

ALLOW NURSE PRACTITIONERS, CLINICAL NURSE SPECIALISTS, CERTIFIED NURSE MIDWIVES AND PHYSICIANS' ASSISTANTS TO CERTIFY MEDICARE HOME HEALTH PLANS OF CARE

ISSUE: Nurse practitioners (NP), clinical nurse specialists (CNS), certified nurse midwives (CNM) and physicians' assistants (PA) are playing an increasing role in the delivery of our nation's health care. Moreover, many state laws and regulations authorize these non-physician health professionals to complete and sign physical exam forms and other types of medical certification documents.

The federal government is also recognizing the growing role of PAs and NPs. The Balanced Budget Act of 1997 (BBA), P.L. 105-35, allows Medicare to reimburse PAs and NPs for providing physician services to Medicare patients. These physician services include surgery, consultation, and home and institutional visits. In addition, the Centers for Medicare & Medicaid Services (CMS) now allows PAs and NPs to sign Certificates of Medical Necessity (CMNs) required to file a claim for home medical equipment under Medicare.

Despite the expanded role of PAs and NPs in the BBA, the Centers for Medicare & Medicaid Services (CMS) continue to prohibit PAs and NPs and other non-physician health professionals from certifying home health services to Medicare beneficiaries. According to CMS, the Medicare statute requires "physician" certification on home health plans of care.

During the second session of the 109th Congress, legislation was introduced that amended title XVIII (Medicare) of the Social Security Act with respect to the Medicare home health planning process. Specifically, S. 3500 would allow nurse practitioners, physician assistants, and clinical nurse specialists to certify home health plans of care in both rural and urban areas. The bill was not enacted in the 109th Congress. In the first session of the 110th Congress two bills—S. 1605, the "Craig Thomas Rural Hospital and Provider Equity Act of 2007"; and S. 1678/H.R. 6826, the "Home Health Care Planning Improvement Act of 2007"—were introduced that would allow nurse practitioners, clinical nurse specialists, certified nurse midwives, and physicians' assistance to certify Medicare home health plans of care.

RECOMMENDATION: Congress should enact legislation that would instruct CMS to allow PAs and NPs to certify and make changes to home health care plans.

RATIONALE: PAs and NPs are increasingly providing necessary medical services to Medicare beneficiaries, especially in rural and underserved areas. PAs and NPs in rural or underserved areas are sometimes more familiar with particular cases than the attending physician, so allowing PAs and NPs to sign orders may be most appropriate. In addition, PAs and NPs are sometimes more readily available than physicians to expedite the

processing of paperwork, ensuring that home health agencies will be reimbursed in a timely manner and that care to the beneficiary will not be interrupted.