

105TH CONGRESS
1ST SESSION

H. R. 893

To amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1997

Mr. TOWNS (for himself and Mrs. JOHNSON of Connecticut) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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 provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

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 “Primary Care Health
5 Practitioner Incentive Act of 1997”.

1 **SEC. 2. INCREASED MEDICARE REIMBURSEMENT FOR**
 2 **NURSE PRACTITIONERS AND CLINICAL**
 3 **NURSE SPECIALISTS.**

4 (a) REMOVAL OF RESTRICTIONS ON SETTINGS.—

5 (1) IN GENERAL.—Clause (ii) of section
 6 1861(s)(2)(K)) of the Social Security Act (42 U.S.C.
 7 1395x(s)(2)(K)) is amended to read as follows:

8 “(ii) services which would be physicians’ serv-
 9 ices if furnished by a physician (as defined in sub-
 10 section (r)(1)) and which are performed by a nurse
 11 practitioner or clinical nurse specialist (as defined in
 12 subsection (aa)(5)) which the nurse practitioner or
 13 clinical nurse specialist is legally authorized to per-
 14 form by the State in which the services are per-
 15 formed, and such services and supplies furnished as
 16 an incident to such services as would be covered
 17 under subparagraph (A) if furnished incident to a
 18 physician’s professional service;”.

19 (2) CONFORMING AMENDMENTS.—(A) Section
 20 1861(s)(2)(K) of such Act (42 U.S.C.
 21 1395x(s)(2)(K)) is further amended—

22 (i) in clause (i), by inserting “and such
 23 services and supplies furnished as incident to
 24 such services as would be covered under sub-
 25 paragraph (A) if furnished as an incident to a

1 physician’s professional service; and” after “are
2 performed,”; and

3 (ii) by striking clauses (iii) and (iv).

4 (B) Section 1861(b)(4) of such Act (42 U.S.C.
5 1395x(b)(4)) is amended by striking “clauses (i) or
6 (iii) of subsection (s)(2)(K)” and inserting “sub-
7 section (s)(2)(K)”.

8 (C) Section 1862(a)(14) of such Act (42 U.S.C.
9 1395y(a)(14)) is amended by striking “section
10 1861(s)(2)(K)(i) or 1861(s)(2)(K)(iii)” and insert-
11 ing “section 1861(s)(2)(K)”.

12 (D) Section 1866(a)(1)(H) of such Act (42
13 U.S.C. 1395cc(a)(1)(H)) is amended by striking
14 “section 1861(s)(2)(K)(i) or 1861(s)(2)(K)(iii)” and
15 inserting “section 1861(s)(2)(K)”.

16 (b) INCREASED PAYMENT.—

17 (1) FEE SCHEDULE AMOUNT.—Clause (O) of
18 section 1833(a)(1) of such Act (42 U.S.C.
19 1395l(a)(1)) is amended to read as follows: “(O)
20 with respect to services described in section
21 1861(s)(2)(K)(ii) (relating to nurse practitioner or
22 clinical nurse specialist services), the amounts paid
23 shall be equal to 80 percent of (i) the lesser of the
24 actual charge or 85 percent of the fee schedule
25 amount provided under section 1848 for the same

1 service provided by a physician who is not a special-
 2 ist, or (ii) in the case of services as an assistant
 3 at surgery, the lesser of the actual charge or 85 per-
 4 cent of the amount that would otherwise be recog-
 5 nized if performed by a physician who is serving as
 6 an assistant at surgery; and”.

7 (2) CONFORMING AMENDMENTS.—(A) Section
 8 1833(r) of such Act (42 U.S.C. 1395l(r)) is amend-
 9 ed—

10 (i) in paragraph (1), by striking “section
 11 1861(s)(2)(K)(iii) (relating to nurse practi-
 12 tioner or clinical nurse specialist services pro-
 13 vided in a rural area)” and inserting “section
 14 1861(s)(2)(K)(ii) (relating to nurse practitioner
 15 or clinical nurse specialist services)”;

16 (ii) by striking paragraph (2);

17 (iii) in paragraph (3), by striking “section
 18 1861(s)(2)(K)(iii)” and inserting “section
 19 1861(s)(2)(K)(ii)”;

20 (iv) by redesignating paragraph (3) as
 21 paragraph (2).

22 (B) Section 1842(b)(12)(A) of such Act (42
 23 U.S.C. 1395u(b)(12)(A)) is amended, in the matter
 24 preceding clause (i), by striking “clauses (i), (ii), or
 25 (iv) of section 1861(s)(2)(K) (relating to a physician

1 assistants and nurse practitioners)” and inserting
 2 “section 1861(s)(2)(K)(i) (relating to physician as-
 3 sistants)”.

4 (c) DIRECT PAYMENT FOR NURSE PRACTITIONERS
 5 AND CLINICAL NURSE SPECIALISTS.—

6 (1) IN GENERAL.—Section 1832(a)(2)(B)(iv) of
 7 such Act (42 U.S.C. 1395k(a)(2)(B)(iv)) is amended
 8 by striking “provided in a rural area (as defined in
 9 section 1886(d)(2)(D))”.

10 (2) CONFORMING AMENDMENT.—Section
 11 1842(b)(6)(C) of such Act (42 U.S.C.
 12 1395u(b)(6)(C)) is amended—

13 (A) by striking “clauses (i), (ii), or (iv)”
 14 and inserting “clause (i)”; and

15 (B) by striking “or nurse practitioner”.

16 (d) BONUS PAYMENT FOR SERVICES PROVIDED IN
 17 HEALTH PROFESSIONAL SHORTAGE AREAS.—Section
 18 1833(m) of such Act (42 U.S.C. 1395l(m)) is amended.—

19 (1) by inserting “(1)” after “(m)”; and

20 (2) by adding at the end the following new
 21 paragraph:

22 “(2) In the case of services of a nurse practi-
 23 tioner or clinical nurse specialist furnished to an in-
 24 dividual described in paragraph (1) in an area that
 25 is a health professional shortage area described in

1 such paragraph, in addition to the amount otherwise
 2 paid under this part, there shall also be paid to such
 3 service provider (on a monthly or quarterly basis)
 4 from the Federal Supplementary Medical Insurance
 5 Trust Fund an amount equal to 10 percent of the
 6 payment amount for the service under this part.”.

7 (e) DEFINITION OF CLINICAL NURSE SPECIALIST
 8 CLARIFIED.— Section 1861(aa)(5) of such Act (42 U.S.C.
 9 1395x(aa)(5)) is amended—

10 (1) by inserting “(A)” after “(5)”;

11 (2) by striking “The term ‘physician assist-
 12 ant’” and all that follows through “who performs”
 13 and inserting “The term ‘physician assistant’ and
 14 the term ‘nurse practitioner’ mean, for purposes of
 15 this title, a physician assistant or nurse practitioner
 16 who performs”; and

17 (3) by adding at the end the following new sub-
 18 paragraph:

19 “(B) The term ‘clinical nurse specialist’ means, for
 20 purposes of this title, an individual who—

21 “(i) is a registered nurse and is licensed to
 22 practice nursing in the State in which the clinical
 23 nurse specialist services are performed; and

1 “(ii) holds a master’s degree in a defined clini-
2 cal area of nursing from an accredited educational
3 institution.”.

4 (f) EFFECTIVE DATE.—The amendments made by
5 this section shall apply with respect to services furnished
6 and supplies provided on and after January 1, 1998.

○