

Stat. 614; amended Pub. L. 109-415, title VII, § 703, Dec. 19, 2006, 120 Stat. 2820; Pub. L. 111-87, § 2(a)(1), (3)(A), Oct. 30, 2009, 123 Stat. 2885.)

AMENDMENTS

2009—Pub. L. 111-87 repealed Pub. L. 109-415, § 703, and revived the provisions of this section as in effect on Sept. 30, 2009. See 2006 Amendment note and Effective Date of 2009 Amendment; Revival of Section note below.

2006—Pub. L. 109-415, § 703, which directed repeal of this section effective Oct. 1, 2009, was itself repealed by Pub. L. 111-87, § 2(a)(1), effective Sept. 30, 2009.

EFFECTIVE DATE OF 2009 AMENDMENT; REVIVAL OF SECTION

For provisions that repeal by section 2(a)(1) of Pub. L. 111-87 of section 703 of Pub. L. 109-415 be effective Sept. 30, 2009, and that the provisions of this section as in effect on Sept. 30, 2009, be revived, see section 2(a)(2), (3)(A) of Pub. L. 111-87, set out as a note under section 300ff-11 of this title.

§ 300ff-66. Provision by Secretary of supplies and services in lieu of grant funds

(a) In general

Upon the request of a grantee under this part, the Secretary may, subject to subsection (b) of this section, provide supplies, equipment, and services for the purpose of aiding the grantee in providing early intervention services and, for such purpose, may detail to the State any officer or employee of the Department of Health and Human Services.

(b) Limitation

With respect to a request described in subsection (a) of this section, the Secretary shall reduce the amount of payments under the grant involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

(July 1, 1944, ch. 373, title XXVI, § 2666, as added Pub. L. 101-381, title III, § 301(a), Aug. 18, 1990, 104 Stat. 614; amended Pub. L. 109-415, title VII, § 703, Dec. 19, 2006, 120 Stat. 2820; Pub. L. 111-87, § 2(a)(1), (3)(A), Oct. 30, 2009, 123 Stat. 2885.)

AMENDMENTS

2009—Pub. L. 111-87 repealed Pub. L. 109-415, § 703, and revived the provisions of this section as in effect on Sept. 30, 2009. See 2006 Amendment note and Effective Date of 2009 Amendment; Revival of Section note below.

2006—Pub. L. 109-415, § 703, which directed repeal of this section effective Oct. 1, 2009, was itself repealed by Pub. L. 111-87, § 2(a)(1), effective Sept. 30, 2009.

EFFECTIVE DATE OF 2009 AMENDMENT; REVIVAL OF SECTION

For provisions that repeal by section 2(a)(1) of Pub. L. 111-87 of section 703 of Pub. L. 109-415 be effective Sept. 30, 2009, and that the provisions of this section as in effect on Sept. 30, 2009, be revived, see section 2(a)(2), (3)(A) of Pub. L. 111-87, set out as a note under section 300ff-11 of this title.

§ 300ff-67. Use of funds

Counseling programs carried out under this part—

(1) shall not be designed to promote or encourage, directly, intravenous drug abuse or sexual activity, homosexual or heterosexual;

(2) shall be designed to reduce exposure to and transmission of HIV/AIDS by providing accurate information;

(3) shall provide information on the health risks of promiscuous sexual activity and intravenous drug abuse; and

(4) shall provide information on the transmission and prevention of hepatitis A, B, and C, including education about the availability of hepatitis A and B vaccines and assisting patients in identifying vaccination sites.

(July 1, 1944, ch. 373, title XXVI, § 2667, as added Pub. L. 101-381, title III, § 301(a), Aug. 18, 1990, 104 Stat. 614; amended Pub. L. 109-415, title VII, §§ 701, 702(3), 703, Dec. 19, 2006, 120 Stat. 2819, 2820; Pub. L. 111-87, § 2(a)(1), (3)(A), Oct. 30, 2009, 123 Stat. 2885.)

AMENDMENTS

2009—Pub. L. 111-87 repealed Pub. L. 109-415, § 703, and revived the provisions of this section as in effect on Sept. 30, 2009. See 2006 Amendment note and Effective Date of 2009 Amendment; Revival of Section note below.

2006—Pub. L. 109-415, § 703, which directed repeal of this section effective Oct. 1, 2009, was itself repealed by Pub. L. 111-87, § 2(a)(1), effective Sept. 30, 2009.

