

116TH CONGRESS  
1ST SESSION

# H. R. 2150

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 HOUSE OF REPRESENTATIVES

APRIL 9, 2019

Ms. SCHAKOWSKY (for herself, Mr. CARTER of Georgia, Mr. KIND, Mr. KELLY of Pennsylvania, Ms. WILD, and Mr. JOYCE of Ohio) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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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 2019”.

1 **SEC. 2. IMPROVING CARE PLANNING FOR MEDICARE HOME**  
2 **HEALTH SERVICES.**

3 (a) PART A PROVISIONS.—Section 1814(a) of the So-  
4 cial Security Act (42 U.S.C. 1395f(a)) is amended—

5 (1) in paragraph (2)—

6 (A) in the matter preceding subparagraph  
7 (A), by inserting “, a nurse practitioner or clin-  
8 ical nurse specialist who is working in collabo-  
9 ration with a physician in accordance with  
10 State law, a certified nurse-midwife (as defined  
11 in section 1861(gg)) as authorized by State law,  
12 or a physician assistant (as defined in section  
13 1861(aa)(5)) under the supervision of a physi-  
14 cian” after “1866(j)”; and

15 (B) in subparagraph (C)—

16 (i) by inserting “, a nurse practi-  
17 tioner, a clinical nurse specialist, a cer-  
18 tified nurse-midwife, or a physician assist-  
19 ant (as the case may be)” after “physi-  
20 cian” the first 2 times it appears; and

21 (ii) by striking “, and, in the case of  
22 a certification made by a physician” and  
23 all that follows through “face-to-face en-  
24 counter” and inserting “, and, in the case  
25 of a certification made by a physician after  
26 January 1, 2010, or by a nurse practi-

1           tioner, clinical nurse specialist, certified  
2           nurse-midwife, or physician assistant (as  
3           the case may be) after January 1, 2020,  
4           prior to making such certification the phy-  
5           sician, nurse practitioner, clinical nurse  
6           specialist, certified nurse-midwife, or physi-  
7           cian assistant must document that the  
8           physician, nurse practitioner, clinical nurse  
9           specialist, certified nurse-midwife, or physi-  
10          cian assistant has had a face-to-face en-  
11          counter”;

12           (2) in the second sentence, by inserting “cer-  
13          tified nurse-midwife,” after “clinical nurse spe-  
14          cialist,”;

15           (3) in the third sentence—

16           (A) by striking “physician certification”  
17          and inserting “certification”;

18           (B) by inserting “(or on January 1, 2020,  
19          in the case of regulations to implement the  
20          amendments made by section 2 of the Home  
21          Health Care Planning Improvement Act of  
22          2019)” after “1981”; and

23           (C) by striking “a physician who” and in-  
24          serting “a physician, nurse practitioner, clinical

1 nurse specialist, certified nurse-midwife, or phy-  
2 sician assistant who”; and

3 (4) in the fourth sentence, by inserting “, nurse  
4 practitioner, clinical nurse specialist, certified nurse-  
5 midwife, or physician assistant” after “physician”.

6 (b) PART B PROVISIONS.—Section 1835(a) of the So-  
7 cial Security Act (42 U.S.C. 1395n(a)) is amended—

8 (1) in paragraph (2)—

9 (A) in the matter preceding subparagraph  
10 (A), by inserting “, a nurse practitioner or clin-  
11 ical nurse specialist (as those terms are defined  
12 in 1861(aa)(5)) who is working in collaboration  
13 with a physician in accordance with State law,  
14 a certified nurse-midwife (as defined in section  
15 1861(gg)) as authorized by State law, or a phy-  
16 sician assistant (as defined in section  
17 1861(aa)(5)) under the supervision of a physi-  
18 cian” after “1866(j)”; and

19 (B) in subparagraph (A)—

20 (i) in each of clauses (ii) and (iii) of  
21 subparagraph (A) by inserting “, a nurse  
22 practitioner, a clinical nurse specialist, a  
23 certified nurse-midwife, or a physician as-  
24 sistant (as the case may be)” after “physi-  
25 cian”; and

