

110TH CONGRESS
2D SESSION

H. R. 6826

To amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare Program.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2008

Ms. SCHWARTZ (for herself, Mr. McNULTY, Mr. WAXMAN, Ms. DeLAURO, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Ms. ROYBAL-ALLARD, Mrs. MCCARTHY of New York, Mrs. CAPPS, Mr. GRIJALVA, Ms. CASTOR, Mr. YARMUTH, Ms. KAPTUR, Mr. BOSWELL, Mr. BERRY, Mr. BISHOP of New York, Mr. DELAHUNT, Mr. CARNEY, Mr. FATTAH, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. KENNEDY, Mr. RAMSTAD, Mr. SIRES, Ms. MOORE of Wisconsin, Ms. LEE, Mr. LARSON of Connecticut, Mr. ELLISON, Mr. ALLEN, Mr. COURTNEY, Mr. CARDOZA, Ms. SOLIS, Mr. SERRANO, Ms. CLARKE, Mr. McDERMOTT, Mrs. TAUSCHER, Ms. SHEA-PORTER, Mr. ABERCROMBIE, Ms. BALDWIN, and Mr. PRICE of North Carolina) 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 ensure more timely access to home health services for Medicare beneficiaries 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Home Health Care
3 Planning Improvement Act of 2008”.

4 **SEC. 2. IMPROVING CARE PLANNING FOR MEDICARE HOME**
5 **HEALTH SERVICES.**

6 (a) IN GENERAL.—Section 1814(a)(2) of the Social
7 Security Act (42 U.S.C. 1395f(a)(2)), in the matter pre-
8 ceding subparagraph (A), is amended—

9 (1) by inserting “(as those terms are defined in
10 section 1861(aa)(5))” after “clinical nurse spe-
11 cialist”; and

12 (2) by inserting “, or in the case of services de-
13 scribed in subparagraph (C), a physician, or a nurse
14 practitioner or clinical nurse specialist who is work-
15 ing in collaboration with a physician in accordance
16 with State law, or a certified nurse-midwife (as de-
17 fined in section 1861(gg)) as authorized by State
18 law, or a physician assistant (as defined in section
19 1861(aa)(5)) under the supervision of a physician”
20 after “collaboration with a physician”.

21 (b) CONFORMING AMENDMENTS.—(1) Section
22 1814(a) of the Social Security Act (42 U.S.C. 1395f(a))
23 is amended—

24 (A) in paragraph (2)(C), by inserting “, a nurse
25 practitioner, a clinical nurse specialist, a certified

1 nurse-midwife, or a physician assistant (as the case
2 may be)” after “physician” each place it appears;

3 (B) in the second sentence, by striking “or clin-
4 ical nurse specialist” and inserting “clinical nurse
5 specialist, certified nurse-midwife, or physician as-
6 sistant”;

7 (C) in the third sentence—

8 (i) by striking “physician certification”
9 and inserting “certification”;

10 (ii) by inserting “(or on January 1, 2009,
11 in the case of regulations to implement the
12 amendments made by section 2 of the Home
13 Health Care Planning Improvement Act of
14 2008)” after “1981”; and

15 (iii) by striking “a physician who” and in-
16 sserting “a physician, nurse practitioner, clinical
17 nurse specialist, certified nurse-midwife, or phy-
18 sician assistant who”; and

19 (D) in the fourth sentence, by inserting “,
20 nurse practitioner, clinical nurse specialist, certified
21 nurse-midwife, or physician assistant” after “physi-
22 cian”.

23 (2) Section 1835(a) of the Social Security Act (42
24 U.S.C. 1395n(a)) is amended—

25 (A) in paragraph (2)—

1 (i) in the matter preceding subparagraph
2 (A), by inserting “or, in the case of services de-
3 scribed in subparagraph (A), a physician, or a
4 nurse practitioner or clinical nurse specialist (as
5 those terms are defined in 1861(aa)(5)) who is
6 working in collaboration with a physician in ac-
7 cordance with State law, or a certified nurse-
8 midwife (as defined in section 1861(gg)) as au-
9 thorized by State law, or a physician assistant
10 (as defined in section 1861(aa)(5)) under the
11 supervision of a physician” after “a physician”;
12 and

