

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6373

To amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Mr. OLVER (for himself, Ms. BALDWIN, Mrs. CAPPS, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HOLT, Mr. MARKEY of Massachusetts, Mrs. MALONEY, and Ms. ROYBAL-ALLARD) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid 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 “Medicaid Advanced  
5 Practice Nurses and Physician Assistants Access Act of  
6 2009”.

1 **SEC. 2. IMPROVED ACCESS TO SERVICES OF ADVANCED**  
2 **PRACTICE NURSES AND PHYSICIAN ASSIST-**  
3 **ANTS UNDER STATE MEDICAID PROGRAMS.**

4 (a) **PRIMARY CARE CASE MANAGEMENT.**—Section  
5 1905(t)(2) of the Social Security Act (42 U.S.C.  
6 1396d(t)(2)) is amended by striking subparagraph (B)  
7 and inserting the following:

8 “(B) A nurse practitioner (as defined in section  
9 1861(aa)(5)(A)).

10 “(C) A certified nurse-midwife (as defined in  
11 section 1861(gg)).

12 “(D) A physician assistant (as defined in sec-  
13 tion 1861(aa)(5)(A)).”

14 (b) **FEE-FOR-SERVICE PROGRAM.**—Section  
15 1905(a)(21) of such Act (42 U.S.C. 1396d(a)(21)) is  
16 amended—

17 (1) by inserting “(A)” after “(21)”;

18 (2) by striking “services furnished by a certified  
19 pediatric nurse practitioner or certified family nurse  
20 practitioner (as defined by the Secretary) which the  
21 certified pediatric nurse practitioner or certified  
22 family nurse practitioner” and inserting “services  
23 furnished by a nurse practitioner (as defined in sec-  
24 tion 1861(aa)(5)(A)) or by a clinical nurse specialist  
25 (as defined in section 1861(aa)(5)(B)) which the  
26 nurse practitioner or clinical nurse specialist”;

1           (3) by striking “the certified pediatric nurse  
2           practitioner or certified family nurse practitioner”  
3           and inserting “the nurse practitioner or clinical  
4           nurse specialist”; and

5           (4) by inserting before the semicolon at the end  
6           the following: “and (B) services furnished by a phy-  
7           sician assistant (as defined in section 1861(aa)(5))  
8           with the supervision of a physician which the physi-  
9           cian assistant is legally authorized to perform under  
10          State law”.

11          (c) INCLUDING IN MIX OF SERVICE PROVIDERS  
12          UNDER MEDICAID MANAGED CARE ORGANIZATIONS.—  
13          Section 1932(b)(5)(B) of such Act (42 U.S.C. 1396u-  
14          2(b)(5)(B)) is amended by inserting “, with such mix in-  
15          cluding nurse practitioners, clinical nurse specialists, phy-  
16          sician assistants, certified nurse midwives, and certified  
17          registered nurse anesthetists (as defined in section  
18          1861(bb)(2))” after “services”.

19          (d) EFFECTIVE DATE.—The amendments made by  
20          this section shall apply to items and services furnished in  
21          calendar quarters beginning on or after 90 days after the  
22          date of the enactment of this Act, without regard to  
23          whether or not final regulations to carry out such amend-  
24          ments have been promulgated by such date.

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