Par. (2). Pub. L. 109-415, § 702(3), substituted “HIV/AIDS” for “HIV disease”.

Par. (4). Pub. L. 109-415, § 701, added par. (4).

EFFECTIVE DATE OF 2009 AMENDMENT; REVIVAL OF SECTION

For provisions that repeal by section 2(a)(1) of Pub. L. 111-87 of section 703 of Pub. L. 109-415 be effective Sept. 30, 2009, and that the provisions of this section as in effect on Sept. 30, 2009, be revived, see section 2(a)(2), (3)(A) of Pub. L. 111-87, set out as a note under section 300ff-11 of this title.

PART D—WOMEN, INFANTS, CHILDREN, AND YOUTH

CODIFICATION

Part D of title XXVI of the Public Health Service Act, comprising this part, was originally added to act July 1, 1944, ch. 373, by Pub. L. 101-381, title IV, § 401, Aug. 18, 1990, 104 Stat. 617, and amended by Pub. L. 104-146, May 20, 1996, 110 Stat. 1346; Pub. L. 102-531, Oct. 27, 1992, 106 Stat. 3469; Pub. L. 106-345, Oct. 20, 2000, 114 Stat. 1319; Pub. L. 108-173, Dec. 8, 2003, 117 Stat. 2066. Part D is shown herein, however, as having been added by Pub. L. 109-415, title IV, § 401, Dec. 19, 2006, 120 Stat. 2810, without reference to those intervening amendments because of the extensive revision of part D by Pub. L. 109-415.

§ 300ff-71. Grants for coordinated services and access to research for women, infants, children, and youth

(a) In general

The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to public and nonprofit private entities (including a health facility operated by or pursuant to a contract with the Indian Health Service) for the purpose of providing family-centered care involving outpatient or ambulatory care (directly or through contracts or memoranda of understanding) for

women, infants, children, and youth with HIV/AIDS.

(b) Additional services for patients and families

Funds provided under grants awarded under subsection (a) may be used for the following support services:

(1) Family-centered care including case management.

(2) Referrals for additional services including—

(A) referrals for inpatient hospital services, treatment for substance abuse, and mental health services; and

(B) referrals for other social and support services, as appropriate.

(3) Additional services necessary to enable the patient and the family to participate in the program established by the applicant pursuant to such subsection including services designed to recruit and retain youth with HIV.

(4) The provision of information and education on opportunities to participate in HIV/AIDS-related clinical research.

(c) Coordination with other entities

A grant awarded under subsection (a) may be made only if the applicant provides an agreement that includes the following:

(1) The applicant will coordinate activities under the grant with other providers of health care services under this chapter, and under title V of the Social Security Act [42 U.S.C. 701 et seq.], including programs promoting the reduction and elimination of risk of HIV/AIDS for youth.

(2) The applicant will participate in the statewide coordinated statement of need under part B (where it has been initiated by the public health agency responsible for administering grants under part B) and in revisions of such statement.

(3) The applicant will every 2 years submit to the lead State agency under section 300ff-27(b)(4) of this title audits regarding funds expended in accordance with this subchapter and shall include necessary client-level data to complete unmet need calculations and Statewide coordinated statements of need process.

(d) Administration; application

A grant may only be awarded to an entity under subsection (a) if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section. Such application shall include the following:

(1) Information regarding how the expected expenditures of the grant are related to the planning process for localities funded under part A (including the planning process outlined in section 300ff-12 of this title) and for States funded under part B (including the planning process outlined in section 300ff-27(b) of this title).

(2) A specification of the expected expenditures and how those expenditures will improve overall patient outcomes, as outlined as part of the State plan (under section 300ff-27(b) of

this title) or through additional outcome measures.

(e) Annual review of programs; evaluations

(1) Review regarding access to and participation in programs

With respect to a grant under subsection (a) for an entity for a fiscal year, the Secretary shall, not later than 180 days after the end of the fiscal year, provide for the conduct and completion of a review of the operation during the year of the program carried out under such subsection by the entity. The purpose of such review shall be the development of recommendations, as appropriate, for improvements in the following:

(A) Procedures used by the entity to allocate opportunities and services under subsection (a) among patients of the entity who are women, infants, children, or youth.

(B) Other procedures or policies of the entity regarding the participation of such individuals in such program.

(2) Evaluations

The Secretary shall, directly or through contracts with public and private entities, provide for evaluations of programs carried out pursuant to subsection (a).

