsured losses and directly insured losses and perform other necessary functions in connection therewith; and

"(3) to complete the liquidation and termination of the reinsurance and direct insurance programs."

Section 1749bbb-1, act June 27, 1934, ch. 847, title XII, §1202, as added Pub. L. 90-448, title XI, §1103, Aug. 1, 1968, 82 Stat. 556; amended Pub. L. 98-181, title I [title IV, §452(b)(1)], Nov. 30, 1983, 97 Stat. 1230, established an Advisory Board.

Section 1749bbb-2, act June 27, 1934, ch. 847, title XII, §1203, as added Pub. L. 90-448, title XI, §1103, Aug. 1, 1968, 82 Stat. 557; amended Pub. L. 91-609, title VI, §602(b), Dec. 31, 1970, 84 Stat. 1788; Pub. L. 98-181, title I [title IV, §452(b)(1), (2)], Nov. 30, 1983, 97 Stat. 1230, defined terms for this subchapter.

PART A—STATEWIDE PLANS TO ASSURE FAIR ACCESS TO INSURANCE REQUIREMENTS

§§ 1749bbb-3 to 1749bbb-6a. Omitted

CODIFICATION

Sections 1749bbb-3 to 1749bbb-6a, comprising part A of this subchapter, terminated on Sept. 30, 1985, pursuant to former section 1749bbb(b) of this title.

Section 1749bbb-3, act June 27, 1934, ch. 847, title XII, §1211, as added Pub. L. 90-448, title XI, §1103, Aug. 1, 1968, 82 Stat. 558; amended Pub. L. 95-557, title III, §307(b), (c), Oct. 31, 1978, 92 Stat. 2097, 2098; Pub. L. 97-35, title III, §342(b), Aug. 13, 1981, 95 Stat. 420; Pub. L. 98-181, title I [title IV, §452(b)(1)], Nov. 30, 1983, 97 Stat. 1230, related to fair access to insurance requirements (FAIR plans).

Section 1749bbb-4, act June 27, 1934, ch. 847, title XII, §1212, as added Pub. L. 90-448, title XI, §1103, Aug. 1, 1968, 82 Stat. 560, related to all-industry placement facility.

Section 1749bbb-5, act June 27, 1934, ch. 847, title XII, §1213, as added Pub. L. 90-448, title XI, §1103, Aug. 1, 1968, 82 Stat. 560; amended Pub. L. 98-181, title I [title IV, §452(b)(1)], Nov. 30, 1983, 97 Stat. 1230, related to co-operation within insurance industry.

Section 1749bbb-6, act June 27, 1934, ch. 847, title XII, §1214, as added Pub. L. 90-448, title XI, §1103, Aug. 1, 1968, 82 Stat. 560; amended Pub. L. 98-181, title I [title IV, §452(b)(1)], Nov. 30, 1983, 97 Stat. 1230, related to plan evaluation and modification or waiver of plan criteria.

Section 1749bbb-6a, act June 27, 1934, ch. 847, title XII, §1215, as added Pub. L. 91-609, title VI, §603, Dec. 31, 1970, 84 Stat. 1791; amended Pub. L. 98-181, title I [title IV, §452(b)(1)], Nov. 30, 1983, 97 Stat. 1230, related to periodic review of plans through an Office of Review and Compliance.