

Section 214. *Permitting Physician Assistants to Order Post-Hospital Extended Care Services and to Provide for Recognition of Attending Physician Assistants as Attending Physicians to Serve Hospice Patients.*

(a) Ordering Post-Hospital Extended Care Services.

Current Law

In a skilled nursing facility (SNF), Medicare law allows physicians, as well as nurse practitioners and clinical nurse specialists who do not have a direct or indirect employment relationship with a SNF, but who are working in collaboration with a physician, to certify the need for post-hospital extended care services for purposes of Medicare payment. Section 20.2.1 of Chapter 8 of the Medicare Benefit Policy Manual defines post-hospital extended care services as services provided as an extension of care for a condition for which the individual received inpatient hospital services. Extended care services are considered "post-hospital" if they are initiated within 30 days after discharge from a hospital stay that included at least three consecutive days of medically necessary inpatient hospital care.

Explanation of Provision

The provision would allow a physician assistant who does not have a direct or indirect employment relationship with a SNF, but who is working in collaboration with a physician, to certify the need for post-hospital extended care services for Medicare payment purposes.

(b) Recognition of Attending Physician Assistants as Attending Physicians to Serve Hospice Patients.

Current Law

Under the Medicare program, hospice services may only be provided to terminally ill individuals under a written plan of care established and periodically reviewed by the individual's attending physician and the medical director (and by the interdisciplinary group of the hospice program). For purposes of a hospice written plan of care, Medicare defines an attending physician as a physician or nurse practitioner who may be employed by a hospice program and who the individual identifies as having the most significant role in the determination and delivery of medical care to the individual at the time the individual makes an election to receive hospice care.

For an individual to be eligible for Medicare-covered hospice services, the individual's attending physician (not including a nurse practitioner) and the medical director (or physician member of the interdisciplinary group of the hospice program) must each certify in writing that the individual is terminally ill at the beginning of the first 90-day period of hospice.

Explanation of Provision

For purposes of a hospice written plan of care, the provision would include a physician assistant in the definition of an attending physician. The provision would continue to exclude physician assistants from the authority to certify an individual as terminally ill.

Both provisions would apply to items and services furnished on or after January 1, 2009.

By Ms. MIKULSKI (for herself, Ms. KLOBUCHAR, Ms. STABENOW, Mr. COLEMAN, Mr. HARKIN, Mr. CASEY, Mr. SANDERS, Mr. SCHUMER, Mr. CARDIN, Mr. BROWN, Ms. COLLINS, Mr. LEAHY, Mrs. CLINTON, Mr. LEVIN, Mr. KENNEDY, Mr. KERRY, Mrs. BOXER, Mr. REID, and Mr. BINGAMAN):

S.J. Res. 30. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to optional State plan case management services under the Medicaid program; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 30

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to optional State plan case management services under the Medicaid program (published at 72 Fed. Reg. 68077 (December 4, 2007)), and such rule shall have no force or effect.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 481—DESIGNATING APRIL 2008 AS "NATIONAL AUTISM AWARENESS MONTH" AND SUPPORTING EFFORTS TO INCREASE FUNDING FOR RESEARCH INTO THE CAUSES AND TREATMENT OF AUTISM AND TO IMPROVE TRAINING AND SUPPORT FOR INDIVIDUALS WITH AUTISM

Mr. HAGEL (for himself, Mr. SCHUMER, Mr. LAUTENBERG, Mr. FEINGOLD, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 481

Whereas autism is a developmental disorder that is typically diagnosed during the first 3 years of life, robbing individuals of their ability to communicate and interact with others;

Whereas autism affects an estimated 1 in every 150 children in the United States;

Whereas autism is 4 times more likely to occur in boys than in girls;

Whereas autism can affect anyone, regardless of race, ethnicity, or other factors;

Whereas it costs approximately \$80,000 per year to treat an individual with autism in a medical center specializing in developmental disabilities;

Whereas the cost of special education programs for school-aged children with autism is often more than \$30,000 per individual per year;

Whereas the cost nationally of caring for persons affected by autism is estimated at upwards of \$90,000,000,000 per year;

