

H.R.3590

***One Hundred Eleventh Congress
of the
United States of America
AT THE SECOND SESSION***

Begun and held at the City of Washington on Tuesday,
the fifth day of January, two thousand and ten

An Act

Entitled The Patient Protection and Affordable Care Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE II--ROLE OF PUBLIC PROGRAMS

Subtitle L--Maternal and Child Health Services

Sec. 2951. Maternal, infant, and early childhood home visiting programs.

Sec. 2952. Support, education, and research for postpartum depression.

Sec. 2953. Personal responsibility education.

Sec. 2954. Restoration of funding for abstinence education.

Sec. 2955. Inclusion of information about the importance of having a health care power of attorney in transition planning for children aging out of foster care and independent living programs.

Subtitle L--Maternal and Child Health Services

SEC. 2951. MATERNAL, INFANT, AND EARLY CHILDHOOD HOME VISITING PROGRAMS.

Title V of the Social Security Act (42 U.S.C. 701 et seq.) is amended by adding at the end the following new section:

SEC. 511. MATERNAL, INFANT, AND EARLY CHILDHOOD HOME VISITING PROGRAMS.

(a) Purposes- The purposes of this section are--

- (1) to strengthen and improve the programs and activities carried out under this title;
- (2) to improve coordination of services for at risk communities; and
- (3) to identify and provide comprehensive services to improve outcomes for families who reside in at risk communities.

(b) Requirement for All States To Assess Statewide Needs and Identify at Risk Communities-

(1) IN GENERAL- Not later than 6 months after the date of enactment of this section, each State shall, as a condition of receiving payments from an allotment for the State under section 502 for fiscal year 2011, conduct a statewide needs assessment (which shall be separate from the statewide needs assessment required under section 505(a)) that identifies--

(A) communities with concentrations of--

- (i) premature birth, low-birth weight infants, and infant mortality, including infant death due to neglect, or other indicators of at-risk prenatal, maternal, newborn, or child health;
- (ii) poverty;
- (iii) crime;
- (iv) domestic violence;
- (v) high rates of high-school drop-outs;
- (vi) substance abuse;
- (vii) unemployment; or
- (viii) child maltreatment;

`(B) the quality and capacity of existing programs or initiatives for early childhood home visitation in the State including--

`(i) the number and types of individuals and families who are receiving services under such programs or initiatives;

`(ii) the gaps in early childhood home visitation in the State; and

`(iii) the extent to which such programs or initiatives are meeting the needs of eligible families described in subsection (k)(2); and

`(C) the State's capacity for providing substance abuse treatment and counseling services to individuals and families in need of such treatment or services.

`(2) COORDINATION WITH OTHER ASSESSMENTS- In conducting the statewide needs assessment required under paragraph (1), the State shall coordinate with, and take into account, other appropriate needs assessments conducted by the State, as determined by the Secretary, including the needs assessment required under section 505(a) (both the most recently completed assessment and any such assessment in progress), the communitywide strategic planning and needs assessments conducted in accordance with section 640(g)(1)(C) of the Head Start Act, and the inventory of current unmet needs and current community-based and prevention-focused programs and activities to prevent child abuse and neglect, and other family resource services operating in the State required under section 205(3) of the Child Abuse Prevention and Treatment Act.

`(3) SUBMISSION TO THE SECRETARY- Each State shall submit to the Secretary, in such form and manner as the Secretary shall require--

`(A) the results of the statewide needs assessment required under paragraph (1); and

`(B) a description of how the State intends to address needs identified by the assessment, particularly with respect to communities identified under paragraph (1) (A), which may include applying for a grant to conduct an early childhood home visitation program in accordance with the requirements of this section.

`(c) Grants for Early Childhood Home Visitation Programs-

`(1) AUTHORITY TO MAKE GRANTS- In addition to any other payments made under this title to a State, the Secretary shall make grants to eligible entities to enable the entities to deliver services under early childhood home visitation programs that satisfy the requirements of subsection (d) to eligible families in order to promote improvements in maternal and prenatal health, infant health, child health and development, parenting related to child development outcomes, school readiness, and the socioeconomic status of such families, and reductions in child abuse, neglect, and injuries.

`(2) AUTHORITY TO USE INITIAL GRANT FUNDS FOR PLANNING OR IMPLEMENTATION- An eligible entity that receives a grant under paragraph (1) may use a portion of the funds made available to the entity during the first 6 months of the period for which the grant is made for planning or implementation activities to assist with the establishment of early childhood home visitation programs that satisfy the requirements of subsection (d).

