



SENATE JOINT MEMORIAL 14-005

BY SENATOR(S) Crowder, Aguilar, Balmer, Brophy, Cadman, Grantham, Guzman, Harvey, Heath, Herpin, Hill, Hodge, Jahn, Johnston, Jones, Kefalas, Kerr, King, Lambert, Lundberg, Marble, Newell, Nicholson, Renfroe, Rivera, Roberts, Scheffel, Schwartz, Steadman, Tochtrop, Todd, Ulibarri, Zenzinger, Carroll;
also REPRESENTATIVE(S) Hullinghorst, Becker, Buckner, Court, Duran, Exum, Fischer, Garcia, Gerou, Ginal, Hamner, Kraft-Tharp, Labuda, Lee, McLachlan, Mitsch Bush, Navarro, Pettersen, Primavera, Rankin, Rosenthal, Salazar, Schafer, Singer, Stephens, Swalm, Vigil, Ferrandino.

CONCERNING MEMORIALIZING CONGRESS TO ENACT LEGISLATION ALLOWING CERTAIN NONPHYSICIAN HEALTH CARE PROFESSIONALS TO CERTIFY AND AMEND HOME HEALTH PLANS OF CARE.

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

WHEREAS, These nonphysician health care professionals practice in settings where they are usually very familiar with individuals and particular cases, and allowing these health care professionals to certify home health services to Medicare beneficiaries would be most appropriate; and

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

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

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

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

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

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

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

WHEREAS, The "Home Health Care Planning Improvement Act" was first introduced in the 110th Congress and would have permitted NPs, CNSs, CNMs, and PAs to certify Medicare home health plans of care; the legislation has been re-introduced in each Congress since then, and in the current 113th Congress, the legislation exists as S.1332/H.R.2504, with the bipartisan cosponsorship of Colorado Representatives Mike Coffman,

Cory Gardner, Ed Perlmutter, and Jared Polis; now, therefore,

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

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

Be It Further Resolved, That copies of this Joint Memorial be sent to Colorado's Congressional delegation, Governor John Hickenlooper, the Centers for Medicare and Medicaid Services, the National Association for Home Care and Hospice, the Home Care Association of Colorado, the Colorado Department of Health Care Policy and Financing, the Colorado Department of Public Health and Environment, the Colorado Medical

Society, the Colorado Nurses Association, the Colorado Society for Advance Practice Nurses, and the Colorado Academy of Physician Assistants.

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