(f) Administrative expenses

(1) Limitation

A grantee may not use more than 10 percent of amounts received under a grant awarded under this section for administrative expenses.

(2) Clinical quality management program

A grantee under this section shall implement a clinical quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV/AIDS and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

(g) Training and technical assistance

From the amounts appropriated under subsection (j) for a fiscal year, the Secretary may use not more than 5 percent to provide, directly or through contracts with public and private entities (which may include grantees under subsection (a)), training and technical assistance to assist applicants and grantees under subsection (a) in complying with the requirements of this section.

(h) Definitions

In this section:

(1) Administrative expenses

The term “administrative expenses” means funds that are to be used by grantees for grant management and monitoring activities, including costs related to any staff or activity unrelated to services or indirect costs.

(2) Indirect costs

The term “indirect costs” means costs included in a Federally negotiated indirect rate.

(3) Services

The term “services” means—

(A) services that are provided to clients to meet the goals and objectives of the program under this section, including the provision of professional, diagnostic, and therapeutic services by a primary care provider or a referral to and provision of specialty care; and

(B) services that sustain program activity and contribute to or help improve services under subparagraph (A).

(i) Application to primary care services

Nothing in this part shall be construed as requiring funds under this part to be used for primary care services when payments are available for such services from other sources (including under titles XVIII, XIX, and XXI of the Social Security Act [42 U.S.C. 1395 et seq., 1396 et seq., 1397aa et seq.]).

(j) Authorization of appropriations

For the purpose of carrying out this section, there are authorized to be appropriated, \$71,800,000 for each of the fiscal years 2007 through 2009, \$75,390,000 for fiscal year 2010, \$79,160,000 for fiscal year 2011, \$83,117,000 for fiscal year 2012, and \$87,273,000 for fiscal year 2013.

(July 1, 1944, ch. 373, title XXVI, §2671, as added and amended Pub. L. 109-415, title IV, §401, title VII, §703, Dec. 19, 2006, 120 Stat. 2810, 2820; Pub. L. 111-87, §§2(a)(1), (3)(A), (e), 11, Oct. 30, 2009, 123 Stat. 2885, 2886, 2895.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (c)(1) and (i), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Titles V, XVIII, XIX, and XXI of the Act are classified generally to subchapters V (§701 et seq.), XVIII (§1395 et seq.), XIX (§1396 et seq.), and XXI (§1397aa et seq.), respectively, of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

PRIOR PROVISIONS

Prior sections 300ff-71 to 300ff-78 were omitted in the general amendment of this part by Pub. L. 109-415.

Section 300ff-71, act July 1, 1944, ch. 373, title XXVI, §2671, as added Pub. L. 101-381, title IV, §401, Aug. 18, 1990, 104 Stat. 617; amended Pub. L. 104-146, §3(e), May 20, 1996, 110 Stat. 1358; Pub. L. 106-345, title IV, §401, Oct. 20, 2000, 114 Stat. 1347, related to grants for coordinated services and access to research for women, infants, children, and youth.

Section 300ff-72, act July 1, 1944, ch. 373, title XXVI, §2672, as added Pub. L. 101-381, title IV, §401, Aug. 18, 1990, 104 Stat. 618, contained provisions relating to blood banks.

Section 300ff-73, act July 1, 1944, ch. 373, title XXVI, §2673, as added Pub. L. 101-381, title IV, §401, Aug. 18, 1990, 104 Stat. 619; amended Pub. L. 106-345, title V, §503(a)(2), Oct. 20, 2000, 114 Stat. 1354, related to a research, evaluation, and assessment program.

Section 300ff-74, act July 1, 1944, ch. 373, title XXVI, §2674, as added Pub. L. 101-381, title IV, §401, Aug. 18, 1990, 104 Stat. 620; amended Pub. L. 104-146, §3(f), May 20, 1996, 110 Stat. 1362; Pub. L. 106-345, title IV, §411, Oct. 20, 2000, 114 Stat. 1350, related to evaluations and reports.

Section 300ff-75, act July 1, 1944, ch. 373, title XXVI, §2675, as added Pub. L. 101-381, title IV, §401, Aug. 18, 1990, 104 Stat. 620; amended Pub. L. 102-531, title III, §312(d)(34), Oct. 27, 1992, 106 Stat. 3506; Pub. L. 106-345, title IV, §§413, 414, Oct. 20, 2000, 114 Stat. 1350, 1351; Pub. L. 108-173, title IX, §900(e)(2)(G), Dec. 8, 2003, 117 Stat.

