

117TH CONGRESS
2D SESSION

H. R. 8812

To amend titles XVIII and XIX of the Social Security Act and the Bipartisan Budget Act of 2018 to increase access to services provided by advanced practice registered nurses under the Medicare and Medicaid programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2022

Ms. ROYBAL-ALLARD (for herself, Mr. JOYCE of Ohio, Mr. BLUMENAUER, and Mr. SMITH of Nebraska) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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

A BILL

To amend titles XVIII and XIX of the Social Security Act and the Bipartisan Budget Act of 2018 to increase access to services provided by advanced practice registered nurses under the Medicare and Medicaid programs, and for other purposes.

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 “Improving Care and
5 Access to Nurses Act” or the “I CAN Act”.

1 **TITLE I—REMOVAL OF BAR-**
2 **RIERS TO PRACTICE ON**
3 **NURSE PRACTITIONERS**

4 **SEC. 101. EXPANDING ACCESS TO CARDIAC REHABILITA-**
5 **TION PROGRAMS AND PULMONARY REHA-**
6 **BILITATION PROGRAMS UNDER MEDICARE**
7 **PROGRAM.**

8 (a) **CARDIAC REHABILITATION PROGRAMS.**—Section
9 1861(eee) of the Social Security Act (42 U.S.C.
10 1395x(eee)) is amended—

11 (1) in paragraph (2)—

12 (A) in subparagraph (A)(i), by striking “a
13 physician’s office” and inserting “the office of
14 a physician (as defined in subsection (r)(1)) or
15 the office of a nurse practitioner, clinical nurse
16 specialist, or physician assistant (as those terms
17 are defined in subsection (aa)(5))”; and

18 (B) in subparagraph (C), by inserting “(as
19 defined in subsection (r)(1)), nurse practitioner,
20 clinical nurse specialist, or physician assistant
21 (as those terms are defined in subsection
22 (aa)(5))” after “physician”;

23 (2) in paragraph (3)(A), by striking “physician-
24 prescribed exercise” and inserting “exercise pre-
25 scribed by a physician (as defined in subsection

1 (r)(1)), nurse practitioner, clinical nurse specialist,
2 or physician assistant (as those terms are defined in
3 subsection (aa)(5))”; and

4 (3) in paragraph (5), by inserting “(as defined
5 in subsection (r)(1)), nurse practitioner, clinical
6 nurse specialist, or physician assistant (as those
7 terms are defined in subsection (aa)(5)),” after
8 “physician”.

9 (b) PULMONARY REHABILITATION PROGRAMS.—Sec-
10 tion 1861(fff) of the Social Security Act (42 U.S.C.
11 1395x(fff)) is amended—

12 (1) in paragraph (2)(A), by striking “physician-
13 prescribed exercise” and inserting “exercise pre-
14 scribed by a physician (as defined in subsection
15 (r)(1)), nurse practitioner, clinical nurse specialist,
16 or physician assistant (as those terms are defined in
17 subsection (aa)(5))”; and

18 (2) in paragraph (3), by inserting after “physi-
19 cian” the following: “(as defined in subsection
20 (r)(1)), nurse practitioner, clinical nurse specialist,
21 or physician assistant (as those terms are defined in
22 subsection (aa)(5)),”.

23 (c) EFFECTIVE DATE.—

24 (1) IN GENERAL.—The amendments made by
25 subsections (a) and (b) shall apply to items and

1 services furnished on or after the date that is three
2 months after the date of enactment of this Act.

3 (2) EXPEDITING IMPLEMENTATION OF SUPER-
4 VISION AUTHORITY.—Section 51008(c) of the Bipar-
5 tisan Budget Act of 2018 (Public Law 115–123; 42
6 U.S.C. 1395x note) is amended by striking “Janu-
7 ary 1, 2024” and inserting “January 1, 2023”.

8 **SEC. 102. PERMITTING NURSE PRACTITIONERS TO SATISFY**
9 **MEDICARE DOCUMENTATION REQUIREMENT**
10 **FOR COVERAGE OF CERTAIN SHOES FOR IN-**
11 **DIVIDUALS WITH DIABETES.**

12 (a) IN GENERAL.—Section 1861(s)(12) of the Social
13 Security Act (42 U.S.C. 1395x(s)(12)) is amended—

14 (1) in subparagraph (A), by inserting “, nurse
15 practitioner, or physician assistant” after “physi-
16 cian”; and

17 (2) in subparagraph (C), by inserting “, nurse
18 practitioner, or physician assistant” after each oc-
19 currence of “physician”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to items and services furnished on
22 or after January 1, 2023.

