

111TH CONGRESS  
2D SESSION

# H. R. 4993

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.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2010

Ms. SCHWARTZ (for herself, Mrs. CAPPS, Mrs. MCCARTHY of New York, Ms. BALDWIN, Ms. SHEA-PORTER, Mr. BRALEY of Iowa, Mr. COURTNEY, Ms. HARMAN, Mr. FARR, Mr. BLUMENAUER, Mr. GARAMENDI, Ms. WATSON, Ms. SCHAKOWSKY, Ms. PINGREE of Maine, Mrs. DAHLKEMPER, Mr. GRIJALVA, Mr. PERLMUTTER, Ms. DELAURO, and Mr. DEFazio) 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

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## 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,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Home Health Care  
5 Planning Improvement Act of 2010”.

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

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

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

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

18 (b) CONFORMING AMENDMENTS.—(1) Section  
19 1814(a) of the Social Security Act (42 U.S.C. 1395f(a))  
20 is amended—

21 (A) in paragraph (2)(C), by inserting “, a nurse  
22 practitioner, a clinical nurse specialist, a certified  
23 nurse-midwife, or a physician assistant (as the case  
24 may be)” after “physician” each place it appears;

25 (B) in the second sentence, by striking “or clin-  
26 ical nurse specialist” and inserting “clinical nurse

1 specialist, certified nurse-midwife, or physician as-  
2 sistant”;

3 (C) in the third sentence—

4 (i) by striking “physician certification”  
5 and inserting “certification”;

6 (ii) by inserting “(or on January 1, 2011,  
7 in the case of regulations to implement the  
8 amendments made by section 2 of the Home  
9 Health Care Planning Improvement Act of  
10 2010)” after “1981”; and

11 (iii) by striking “a physician who” and in-  
12 serting “a physician, nurse practitioner, clinical  
13 nurse specialist, certified nurse-midwife, or phy-  
14 sician assistant who”; and

15 (D) in the fourth sentence, by inserting “,  
16 nurse practitioner, clinical nurse specialist, certified  
17 nurse-midwife, or physician assistant” after “physi-  
18 cian”.

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

21 (A) in paragraph (2)—

22 (i) in the matter preceding subparagraph  
23 (A), by inserting “or, in the case of services de-  
24 scribed in subparagraph (A), a physician, or a  
25 nurse practitioner or clinical nurse specialist (as

1 those terms are defined in 1861(aa)(5)) who is  
2 working in collaboration with a physician in ac-  
3 cordance with State law, or a certified nurse-  
4 midwife (as defined in section 1861(gg)) as au-  
5 thorized by State law, or a physician assistant  
6 (as defined in section 1861(aa)(5)) under the  
7 supervision of a physician” after “a physician”;  
8 and

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

14 (B) in the third sentence, by inserting “, nurse  
15 practitioner, clinical nurse specialist, certified nurse-  
16 midwife, or physician assistant (as the case may  
17 be)” after physician;

18 (C) in the fourth sentence—

19 (i) by striking “physician certification”  
20 and inserting “certification”;

21 (ii) by inserting “(or on January 1, 2011,  
22 in the case of regulations to implement the  
23 amendments made by section 2 of the Home  
24 Health Care Planning Improvement Act of  
25 2010)” after “1981”; and

1 (iii) by striking “a physician who” and in-  
2 serting “a physician, nurse practitioner, clinical  
3 nurse specialist, certified nurse-midwife, or phy-  
4 sician assistant who”; and

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

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

10 (A) in subsection (m)—

11 (i) in the matter preceding paragraph  
12 (1)—

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

20 (II) by inserting “a nurse practi-  
21 tioner, a clinical nurse specialist, a cer-  
22 tified nurse-midwife, or a physician assist-  
23 ant” after “physician” the second place it  
24 appears; and

1 (ii) in paragraph (3), by inserting “, a  
 2 nurse practitioner, a clinical nurse specialist, a  
 3 certified nurse-midwife, or a physician assist-  
 4 ant” after “physician”; and

5 (B) in subsection (o)(2)—

6 (i) by inserting “, nurse practitioners or  
 7 clinical nurse specialists (as those terms are de-  
 8 fined in subsection (aa)(5)), certified nurse-mid-  
 9 wives (as defined in section 1861(gg)), or physi-  
 10 cian assistants (as defined in subsection  
 11 (aa)(5))” after “physicians”; and

12 (ii) by inserting “, nurse practitioner, clin-  
 13 ical nurse specialist, certified nurse-midwife,  
 14 physician assistant,” after “physician”.

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

17 (A) in subsection (c)(1), by inserting “, the  
 18 nurse practitioner or clinical nurse specialist (as  
 19 those terms are defined in section 1861(aa)(5)), the  
 20 certified nurse-midwife (as defined in section  
 21 1861(gg)), or the physician assistant (as defined in  
 22 section 1861(aa)(5)),” after “physician”; and

23 (B) in subsection (e)—

24 (i) in paragraph (1)(A), by inserting “, a  
 25 nurse practitioner or clinical nurse specialist (as

1           those terms are defined in section 1861(aa)(5)),  
 2           a certified nurse-midwife (as defined in section  
 3           1861(gg)), or a physician assistant (as defined  
 4           in section 1861(aa)(5))” after “physician”; and

5           (ii) in paragraph (2)—

6                   (I) in the heading, by striking “PHY-  
 7                   SICIAN CERTIFICATION” and inserting  
 8                   “RULE OF CONSTRUCTION REGARDING RE-  
 9                   QUIREMENT FOR CERTIFICATION”; and

10           (ii) by striking “physician”.

11       (c) RULE OF CONSTRUCTION.—Nothing in the  
 12 amendments made by this section shall be construed as  
 13 affecting the scope of practice authorized under State law  
 14 of a certified nurse-midwife (as defined in section  
 15 1861(gg) of the Social Security Act) or a nurse practi-  
 16 tioner, clinical nurse specialist, or physician assistant (as  
 17 such terms are defined in section 1861(aa)(5) of such  
 18 Act).

19       (d) EFFECTIVE DATE.—The amendments made by  
 20 this section shall apply to items and services furnished on  
 21 or after January 1, 2011.

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