13 (ii) in each of clauses (ii) and (iii) of sub-
14 paragraph (A) by inserting “, a nurse practi-
15 tioner, a clinical nurse specialist, a certified
16 nurse-midwife, or a physician assistant (as the
17 case may be)” after “physician”;

18 (B) in the third sentence, by inserting “, nurse
19 practitioner, clinical nurse specialist, certified nurse-
20 midwife, or physician assistant (as the case may
21 be)” after physician;

22 (C) in the fourth sentence—

23 (i) by striking “physician certification”
24 and inserting “certification”;

1 (ii) by inserting “(or on January 1, 2008,
2 in the case of regulations to implement the
3 amendments made by section 2 of the Home
4 Health Care Planning Improvement Act of
5 2008)” after “1981”; and

6 (iii) by striking “a physician who” and in-
7 serting “a physician, nurse practitioner, clinical
8 nurse specialist, certified nurse-midwife, or phy-
9 sician assistant who”; and

10 (D) in the fifth sentence, by inserting “, nurse
11 practitioner, clinical nurse specialist, certified nurse-
12 midwife, or physician assistant” after “physician”.

13 (3) Section 1861 of the Social Security Act (42
14 U.S.C. 1395x) is amended—

15 (A) in subsection (m)—

16 (i) in the matter preceding paragraph
17 (1)—

18 (I) by inserting “a nurse practitioner
19 or a clinical nurse specialist (as those
20 terms are defined in subsection (aa)(5)), a
21 certified nurse-midwife (as defined in sec-
22 tion 1861(gg)), or a physician assistant (as
23 defined in subsection (aa)(5)),” after “phy-
24 sician” the first place it appears; and

1 (II) by inserting “a nurse practi-
2 tioner, a clinical nurse specialist, a cer-
3 tified nurse-midwife, or a physician assist-
4 ant” after “physician” the second place it
5 appears; and

6 (ii) in paragraph (3), by inserting “, a
7 nurse practitioner, a clinical nurse specialist, a
8 certified nurse-midwife, or a physician assist-
9 ant” after “physician”; and

10 (B) in subsection (o)(2)—

11 (i) by inserting “, nurse practitioners or
12 clinical nurse specialists (as those terms are de-
13 fined in subsection (aa)(5)), certified nurse-mid-
14 wives (as defined in section 1861(gg)), or physi-
15 cian assistants (as defined in subsection
16 (aa)(5))” after “physicians”; and

17 (ii) by inserting “, nurse practitioner, clin-
18 ical nurse specialist, certified nurse-midwife,
19 physician assistant,” after “physician”.

20 (4) Section 1895 of the Social Security Act (42
21 U.S.C. 1395fff) is amended—

22 (A) in subsection (c)(1), by inserting “, the
23 nurse practitioner or clinical nurse specialist (as
24 those terms are defined in section 1861(aa)(5)), the
25 certified nurse-midwife (as defined in section

1 1861(gg)), or the physician assistant (as defined in
2 section 1861(aa)(5)),” after “physician”; and

3 (B) in subsection (e)—

4 (i) in paragraph (1)(A), by inserting “, a
5 nurse practitioner or clinical nurse specialist (as
6 those terms are defined in section 1861(aa)(5)),
7 a certified nurse-midwife (as defined in section
8 1861(gg)), or a physician assistant (as defined
9 in section 1861(aa)(5))” after “physician”; and

10 (ii) in paragraph (2)—

11 (I) in the heading, by striking “PHY-
12 SICIAN CERTIFICATION” and inserting
13 “RULE OF CONSTRUCTION REGARDING RE-
14 QUIREMENT FOR CERTIFICATION”; and

15 (II) by striking “physician”.

16 (c) RULE OF CONSTRUCTION.—Nothing in the
17 amendments made by this section shall be construed as
18 affecting the scope of practice authorized under State law
19 of a certified nurse-midwife (as defined in section
20 1861(gg) of the Social Security Act) or a nurse practi-
21 tioner, clinical nurse specialist, or physician assistant (as
22 such terms are defined in section 1861(aa)(5) of such
23 Act).

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to items and services furnished on
3 or after January 1, 2009.

○