`(3) GRANT DURATION- The Secretary shall determine the period of years for which a grant is made to an eligible entity under paragraph (1).

`(4) TECHNICAL ASSISTANCE- The Secretary shall provide an eligible entity that receives a grant under paragraph (1) with technical assistance in administering programs or activities conducted in whole or in part with grant funds.

`(d) Requirements- The requirements of this subsection for an early childhood home visitation program conducted with a grant made under this section are as follows:

`(1) QUANTIFIABLE, MEASURABLE IMPROVEMENT IN BENCHMARK AREAS-

`(A) IN GENERAL- The eligible entity establishes, subject to the approval of the Secretary, quantifiable, measurable 3- and 5-year benchmarks for demonstrating that the program results in improvements for the eligible families participating in the program in each of the following areas:

`(i) Improved maternal and newborn health.

`(ii) Prevention of child injuries, child abuse, neglect, or maltreatment, and reduction of emergency department visits.

`(iii) Improvement in school readiness and achievement.

`(iv) Reduction in crime or domestic violence.

`(v) Improvements in family economic self-sufficiency.

`(vi) Improvements in the coordination and referrals for other community resources and supports.

`(B) DEMONSTRATION OF IMPROVEMENTS AFTER 3 YEARS-

`(i) REPORT TO THE SECRETARY- Not later than 30 days after the end of the 3rd year in which the eligible entity conducts the program, the entity submits to the Secretary a report demonstrating improvement in at least 4 of the areas specified in subparagraph (A).

`(ii) CORRECTIVE ACTION PLAN- If the report submitted by the eligible entity under clause (i) fails to demonstrate improvement in at least 4 of the areas specified in subparagraph (A), the entity shall develop and implement a plan to improve outcomes in each of the areas specified in subparagraph (A), subject to approval by the Secretary. The plan shall include provisions for the Secretary to monitor implementation of the plan and conduct continued oversight of the program, including through submission by the entity of regular reports to the Secretary.

`(iii) TECHNICAL ASSISTANCE-

`(I) IN GENERAL- The Secretary shall provide an eligible entity required to develop and implement an improvement plan under clause (ii) with technical assistance to develop and implement the plan. The Secretary may provide the technical

assistance directly or through grants, contracts, or cooperative agreements.

`(II) ADVISORY PANEL- The Secretary shall establish an advisory panel for purposes of obtaining recommendations regarding the technical assistance provided to entities in accordance with subclause (I).

`(iv) NO IMPROVEMENT OR FAILURE TO SUBMIT REPORT- If the Secretary determines after a period of time specified by the Secretary that an eligible entity implementing an improvement plan under clause (ii) has failed to demonstrate any improvement in the areas specified in subparagraph (A), or if the Secretary determines that an eligible entity has failed to submit the report required under clause (i), the Secretary shall terminate the entity's grant and may include any unexpended grant funds in grants made to nonprofit organizations under subsection (h)(2)(B).

`(C) FINAL REPORT- Not later than December 31, 2015, the eligible entity shall submit a report to the Secretary demonstrating improvements (if any) in each of the areas specified in subparagraph (A).

`(2) IMPROVEMENTS IN OUTCOMES FOR INDIVIDUAL FAMILIES-

`(A) IN GENERAL- The program is designed, with respect to an eligible family participating in the program, to result in the participant outcomes described in subparagraph (B) that the eligible entity identifies on the basis of an individualized assessment of the family, are relevant for that family.

`(B) PARTICIPANT OUTCOMES- The participant outcomes described in this subparagraph are the following:

`(i) Improvements in prenatal, maternal, and newborn health, including improved pregnancy outcomes

`(ii) Improvements in child health and development, including the prevention of child injuries and maltreatment and improvements in

cognitive, language, social-emotional, and physical developmental indicators.

`(iii) Improvements in parenting skills.

`(iv) Improvements in school readiness and child academic achievement.

`(v) Reductions in crime or domestic violence.

`(vi) Improvements in family economic self-sufficiency.

`(vii) Improvements in the coordination of referrals for, and the provision of, other community resources and supports for eligible families, consistent with State child welfare agency training.