Whereas despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder; and

Whereas designating April 2008 as "National Autism Awareness Month" will in-

crease public awareness of the need to support individuals with autism and the family members and medical professionals who care for individuals with autism: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2008 as "National Autism Awareness Month";

(2) recognizes and commends the parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing significant financial costs for specialized education and support services;

(3) supports the goal of increasing Federal funding for aggressive research to learn the root causes of autism, identify the best methods of early intervention and treatment, expand programs for individuals with autism across their life spans, and promote understanding of the special needs of people with autism;

(4) stresses the need to begin early intervention services soon after a child has been diagnosed with autism, noting that early intervention strategies are the primary therapeutic options for young people with autism, and that early intervention significantly improves the outcome for people with autism and can reduce the level of funding and services needed to treat people with autism later in life;

(5) supports the Federal Government's more than 30-year-old commitment to provide States with 40 percent of the costs needed to educate children with disabilities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);

(6) recognizes the shortage of appropriately trained teachers who have the skills and support necessary to teach, assist, and respond to special needs students, including those with autism, in our school systems; and

(7) recognizes the importance of worker training programs that are tailored to the needs of developmentally disabled persons, including those with autism, and notes that people with autism can be, and are, productive members of the workforce if they are given appropriate support, training, and early intervention services.

SENATE RESOLUTION 482—DESIGNATING JULY 26, 2008, AS "NATIONAL DAY OF THE AMERICAN COWBOY"

Mr. ENZI (for himself, Mr. BARRASSO, Mr. ALLARD, Mr. CRAIG, Mr. CRAPO, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. BINGAMAN, Mr. INHOFE, Mrs. MURRAY, Mr. REID, Mr. SALAZAR, Mr. STEVENS, Mr. MARTINEZ, and Mr. JOHNSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 482

Whereas pioneering men and women, recognized as "cowboys", helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off of the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of approximately 727,000 ranchers in all 50 of the United States that contribute to the economic well-being of nearly every county in the Nation;

Whereas annual attendance at professional and working ranch rodeo events exceeds 27,000,000 fans and rodeo is the 7th most-watched sport in the Nation;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of a cowboy span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 26, 2008, as “National Day of the American Cowboy”; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 483—RECOGNIZING THE FIRST WEEKEND OF MAY 2008 AS “TEN COMMANDMENTS WEEKEND”

Mr. BROWNBACK (for himself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 483

Whereas the Ten Commandments are precepts foundational to the faith of millions of Americans;

Whereas the Ten Commandments are a declaration of fundamental principles for a fair and just society;

Whereas, from the founding of the United States, the Ten Commandments have been part of America’s basic cultural fabric;

Whereas the national hero and first President, George Washington, proclaimed in his first inaugural address in 1789: “[I]t would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and the happiness of the people of the United States a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge.”;

Whereas one of the great leaders of the United States, President John Quincy Adams, declared in a letter to his son, “The law given from Sinai was a civil and municipal as well as a moral and religious code . . . [many] were of universal application—laws essential to the existence of men in society, and most of which have been enacted by every nation, which ever professed any code of laws.”;

Whereas President Harry S Truman affirmed, “The fundamental basis of this Nation’s law was given to Moses on the Mount. The fundamental basis of our Bill of Rights comes from the teachings which we get from Exodus and St. Matthew, from Isaiah and St. Paul. I don’t think we emphasize that enough these days. If we don’t have the proper fundamental moral background, we will finally wind up with a totalitarian govern-

ment which does not believe in rights for anybody except the state.”;

Whereas, in addition to being understood as an elemental source for American law, the Ten Commandments have become a recognized symbol of law in our Nation’s culture;

Whereas a marble relief portrait of Moses, the Hebrew prophet and bearer of the Ten Commandments, is located prominently in the United States Capitol over the gallery doors of the chamber of the House of Representatives in honor of his work in establishing the principles that underlie American law;

Whereas images of the Ten Commandments are prominently displayed in many Federal buildings, including the United States Supreme Court, the National Archives, and the Library of Congress;

Whereas the first weekends of May in 2006 and 2007 were celebrated by many Americans as “Ten Commandments Weekend” in recognition of the importance of the Ten Commandments in their faith and the history and culture of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the first weekend of May 2008 as “Ten Commandments Weekend”;

(2) celebrates the Ten Commandments as a significant aspect of the national life of the United States; and

(3) encourages citizens of the United States to reflect on the integral role that the Ten Commandments have played in the life of the Nation.

