

111TH CONGRESS  
1ST SESSION

# S. 2814

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 SENATE OF THE UNITED STATES

NOVEMBER 20, 2009

Ms. COLLINS (for herself and Mr. CONRAD) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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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 2009”.

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, 2008,  
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 2009)” 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

those terms are defined in 1861(aa)(5)) who is working in collaboration with a physician in accordance with State law, or a certified nurse-midwife (as defined in section 1861(gg)) as authorized by State law, or a physician assistant (as defined in section 1861(aa)(5)) under the supervision of a physician” after “a physician”; and

(ii) in each of clauses (ii) and (iii) of subparagraph (A) by inserting “, a nurse practitioner, a clinical nurse specialist, a certified nurse-midwife, or a physician assistant (as the case may be)” after “physician”;

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

(C) in the fourth sentence—

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

(ii) by inserting “(or on January 1, 2008, in the case of regulations to implement the amendments made by section 2 of the Home Health Care Planning Improvement Act of 2009)” 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

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

(B) in subsection (o)(2)—

(i) by inserting “, nurse practitioners or clinical nurse specialists (as those terms are defined in subsection (aa)(5)), certified nurse-midwives (as defined in section 1861(gg)), or physician assistants (as defined in subsection (aa)(5))” after “physicians”; and

(ii) by inserting “, nurse practitioner, clinical nurse specialist, certified nurse-midwife, physician assistant,” after “physician”.

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

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

(B) in subsection (e)—

(i) in paragraph (1)(A), by inserting “, a 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) EFFECTIVE DATE.—The amendments made by  
 12       this section shall apply to items and services furnished on  
 13       or after April 1, 2010.

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