`(3) CORE COMPONENTS- The program includes the following core components:

`(A) SERVICE DELIVERY MODEL OR MODELS-

`(i) IN GENERAL- Subject to clause (ii), the program is conducted using 1 or more of the service delivery models described in item (aa) or (bb) of subclause (I) or in subclause (II) selected by the eligible entity:

`(I) The model conforms to a clear consistent home visitation model that has been in existence for at least 3 years and is research-based, grounded in relevant empirically-based knowledge, linked to program determined outcomes, associated with a national organization or institution of higher education that has comprehensive home visitation program standards that ensure high quality service delivery and continuous program quality improvement, and has demonstrated significant, (and in the case of the service delivery model described in item (aa), sustained) positive outcomes, as described in the benchmark areas specified in paragraph (1)(A) and the participant outcomes described in paragraph (2)(B), when evaluated using well-designed and rigorous--

`(aa) randomized controlled research designs, and the evaluation results have been published in a peer-reviewed journal; or

`(bb) quasi-experimental research designs.

`(II) The model conforms to a promising and new approach to achieving the benchmark areas specified in paragraph (1)(A) and the participant outcomes described in paragraph (2)(B), has been developed or identified by a national organization or institution of higher education, and will be evaluated through well-designed and rigorous process.

`(ii) MAJORITY OF GRANT FUNDS USED FOR EVIDENCE-BASED MODELS- An eligible entity shall use not more than 25 percent of the amount of the grant paid to the entity for a fiscal year for purposes of conducting a program using the service delivery model described in clause (i)(II).

`(iii) CRITERIA FOR EVIDENCE OF EFFECTIVENESS OF MODELS- The Secretary shall establish criteria for evidence of effectiveness of the service delivery models and shall ensure that the process for establishing the criteria is transparent and provides the opportunity for public comment.

`(B) ADDITIONAL REQUIREMENTS-

`(i) The program adheres to a clear, consistent model that satisfies the requirements of being grounded in empirically-based knowledge related to home visiting and linked to the benchmark areas specified in paragraph (1)(A) and the participant outcomes described in paragraph (2)(B) related to the purposes of the program.

`(ii) The program employs well-trained and competent staff, as demonstrated by education or training, such as nurses, social workers, educators, child development specialists, or other well-trained

and competent staff, and provides ongoing and specific training on the model being delivered.

`(iii) The program maintains high quality supervision to establish home visitor competencies.

`(iv) The program demonstrates strong organizational capacity to implement the activities involved.

`(v) The program establishes appropriate linkages and referral networks to other community resources and supports for eligible families.

`(vi) The program monitors the fidelity of program implementation to ensure that services are delivered pursuant to the specified model.

`(4) PRIORITY FOR SERVING HIGH-RISK POPULATIONS- The eligible entity gives priority to providing services under the program to the following:

`(A) Eligible families who reside in communities in need of such services, as identified in the statewide needs assessment required under subsection (b)(1)(A).

`(B) Low-income eligible families.

`(C) Eligible families who are pregnant women who have not attained age 21.

`(D) Eligible families that have a history of child abuse or neglect or have had interactions with child welfare services.

`(E) Eligible families that have a history of substance abuse or need substance abuse treatment.

`(F) Eligible families that have users of tobacco products in the home.

`(G) Eligible families that are or have children with low student achievement.

`(H) Eligible families with children with developmental delays or disabilities.

`(I) Eligible families who, or that include individuals who, are serving or formerly served in the Armed Forces, including such families that have members of the Armed Forces who have had multiple deployments outside of the United States.

`(e) Application Requirements- An eligible entity desiring a grant under this section shall submit an application to the Secretary for approval, in such manner as the Secretary may require, that includes the following:

`(1) A description of the populations to be served by the entity, including specific information regarding how the entity will serve high risk populations described in subsection (d)(4).

`(2) An assurance that the entity will give priority to serving low-income eligible families and eligible families who reside in at risk communities identified in the statewide needs assessment required under subsection (b)(1)(A).

`(3) The service delivery model or models described in subsection (d)(3)(A) that the entity will use under the program and the basis for the selection of the model or models.

`(4) A statement identifying how the selection of the populations to be served and the service delivery model or models that the entity will use under the program for such populations is consistent with the results of the statewide needs assessment conducted under subsection (b).

`(5) The quantifiable, measurable benchmarks established by the State to demonstrate that the program contributes to improvements in the areas specified in subsection (d)(1)(A).

`(6) An assurance that the entity will obtain and submit documentation or other appropriate evidence from the organization or entity that developed the service delivery model or models used under the program to verify that the program is implemented and services are delivered according to the model specifications.

`(7) Assurances that the entity will establish procedures to ensure that--

`(A) the participation of each eligible family in the program is voluntary; and

`(B) services are provided to an eligible family in accordance with the individual assessment for that family.

`(8) Assurances that the entity will--

`(A) submit annual reports to the Secretary regarding the program and activities carried out under the program

that include such information and data as the Secretary shall require; and

`(B) participate in, and cooperate with, data and information collection necessary for the evaluation required under subsection (g)(2) and other research and evaluation activities carried out under subsection (h)(3).

