

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

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Senate Committees
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SENATE JOINT MEMORIAL 14-005

101 **CONCERNING MEMORIALIZING CONGRESS TO ENACT LEGISLATION**
102 **ALLOWING CERTAIN NONPHYSICIAN HEALTH CARE**
103 **PROFESSIONALS TO CERTIFY AND AMEND HOME HEALTH PLANS**
104 **OF CARE.**

1 WHEREAS, Nurse practitioners (NP), clinical nurse specialists
2 (CNS), certified nurse midwives (CNM), and physician assistants (PA)
3 are playing an increasingly important role in the delivery of our nation's
4 health care, especially in rural and underserved areas in states like
5 Colorado; and

6 WHEREAS, These nonphysician health care professionals practice
7 in settings where they are usually very familiar with individuals and
8 particular cases, and allowing these health care professionals to certify

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Final Reading
May 5, 2014

1 home health services to Medicare beneficiaries would be
2 most appropriate; and

3 WHEREAS, In addition, these nonphysician health
4 care professionals are usually readily available to expedite the processing
5 of paperwork, ensuring that home care services begin promptly without
6 interruption and that home care agencies will be reimbursed in a timely
7 manner; and

8 WHEREAS, Colorado law authorizes these nonphysician health
9 care professionals to complete and sign physical exam forms and other
10 types of medical certification documents; and

11 WHEREAS, NPs and PAs can certify Medicare eligibility for
12 skilled nursing facility services; and

13 WHEREAS, The federal government has also recognized the
14 growing role of PAs and NPs; for example, the federal "Balanced Budget
15 Act of 1997", Pub. L. 105-35, allows Medicare to reimburse PAs and NPs
16 for providing physician services to Medicare patients, including surgery,
17 consultation, and home and institutional visits; and

18 WHEREAS, The Centers for Medicare and Medicaid Services
19 now allows PAs and NPs to sign certificates of medical necessity, which
20 are required to file a claim for home medical equipment under Medicare,
21 and since 1988, certificates of medical necessity have been authorized to
22 provide maternity-related services to the relatively small population of
23 disabled women of childbearing age who are Medicare-eligible; and

24 WHEREAS, The Institute of Medicine, in its 2010 study, *The*
25 *Future of Nursing: Leading Change, Advancing Health* recommended
26 that NPs and CNSs be allowed to certify eligibility for Medicare home
27 health services; and

28 WHEREAS, Despite the expanded role of PAs and NPs in the
29 "Balanced Budget Act of 1997", the Centers for Medicare and Medicaid
30 Services continues to prohibit PAs and NPs and other nonphysician health
31 care professionals from certifying home health services to Medicare
32 beneficiaries because, according to the Centers for Medicare and
33 Medicaid Services, the Medicare statute requires "physician" certification
34 on home health plans of care; and

1 WHEREAS, The "Home Health Care Planning Improvement Act"
2 was first introduced in the 110th Congress and would have permitted
3 NPs, CNSs, CNMs, and PAs to certify Medicare home health plans of
4 care; the legislation has been re-introduced in each Congress since then,
5 and in the current 113th Congress, the legislation exists as
6 S.1332/H.R.2504, with the bipartisan cosponsorship of Colorado
7 Representatives Mike Coffman, Cory Gardner, Ed Perlmutter, and Jared
8 Polis; now, therefore,

9 *Be It Resolved by the Senate of the Sixty-ninth General Assembly*
10 *of the State of Colorado, the House of Representatives concurring herein:*

11 That we, the members of the Colorado General Assembly, call
12 upon the United States Congress to enact the existing bipartisan
13 legislation that would allow nurse practitioners, certified nurse specialists,
14 certified nurse midwives, and physician assistants to certify and make
15 changes to home health plans of care.

16 *Be It Further Resolved,* That copies of this Joint Memorial be sent
17 to Colorado's Congressional delegation, Governor John Hickenlooper, the
18 Centers for Medicare and Medicaid Services, the National Association for
19 Home Care and Hospice, the Home Care Association of Colorado, the
20 Colorado Department of Health Care Policy and Financing, the Colorado
21 Department of Public Health and Environment, the Colorado Medical
22 Society, the Colorado Nurses Association, the Colorado Society for
23 Advance Practice Nurses, and the Colorado Academy of Physician
24 Assistants.