1 **SEC. 103. IMPROVEMENTS TO THE ASSIGNMENT OF BENE-**
2 **FICIARIES UNDER THE MEDICARE SHARED**
3 **SAVINGS PROGRAM.**

4 Section 1899(c)(1) of the Social Security Act (42
5 U.S.C. 1395jjj(c)(1)) is amended—

6 (1) in subparagraph (A), by striking “and” at
7 the end;

8 (2) in subparagraph (B), by striking the period
9 at the end and inserting “; and”; and

10 (3) by adding at the end the following new sub-
11 paragraph:

12 “(C) in the case of performance years be-
13 ginning on or after January 1, 2023, primary
14 care services provided under this title by an
15 ACO professional described in subsection
16 (h)(1)(B).”.

17 **SEC. 104. EXPANDING THE AVAILABILITY OF MEDICAL NU-**
18 **TRITION THERAPY SERVICE MEDICARE PRO-**
19 **GRAM.**

20 Section 1861(vv)(1) of the Social Security Act (42
21 U.S.C. 1395x(vv)(1)) is amended by inserting “, a nurse
22 practitioner, or a clinical nurse specialist (as such terms
23 are defined in subsection (aa)(5))” before the period at
24 the end.

1 **SEC. 105. PRESERVING ACCESS TO HOME INFUSION THER-**
 2 **APY.**

3 (a) ALLOWING APPLICABLE PROVIDERS TO ESTAB-
 4 LISH HOME INFUSION THERAPY PLANS.—Section
 5 1861(iii)(1)(B) of the Social Security Act (42 U.S.C.
 6 1395x(iii)(1)(B)) is amended—

7 (1) by striking “a physician (as defined in sub-
 8 section (r)(1))” and inserting “an applicable pro-
 9 vider (as defined in paragraph (3)(A))”; and

10 (2) by striking “a physician (as so defined)”
 11 and inserting “an applicable provider (as so de-
 12 fined)”.

13 (b) CONFORMING AMENDMENT.—Section 1834(u)(6)
 14 of the Social Security Act (42 U.S.C. 1395m(u)(6)) is
 15 amended by striking “physician” and inserting “applicable
 16 provider (as defined in section 1861(iii)(3)(A))”.

17 **SEC. 106. INCREASING ACCESS TO HOSPICE CARE SERV-**
 18 **ICES.**

19 (a) IN GENERAL.—Section 1814(a)(7)(A) of the So-
 20 cial Security Act (42 U.S.C. 1395f(a)(7)(A)) is amend-
 21 ed—

22 (1) in clause (i)(I), by striking “a nurse practi-
 23 tioner or”;

24 (2) in clause (i)(II), by inserting “or nurse
 25 practitioner” after “physician”; and

1 (3) in clause (ii), by striking “or physician” and
2 inserting “, physician, or nurse practitioner”.

3 (b) HOSPICE CARE DEFINITION.—Section
4 1861(dd)(1)(C) of the Social Security Act (42 U.S.C.
5 1395x(dd)(1)(C)) is amended by adding “or nurse practi-
6 tioner” after “physician”.

7 **SEC. 107. STREAMLINING CARE DELIVERY IN SKILLED**
8 **NURSING FACILITIES AND NURSING FACILI-**
9 **TIES.**

10 (a) MEDICARE.—

11 (1) CERTIFICATION OF POST-HOSPITAL EX-
12 TENDED CARE SERVICES.—Section 1814(a)(2) of the
13 Social Security Act (42 U.S.C. 1395f(a)(2)) is
14 amended by striking “, or a nurse practitioner,” and
15 inserting “or a nurse practitioner (in accordance
16 with State law), or”.

17 (2) SUPERVISION REQUIREMENT IN SKILLED
18 NURSING FACILITY SERVICES.—Section
19 1819(b)(6)(A) of the Social Security Act (42 U.S.C.
20 1395i–3(b)(6)(A)) is amended by inserting “or a
21 nurse practitioner, in accordance with State law”
22 after “physician”.

23 (3) ADMINISTRATION OF PART B.—Section
24 1842(b)(2)(C) of the Social Security Act (42 U.S.C.

1 1395u(b)(2)(C)) is amended by striking “working in
2 collaboration with that physician”.

3 (4) PROVISION OF MEDICAL AND OTHER
4 HEALTH SERVICES.—Section 1861(s)(2)(K)(ii) of
5 the Social Security Act (42 U.S.C.
6 1395x(s)(2)(K)(ii)) is amended by striking “or clin-
7 ical nurse specialist (as defined in subsection
8 (aa)(5)) working in collaboration (as defined in sub-
9 section (aa)(6)) with a physician (as defined in sub-
10 section (r)(1))” and inserting “(as defined in sub-
11 section (aa)(5)(A)), or by a clinical nurse specialist
12 (as defined in subsection (aa)(5)(B)) working in col-
13 laboration with a physician (as defined in subsection
14 (r)(1)),”.

