

108TH CONGRESS  
1ST SESSION

# H. R. 1388

To amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program for surgical first assisting services of certified registered nurse first assistants.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2003

Mr. COLLINS introduced the following bill; which was referred to the Committee on Energy and 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

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## A BILL

To amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program for surgical first assisting services of certified registered nurse first assistants.

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 “Medicare Certified  
5       Registered Nurse First Assistant Direct Reimbursement  
6       Act of 2003”.

1 SEC. 2. MEDICARE COVERAGE OF SURGICAL FIRST ASSIST-  
2 ING SERVICES OF CERTIFIED REGISTERED  
3 NURSE FIRST ASSISTANTS.

4 (a) SERVICES COVERED.—Section 1861(s)(2) of the  
5 Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

6 (1) by striking "and" at the end of subparagraph-  
7 b. (H)

8 (2) by inserting “and” at the end of subparagraph-

(3) by adding at the end the following new sub-

12                   “(W) surgical first assisting services (as defined  
13                   in subsection (ww)(1)) furnished by a certified reg-  
14                   istered nurse first assistant (as defined in subsection  
15                   (ww)(2));”.

16 (b) SERVICES DESCRIBED.—Section 1861 of the So-  
17 cial Security Act (42 U.S.C. 1395x) is amended by adding  
18 at the end the following new subsection:

19 "Surgical First Assisting Services; Certified Registered  
20 Nurse First Assistant

21        “(ww)(1) The term ‘surgical first assisting services’  
22 means services consisting of first assisting a physician  
23 with surgery and related preoperative, intraoperative, and  
24 postoperative care (as determined by the Secretary) fur-  
25 nished by a certified registered nurse first assistant (as  
26 defined in paragraph (2)) which the certified registered

1 nurse first assistant is legally authorized to perform by  
2 the State in which the services are performed.

3 “(2) The term ‘certified registered nurse first assist-  
4 ant’ means an individual who—

5 “(A) is a registered nurse and is licensed to  
6 practice nursing in the State in which the surgical  
7 first assisting services are performed;

8 “(B) has completed a minimum of 2,000 hours  
9 of first assisting a physician with surgery and re-  
10 lated preoperative, intraoperative, and postoperative  
11 care; and

12 “(C) is certified as a registered nurse first as-  
13 sistant by an organization recognized by the Sec-  
14 retary.”.

15 (c) PAYMENT AMOUNT.—Section 1833(a)(1) of the  
16 Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

17 (1) by striking “and” before “(U)”; and

18 (2) by inserting before the semicolon at the end  
19 the following: “, and (V) with respect to surgical  
20 first assisting services (as defined in section  
21 1861(ww)(1)) furnished by a certified registered  
22 nurse first assistant (as defined in section  
23 1861(ww)(2)), the amount paid shall be 80 percent  
24 of the lesser of the actual charge for the services or  
25 85 percent of the amount determined under the fee

1 schedule established under section 1848(b) for the  
2 same services if furnished by a physician”.

3 (d) PAYMENTS TO EMPLOYERS.—

4 (1) IN GENERAL.—Section 1833(r) of the So-  
5 cial Security Act (42 U.S.C. 1395l(r)) is amended—

6 (A) in paragraph (1), by inserting “or sec-  
7 tion 1861(s)(2)(W) (relating to surgical first  
8 assisting services)” after “clinical nurse spe-  
9 cialist services”; and

10 (B) in paragraph (2), by striking  
11 “1861(s)(2)(K)(ii)” and inserting  
12 “1861(s)(2)(K)(ii) or 1861(s)(2)(W)”.

13 (2) APPLICATION OF MANDATORY ASSIGNMENT  
14 RULES.—Section 1842(b)(18)(C)(i) of such Act (42  
15 U.S.C. 1395u(b)(18)(C)(i)) is amended by striking  
16 “physician assistant, nurse practitioner, clinical  
17 nurse specialist” and inserting “physician assistant,  
18 nurse practitioner, clinical nurse specialist, or cer-  
19 tified registered nurse first assistant”.

20 (3) EXCLUSION FROM BUNDLED PAYMENTS  
21 FOR COVERED SKILLED NURSING FACILITY SERV-  
22 ICES.—Section 1888(e)(2)(A)(ii) of such Act (42  
23 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting  
24 “surgical first assisting services of a certified reg-

1        istered nurse first assistant," after "services of a  
2        certified registered nurse anesthetist,".

3        (e) REDUCTION IN PAYMENTS TO AVOID DUPLICATE  
4 PAYMENT.—Notwithstanding any other provision of law,  
5 the Secretary of Health and Human Services may reduce  
6 the amount of payments otherwise made to hospitals  
7 under title XVIII of the Social Security Act (42 U.S.C.  
8 1395 et seq.) to eliminate estimated duplicate payments  
9 for historical or current costs attributable to surgical first  
10 assisting services furnished by certified registered nurse  
11 first assistants as described in section 1861(ww) of such  
12 Act (as added by subsection (a)).

13        (f) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply to services furnished on or after  
15 the date of the enactment of this Act.

**16 SEC. 3. STUDY OF PAYMENT RATES.**

17        Not later than 180 days after the date of the enact-  
18 ment of this Act, the Secretary of Health and Human  
19 Services shall submit to Congress a report containing rec-  
20 ommendations for adjustments to the payment amounts  
21 established under part B of title XVIII of the Social Secu-  
22 rity Act for surgical first assisting services furnished by  
23 certified registered nurse first assistants (as described in  
24 section 1861(ww) of such Act (as added by section 1(a))  
25 to ensure that the payment amounts reflect the approxi-

- 1 mate costs of furnishing such services, taking into account
- 2 the costs of compensation, overhead, and supervision at-
- 3 tributable to certified registered nurse first assistants.

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