SENATE RESOLUTION 484—DESIGNATING MARCH 25, 2008, AS “NATIONAL CEREBRAL PALSY AWARENESS DAY”

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was:

S. RES. 484

Whereas cerebral palsy is any number of neurological disorders that appear in infancy or early childhood and permanently affect body movement and the muscle coordination necessary to maintain balance and posture;

Whereas cerebral palsy is caused by damage to 1 or more specific areas of the brain, usually occurring during fetal development, before, during, or shortly after birth, or during infancy;

Whereas the majority of children are born with cerebral palsy, although it may not be detected until months or years later;

Whereas 75 percent of individuals with cerebral palsy also have 1 or more additional developmental disabilities including epilepsy, intellectual disability, autism and visual impairments, or blindness;

Whereas the Centers for Disease Control and Prevention recently released information indicating an increase in the prevalence of cerebral palsy and that the rate is now about 1 in 278 children;

Whereas 800,000 Americans are affected by cerebral palsy;

Whereas, while there is no current cure for cerebral palsy, some treatment will often improve a child’s capabilities and scientists and researchers are hopeful that breakthroughs will be forthcoming;

Whereas researchers across the Nation are conducting important research projects involving cerebral palsy; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of cerebral palsy: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2008, as “National Cerebral Palsy Awareness Day”;

(2) recognizes that all people of the United States should become more informed and aware of cerebral palsy; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Reaching for the Stars: A Foundation of Hope for Children with Cerebral Palsy.

Mr. SPECTER. Mr. President, I have sought recognition today to offer a resolution to designate March 25, 2008, as National Cerebral Palsy Awareness Day.

Cerebral palsy is a group of chronic, neurological disorders that appear in infancy or early childhood and permanently affect body movement and muscle coordination necessary to maintain balance and posture. Cerebral palsy is caused by damage to one or more specific areas of the brain, usually occurring during fetal development; before, during or shortly after birth; or during infancy. The top two risk factors for the disorders are premature births and multiple births, and despite the introductions of modern prenatal testing, improved obstetric care, and newborn intensive care technologies, the rate of incidence has increased in the United States. These disorders are not caused by problems in the muscles or nerves but, instead, faulty development or damage to motor areas in the brain.

Cerebral palsy currently affects children at a rate of 1 in 278 and an estimated 800,000 Americans. The majority of children who have cerebral palsy are born with it, rather than developing the disorder over time; however, it may not be detected for months or years. Over seventy-five percent of individuals with cerebral palsy also have one or more additional developmental disability including epilepsy, intellectual disability, autism and visual impairments or blindness. The disorders are not progressive and non-communicable.

Currently, there is no cure for cerebral palsy. There are treatments, however, which can serve to alleviate some of the symptoms. Treatments now include physical and occupational therapy; speech therapy; drugs to control seizures, relax muscle spasms, and alleviate pain; surgery to correct anatomical abnormalities or release tight muscles; braces and other orthotic devices; wheelchairs and rolling walkers; and communication aids such as computers with attached voice synthesizers.

It is essential that more research be conducted on ways in which to prevent and treat cerebral palsy. As Chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I led the effort to double funding for the National Institutes of Health, NIH. Funding for the NIH has increased from \$11.3 billion in fiscal year 1995 to \$29.2 billion in fiscal year 2008. In 2007, the NIH provided \$16 million for cerebral palsy research, which is a \$4.5 million increase over 2000, when the NIH provided \$11.5 million. The Centers for Disease Control and Prevention, CDC, recently conducted a study on the prevalence rates of cerebral palsy across the nation and found