2372, related to coordination of Federal HIV programs. See section 300ff-81 of this title.

Section 300ff-75a, act July 1, 1944, ch. 373, title XXVI, §2675A, as added Pub. L. 106-345, title IV, §415, Oct. 20, 2000, 114 Stat. 1351, related to audits. See section 300ff-82 of this title.

Section 300ff-75b, act July 1, 1944, ch. 373, title XXVI, §2675B, as added Pub. L. 106-345, title IV, §416, Oct. 20, 2000, 114 Stat. 1351, related to administrative simplification.

Section 300ff-76, act July 1, 1944, ch. 373, title XXVI, §2676, as added Pub. L. 101-381, title IV, §401, Aug. 18, 1990, 104 Stat. 620; amended Pub. L. 104-146, §12(a), (c)(8), May 20, 1996, 110 Stat. 1373, 1374, defined terms for this subchapter. See section 300ff-88 of this title.

Section 300ff-77, act July 1, 1944, ch. 373, title XXVI, §2677, as added Pub. L. 104-146, §6(a), May 20, 1996, 110 Stat. 1367; amended Pub. L. 106-345, title IV, §417, Oct. 20, 2000, 114 Stat. 1352, authorized appropriations.

Section 300ff-78, act July 1, 1944, ch. 373, title XXVI, §2678, as added Pub. L. 104-146, §10, May 20, 1996, 110 Stat. 1373, prohibited promotion of certain activities. See section 300ff-84 of this title.

AMENDMENTS

2009—Pub. L. 111-87, §2(a)(1), (3)(A), repealed Pub. L. 109-415, §703, and revived the provisions of this section as in effect on Sept. 30, 2009. See 2006 Amendment note and Effective Date of 2009 Amendment; Revival of Section note below.

Subsec. (a). Pub. L. 111-87, §11(b), substituted “(directly or through contracts or memoranda of understanding)” for “(directly or through contracts)”.

Subsec. (g). Pub. L. 111-87, §11(a)(2), substituted “subsection (j)” for “subsection (i)”.

Subsec. (i). Pub. L. 111-87, §11(a)(3), added subsec. (i). Former subsec. (i) redesignated (j).

Pub. L. 111-87, §2(e), inserted “, \$75,390,000 for fiscal year 2010, \$79,160,000 for fiscal year 2011, \$83,117,000 for fiscal year 2012, and \$87,273,000 for fiscal year 2013” before period at end.

Subsec. (j). Pub. L. 111-87, §11(a)(1), redesignated subsec. (i) as (j).

2006—Pub. L. 109-415, §703, which directed repeal of this section effective Oct. 1, 2009, was itself repealed by Pub. L. 111-87, §2(a)(1), effective Sept. 30, 2009.

EFFECTIVE DATE OF 2009 AMENDMENT; REVIVAL OF SECTION

For provisions that repeal by section 2(a)(1) of Pub. L. 111-87 of section 703 of Pub. L. 109-415 be effective Sept. 30, 2009, that the provisions of this section as in effect on Sept. 30, 2009, be revived, and that amendment by sections 2(e) and 11 of Pub. L. 111-87 be applicable to this section as so revived and effective as if enacted on Sept. 30, 2009, see section 2(a)(2), (3) of Pub. L. 111-87, set out as a note under section 300ff-11 of this title.

PART E—GENERAL PROVISIONS

CODIFICATION

Part E of title XXVI of the Public Health Service Act, comprising this part, was originally added to act July 1, 1944, ch. 373, by Pub. L. 101-381, title IV, §411(a), Aug. 18, 1990, 104 Stat. 622, and amended by Pub. L. 104-146, May 20, 1996, 110 Stat. 1346. Part E is shown herein, however, as having been added by Pub. L. 109-415, title IV, §501, Dec. 19, 2006, 120 Stat. 2812, without reference to the intervening amendments because of the extensive revision of part E by Pub. L. 109-415.

PRIOR PROVISIONS

A prior section 300ff-80, act July 1, 1944, ch. 373, title XXVI, §2680, as added Pub. L. 101-381, title IV, §411(a), Aug. 18, 1990, 104 Stat. 622, related to grants for implementation of recommendations in guidelines and model curriculum.