`(9) A description of other State programs that include home visitation services, including, if applicable to the State, other programs carried out under this title with funds made available from allotments under section 502(c), programs funded under title IV, title II of the Child Abuse Prevention and Treatment Act (relating to community-based grants for the prevention of child abuse and neglect), and section 645A of the Head Start Act (relating to Early Head Start programs).

`(10) Other information as required by the Secretary.

`(f) Maintenance of Effort- Funds provided to an eligible entity receiving a grant under this section shall supplement, and not supplant, funds from other sources for early childhood home visitation programs or initiatives.

`(g) Evaluation-

`(1) INDEPENDENT, EXPERT ADVISORY PANEL- The Secretary, in accordance with subsection (h)(1)(A), shall appoint an independent advisory panel consisting of experts in program evaluation and research, education, and early childhood development--

`(A) to review, and make recommendations on, the design and plan for the evaluation required under paragraph (2) within 1 year after the date of enactment of this section;

`(B) to maintain and advise the Secretary regarding the progress of the evaluation; and

`(C) to comment, if the panel so desires, on the report submitted under paragraph (3).

`(2) AUTHORITY TO CONDUCT EVALUATION- On the basis of the recommendations of the advisory panel under paragraph (1), the Secretary shall, by grant, contract, or interagency agreement, conduct an evaluation of the statewide needs assessments submitted under subsection (b) and the grants

made under subsections (c) and (h)(3)(B). The evaluation shall include--

`(A) an analysis, on a State-by-State basis, of the results of such assessments, including indicators of maternal and prenatal health and infant health and mortality, and State actions in response to the assessments; and

`(B) an assessment of--

`(i) the effect of early childhood home visitation programs on child and parent outcomes, including with respect to each of the benchmark areas specified in subsection (d)(1)(A) and the participant outcomes described in subsection (d)(2)(B);

`(ii) the effectiveness of such programs on different populations, including the extent to which the ability of programs to improve participant outcomes varies across programs and populations; and

`(iii) the potential for the activities conducted under such programs, if scaled broadly, to improve health care practices, eliminate health disparities, and improve health care system quality, efficiencies, and reduce costs.

`(3) REPORT- Not later than March 31, 2015, the Secretary shall submit a report to Congress on the results of the evaluation conducted under paragraph (2) and shall make the report publicly available.

`(h) Other Provisions-

`(1) INTRA-AGENCY COLLABORATION- The Secretary shall ensure that the Maternal and Child Health Bureau and the Administration for Children and Families collaborate with respect to carrying out this section, including with respect to--

`(A) reviewing and analyzing the statewide needs assessments required under subsection (b), the awarding and oversight of grants awarded under this section, the establishment of the advisory panels required under subsections (d)(1)(B)(iii)(II) and (g)(1), and the evaluation and report required under subsection (g); and

`(B) consulting with other Federal agencies with responsibility for administering or evaluating programs

that serve eligible families to coordinate and collaborate with respect to research related to such programs and families, including the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, the Centers for Disease Control and Prevention, the National Institute of Child Health and Human Development of the National Institutes of Health, the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and the Institute of Education Sciences of the Department of Education.

`(2) GRANTS TO ELIGIBLE ENTITIES THAT ARE NOT STATES-

`(A) INDIAN TRIBES, TRIBAL ORGANIZATIONS, OR URBAN INDIAN ORGANIZATIONS- The Secretary shall specify requirements for eligible entities that are Indian Tribes (or a consortium of Indian Tribes), Tribal Organizations, or Urban Indian Organizations to apply for and conduct an early childhood home visitation program with a grant under this section. Such requirements shall, to the greatest extent practicable, be consistent with the requirements applicable to eligible entities that are States and shall require an Indian Tribe (or consortium), Tribal Organization, or Urban Indian Organization to--

- `(i) conduct a needs assessment similar to the assessment required for all States under subsection (b); and
- `(ii) establish quantifiable, measurable 3- and 5-year benchmarks consistent with subsection (d)(1)(A).

`(B) NONPROFIT ORGANIZATIONS- If, as of the beginning of fiscal year 2012, a State has not applied or been approved for a grant under this section, the Secretary may use amounts appropriated under paragraph (1) of subsection (j) that are available for expenditure under paragraph (3) of that subsection to make a grant to an eligible entity that is a nonprofit organization described in subsection (k)(1)(B) to conduct an early childhood home visitation program in the State. The Secretary shall specify the requirements for such an organization to apply for and conduct the program which shall, to the

greatest extent practicable, be consistent with the requirements applicable to eligible entities that are States and shall require the organization to--

`(i) carry out the program based on the needs assessment conducted by the State under subsection (b); and

`(ii) establish quantifiable, measurable 3- and 5-year benchmarks consistent with subsection (d)(1)(A).

