

110TH CONGRESS
1ST SESSION

H. R. 1178

To amend title XVIII of the Social Security Act to permit a physician assistant, when delegated by a physician, to order or provide post-hospital extended care services, home health services, and hospice care under the Medicare Program.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2007

Mr. TOWNS (for himself and Mr. ENGLISH of Pennsylvania) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to permit a physician assistant, when delegated by a physician, to order or provide post-hospital extended care services, home health services, and hospice care under the Medicare Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Physician Assistants
5 Continuity of Care Act of 2007”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) In 2006, approximately 286 million pre-
4 scriptions were written by physician assistants and
5 more than 230 million patient visits were made for
6 physician assistant services. Such services are par-
7 ticularly needed in communities that experience
8 health disparities, especially rural communities and
9 communities with high minority populations.

10 (2) Physician assistants furnish services in al-
11 most all health care settings and in every medical
12 and surgical specialty, providing quality, cost-effec-
13 tive medical care. They deliver a broad range of
14 medical and surgical services to diverse populations.

15 (3) All 50 States, the District of Columbia, and
16 Guam regulate physician assistant services so as to
17 permit physician assistants to practice medicine sub-
18 ject to the oversight of physicians and to have the
19 authority to write prescriptions subject to such over-
20 sight.

21 (4) In 1997, the Balanced Budget Act of 1997
22 amended the Medicare program to extend coverage
23 for medical services provided by physician assistants,
24 as permitted under applicable State law, thus pro-
25 viding for a uniform rate of reimbursement for cer-
26 tain services furnished by physician assistants who

1 work in health care practice settings subject to the
2 oversight of a physician.

3 (5) Physician assistants and physicians work
4 together as a team. However, supervising physicians
5 need not be physically present when physician assist-
6 ants provide medical care. In medically underserved
7 communities, a physician assistant may be the only
8 onsite health care professional accessible during the
9 time when a patient needs immediate care. Health
10 care furnished by physician assistants is therefore
11 critical to providing medical care for the most vul-
12 nerable and at-risk populations in the United States.

13 (6) In some rural areas, physician assistants
14 are the only providers of care immediately available.
15 However, Medicare beneficiaries have faced delays of
16 weeks in receiving hospice care because care deliv-
17 ered by physician assistants may not be reimbursed
18 under the Medicare program.

19 (7) Some critical access hospitals have reported
20 difficulty with discharge planning because the Medi-
21 care program does not provide reimbursement for
22 services related to skilled nursing facility orders or
23 home health orders that have been signed by a phy-
24 sician assistant.

1 (8) The continuity of care of a terminally ill
2 Medicare beneficiary may be interrupted because a
3 physician assistant may not be reimbursed under the
4 Medicare program for furnishing such beneficiary
5 with certain services, such as hospice care, even
6 though a physician assistant may have been such
7 beneficiary’s primary health care provider prior to
8 the diagnosis of the terminal illness. Such break
9 downs in the continuity of care of Medicare bene-
10 ficiaries may cause additional costs for the Medicare
11 program.

12 **SEC. 3. PERMITTING PHYSICIAN ASSISTANTS WHEN DELE-**
13 **GATED BY A PHYSICIAN TO ORDER OR PRO-**
14 **VIDE POST-HOSPITAL EXTENDED CARE SERV-**
15 **ICES, HOME HEALTH SERVICES, AND HOS-**
16 **PICE CARE UNDER THE MEDICARE PRO-**
17 **GRAM.**

18 (a) POST-HOSPITAL EXTENDED CARE SERVICES.—
19 Section 1814(a)(2) of the Social Security Act (42 U.S.C.
20 1395f(a)(2)) is amended, in the matter before subpara-
21 graph (A)—

22 (1) by inserting “or a physician assistant as
23 delegated by a physician” after “a physician” the
24 first place it appears; and

1 (2) by inserting “a physician assistant as dele-
2 gated by a physician,” after “a physician,” the sec-
3 ond place it appears.

4 (b) HOME HEALTH SERVICES.—

5 (1) UNDER PART A.—Section 1814(a)(2)(C) of
6 such Act (42 U.S.C. 1395f(a)(2)(C)) is amended—

7 (A) by inserting “by a physician or by a
8 physician assistant as delegated by a physi-
9 cian,” after “established”; and

10 (B) by inserting “or a physician assistant
11 as delegated by a physician” after “a physi-
12 cian” each place it appears.

13 (2) UNDER PART B.—Section 1835(a)(2) of
14 such Act (42 U.S.C. 1395n(a)(2)) is amended—

15 (A) in the matter before subparagraph (A),
16 by inserting “or a physician assistant as dele-
17 gated by a physician,” after “a physician”; and

18 (B) in each of clauses (ii) and (iii) of sub-
19 paragraph (A)(ii), by inserting “or a physician
20 assistant as delegated by a physician” after “a
21 physician”.

22 (c) HOSPICE CARE.—

23 (1) CERTIFICATION OF TERMINAL ILLNESS.—

24 Section 1814(a)(7)(A) of such Act is (42 U.S.C.
25 1395f(a)(7)(A)) is amended—

1 (A) in clause (i)(I), by inserting “or a physi-
2 sician assistant as delegated by such attending
3 physician” after “nurse practitioner”]; and

4 (B) in clause (ii), by inserting “or physi-
5 cian assistant” after “physician”.

6 (2) INCLUDING PROFESSIONAL SERVICES OF
7 PHYSICIAN ASSISTANT.—Section 1861(dd)(1)(F) of
8 such Act (42 U.S.C. 1395x(dd)(1)(F)) is amended
9 by inserting after “physicians’ services” the fol-
10 lowing: “and services which would be physicians’
11 services if furnished by a physician (as defined in
12 subsection (r)(1)) and which are performed by a
13 physician assistant under the supervision of a physi-
14 cian (as so defined) and which the physician assist-
15 ant is legally authorized to perform in the State in
16 which the services are performed”.

17 (d) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to services furnished on or after
19 January 1, 2007.

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