1 (ii) in clause (iv), by striking “after  
2 January 1, 2010” and all that follows  
3 through “face-to-face encounter” and in-  
4 sserting “made by a physician after Janu-  
5 ary 1, 2010, or by a nurse practitioner,  
6 clinical nurse specialist, certified nurse-  
7 midwife, or physician assistant (as the case  
8 may be) after January 1, 2020, prior to  
9 making such certification the physician,  
10 nurse practitioner, clinical nurse specialist,  
11 certified nurse-midwife, or physician assist-  
12 ant must document that the physician,  
13 nurse practitioner, clinical nurse specialist,  
14 certified nurse-midwife, or physician assist-  
15 ant has had a face-to-face encounter”;

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

20 (3) in the fourth sentence—

21 (A) by striking “physician certification”  
22 and inserting “certification”;

23 (B) by inserting “(or on January 1, 2020,  
24 in the case of regulations to implement the  
25 amendments made by section 2 of the Home

1 Health Care Planning Improvement Act of  
2 2019)” after “1981”; and

3 (C) by striking “a physician who” and in-  
4 serting “a physician, nurse practitioner, clinical  
5 nurse specialist, certified nurse-midwife, or phy-  
6 sician assistant who”; and

7 (4) in the fifth sentence, by inserting “, nurse  
8 practitioner, clinical nurse specialist, certified nurse-  
9 midwife, or physician assistant” after “physician”.

10 (c) DEFINITION PROVISIONS.—

11 (1) HOME HEALTH SERVICES.—Section  
12 1861(m) of the Social Security Act (42 U.S.C.  
13 1395x(m)) is amended—

14 (A) in the matter preceding paragraph

15 (1)—

16 (i) by inserting “, a nurse practitioner  
17 or a clinical nurse specialist (as those  
18 terms are defined in subsection (aa)(5)), a  
19 certified nurse-midwife (as defined in sec-  
20 tion 1861(gg)), or a physician assistant (as  
21 defined in subsection (aa)(5))” after “phy-  
22 sician” the first place it appears; and

23 (ii) by inserting “, a nurse practi-  
24 tioner, a clinical nurse specialist, a cer-  
25 tified nurse-midwife, or a physician assist-

1 ant” after “physician” the second place it  
2 appears; and

3 (B) in paragraph (3), by inserting “, a  
4 nurse practitioner, a clinical nurse specialist, a  
5 certified nurse-midwife, or a physician assist-  
6 ant” after “physician”.

7 (2) HOME HEALTH AGENCY.—Section  
8 1861(o)(2) of the Social Security Act (42 U.S.C.  
9 1395x(o)(2)) is amended—

10 (A) by inserting “, nurse practitioners or  
11 clinical nurse specialists (as those terms are de-  
12 fined in subsection (aa)(5)), certified nurse-mid-  
13 wives (as defined in section 1861(gg)), or physi-  
14 cian assistants (as defined in subsection  
15 (aa)(5))” after “physicians”; and

16 (B) by inserting “, nurse practitioner, clin-  
17 ical nurse specialist, certified nurse-midwife,  
18 physician assistant,” after “physician”.

19 (d) HOME HEALTH PROSPECTIVE PAYMENT SYSTEM  
20 PROVISIONS.—Section 1895 of the Social Security Act (42  
21 U.S.C. 1395fff) is amended—

22 (1) in subsection (c)(1), by inserting “, the  
23 nurse practitioner or clinical nurse specialist (as  
24 those terms are defined in section 1861(aa)(5)), the  
25 certified nurse-midwife (as defined in section

1 1861(gg)), or the physician assistant (as defined in  
2 section 1861(aa)(5)),” after “physician”; and

3 (2) in subsection (e)—

4 (A) in paragraph (1)(A), by inserting “, a  
5 nurse practitioner or clinical nurse specialist (as  
6 those terms are defined in section 1861(aa)(5)),  
7 a certified nurse-midwife (as defined in section  
8 1861(gg)), or a physician assistant (as defined  
9 in section 1861(aa)(5))” after “physician”; and

10 (B) in paragraph (2)—

11 (i) in the heading, by striking “PHY-  
12 SICIAN CERTIFICATION” and inserting  
13 “RULE OF CONSTRUCTION REGARDING RE-  
14 QUIREMENT FOR CERTIFICATION”; and

15 (ii) by striking “physician”.

16 (e) EFFECTIVE DATE.—The amendments made by  
17 this section shall apply to items and services furnished on  
18 or after January 1, 2020.

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