`(3) RESEARCH AND OTHER EVALUATION ACTIVITIES-

`(A) IN GENERAL- The Secretary shall carry out a continuous program of research and evaluation activities in order to increase knowledge about the implementation and effectiveness of home visiting programs, using random assignment designs to the maximum extent feasible. The Secretary may carry out such activities directly, or through grants, cooperative agreements, or contracts.

`(B) REQUIREMENTS- The Secretary shall ensure that--

`(i) evaluation of a specific program or project is conducted by persons or individuals not directly involved in the operation of such program or project; and

`(ii) the conduct of research and evaluation activities includes consultation with independent researchers, State officials, and developers and providers of home visiting programs on topics including research design and administrative data matching.

`(4) REPORT AND RECOMMENDATION- Not later than December 31, 2015, the Secretary shall submit a report to Congress regarding the programs conducted with grants under this section. The report required under this paragraph shall include--

`(A) information regarding the extent to which eligible entities receiving grants under this section demonstrated improvements in each of the areas specified in subsection (d)(1)(A);

`(B) information regarding any technical assistance provided under subsection (d)(1)(B)(iii)(I), including the type of any such assistance provided; and
` (C) recommendations for such legislative or administrative action as the Secretary determines appropriate.

`(i) Application of Other Provisions of Title-

`(1) IN GENERAL- Except as provided in paragraph (2), the other provisions of this title shall not apply to a grant made under this section.

`(2) EXCEPTIONS- The following provisions of this title shall apply to a grant made under this section to the same extent and in the same manner as such provisions apply to allotments made under section 502(c):

`(A) Section 504(b)(6) (relating to prohibition on payments to excluded individuals and entities).

`(B) Section 504(c) (relating to the use of funds for the purchase of technical assistance).

`(C) Section 504(d) (relating to a limitation on administrative expenditures).

`(D) Section 506 (relating to reports and audits), but only to the extent determined by the Secretary to be appropriate for grants made under this section.

`(E) Section 507 (relating to penalties for false statements).

`(F) Section 508 (relating to nondiscrimination).

`(G) Section 509(a) (relating to the administration of the grant program).

`(j) Appropriations-

`(1) IN GENERAL- Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out this section--

`(A) \$100,000,000 for fiscal year 2010;

`(B) \$250,000,000 for fiscal year 2011;

`(C) \$350,000,000 for fiscal year 2012;

`(D) \$400,000,000 for fiscal year 2013; and

`(E) \$400,000,000 for fiscal year 2014.

`(2) RESERVATIONS- Of the amount appropriated under this subsection for a fiscal year, the Secretary shall reserve--

`(A) 3 percent of such amount for purposes of making grants to eligible entities that are Indian Tribes (or a consortium of Indian Tribes), Tribal Organizations, or Urban Indian Organizations; and

`(B) 3 percent of such amount for purposes of carrying out subsections (d)(1)(B)(iii), (g), and (h)(3).

`(3) AVAILABILITY- Funds made available to an eligible entity under this section for a fiscal year shall remain available for expenditure by the eligible entity through the end of the second succeeding fiscal year after award. Any funds that are not expended by the eligible entity during the period in which the funds are available under the preceding sentence may be used for grants to nonprofit organizations under subsection (h)(2)(B).

`(k) Definitions- In this section:

`(1) ELIGIBLE ENTITY-

`(A) IN GENERAL- The term `eligible entity' means a State, an Indian Tribe, Tribal Organization, or Urban Indian Organization, Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, and American Samoa.

`(B) NONPROFIT ORGANIZATIONS- Only for purposes of awarding grants under subsection (h)(2)(B), such term shall include a nonprofit organization with an established record of providing early childhood home visitation programs or initiatives in a State or several States.

`(2) ELIGIBLE FAMILY- The term `eligible family' means--

`(A) a woman who is pregnant, and the father of the child if the father is available; or

`(B) a parent or primary caregiver of a child, including grandparents or other relatives of the child, and foster parents, who are serving as the child's primary caregiver from birth to kindergarten entry, and including a noncustodial parent who has an ongoing relationship with, and at times provides physical care for, the child.

`(3) INDIAN TRIBE; TRIBAL ORGANIZATION- The terms `Indian Tribe' and `Tribal Organization', and `Urban Indian Organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act.'