

Section 330 of the Public Health Service Act [42 U.S.C. 254b]

Sec. 330(b)

(3) Medically underserved populations.

- (A) In general. The term "medically underserved population" means the population of an urban or rural area designated by the Secretary as an area with a shortage of personal health services or a population group designated by the Secretary as having a shortage of such services.
- (B) Criteria. In carrying out subparagraph (A), the Secretary shall prescribe criteria for determining the specific shortages of personal health services of an area or population group. Such criteria shall--
 - (i) take into account comments received by the Secretary from the chief executive officer of a State and local officials in a State; and
 - (ii) include factors indicative of the health status of a population group or residents of an area, the ability of the residents of an area or of a population group to pay for health services and their accessibility to them, and the availability of health professionals to residents of an area or to a population group.
- (C) Limitation. The Secretary may not designate a medically underserved population in a State or terminate the designation of such a population unless, prior to such designation or termination, the Secretary provides reasonable notice and opportunity for comment and consults with--
 - (i) the chief executive officer of such State;
 - (ii) local officials in such State; and
 - (iii) the organization, if any, which represents a majority of health centers in such State.
- (D) **Permissible designation.** The Secretary may designate a medically underserved population that does not meet the criteria established under subparagraph (B) if the chief executive officer of the State in which such population is located and local officials of such State recommend the designation of such population based on unusual local conditions which are a barrier to access to or the availability of personal health services.