

111TH CONGRESS
1ST SESSION

S. 63

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

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

Mr. INOUE introduced the following bill; which was read twice and referred to the Committee on Finance

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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