15 (b) MEDICAID.—

16 (1) CERTIFICATION OF SKILLED NURSING FA-
17 CILITY SERVICES AND INTERMEDIATE CARE FACIL-
18 ITY SERVICES.—Section 1902(a)(44) of the Social
19 Security Act (42 U.S.C. 1396a(a)(44)) is amend-
20 ed—

21 (A) in subparagraph (A)—

22 (i) by striking “a physician (or, in the
23 case of skilled nursing facility services or”
24 and inserting “a physician (or, in the case
25 of skilled nursing facility services, a physi-

1 cian or nurse practitioner; and, in the case
2 of”; and

3 (ii) by striking “or, in the case of
4 skilled nursing facility services or” and in-
5 serting “or, in the case of skilled nursing
6 facility services, a physician or nurse prac-
7 titioner; and, in the case of”; and

8 (B) in subparagraph (B), by striking “a
9 physician, or a nurse practitioner or clinical
10 nurse specialist” and inserting “a physician or
11 nurse practitioner, or a clinical nurse spe-
12 cialist”.

13 (2) NURSING FACILITY SERVICES SUPERVISION
14 AND CLINICAL RECORDS.—Section 1919(b)(6)(A) of
15 the Social Security Act (42 U.S.C. 1396r(b)(6)(A))
16 is amended to read as follows:

17 “(A) require that the health care of every
18 resident be provided under the supervision of a
19 physician or nurse practitioner (or, at the op-
20 tion of a State, under the supervision of a clin-
21 ical nurse specialist or physician assistant who
22 is not an employee of the facility but who is
23 working in collaboration with a physician);”.

1 **SEC. 108. AUTHORIZING MEDICARE AND MEDICAID INPA-**
2 **TIENT HOSPITAL PATIENTS TO BE UNDER**
3 **THE CARE OF A NURSE PRACTITIONER.**

4 (a) **MEDICARE.**—

5 (1) **CERTIFICATIONS.**—Section 1814(a)(3) of
6 the Social Security Act (42 U.S.C. 1395f(a)(3)) is
7 amended by inserting “or nurse practitioner” after
8 “physician” the first place that it appears.

9 (2) **PRIVILEGES FOR NURSE PRACTITIONERS.**—
10 Section 1861 of the Social Security Act (42 U.S.C.
11 1395x) is amended—

12 (A) in subsection (e)(4), by inserting “(or
13 nurse practitioner, in accordance with State
14 law)” after “physician”;

15 (B) in subsection (f)(1), by inserting “or
16 nurse practitioner” after “physician”; and

17 (C) in subsection (ee)(2), by inserting “or
18 nurse practitioner” after “physician” each place
19 that it appears.

20 (b) **MEDICAID.**—Section 1902(a)(44) of the Social
21 Security Act (42 U.S.C. 1396a(a)(44)) is amended—

22 (1) in paragraph (A), by inserting “or nurse
23 practitioner” after “physician” the first place that it
24 appears; and

1 (2) in paragraph (B), by inserting “or nurse
2 practitioner” after “physician” the first place that it
3 appears.

4 **SEC. 109. IMPROVING ACCESS TO MEDICAID CLINIC SERV-**
5 **ICES.**

6 Section 1905(a)(9) of the Social Security Act (42
7 U.S.C. 1396d(a)(9)) is amended by adding “or nurse
8 practitioner” after “physician” in both places that it ap-
9 pears.

10 **TITLE II—REMOVAL OF BAR-**
11 **RIERS TO PRACTICE ON CER-**
12 **TIFIED REGISTERED NURSE**
13 **ANESTHETISTS**

14 **SEC. 201. CLARIFYING THAT CERTIFIED REGISTERED**
15 **NURSE ANESTHETISTS CAN BE REIMBURSED**
16 **BY MEDICARE FOR EVALUATION AND MAN-**
17 **AGEMENT SERVICES.**

18 Section 1861(bb)(1) of the Social Security Act (42
19 U.S.C. 1395x(bb)(1)) is amended by inserting “, including
20 pre-anesthesia evaluation and management services,”
21 after “and related care”.

1 **SEC. 202. REVISION OF CONDITIONS OF PAYMENT RELAT-**
2 **ING TO SERVICES ORDERED AND REFERRED**
3 **BY CERTIFIED REGISTERED NURSE ANES-**
4 **THETISTS.**

5 Not later than 3 months after the date of enactment
6 of this Act, the Secretary of Health and Human Services
7 shall revise section 410.69 of title 42, Code of Federal
8 Regulations, to clarify that, for purposes of payment
9 under part B of title XVIII of the Social Security Act—

10 (1) certified registered nurse anesthetists are
11 authorized to order, certify, and refer services to the
12 extent allowed under the law of the State in which
13 the services are furnished; and

14 (2) payment shall be made under such part for
15 such services so ordered, certified, or referred by
16 certified registered nurse anesthetists.

17 **SEC. 203. SPECIAL PAYMENT RULE FOR TEACHING STU-**
18 **DENT REGISTERED NURSE ANESTHETISTS.**

19 Section 1848(a)(6) of the Social Security Act (42
20 U.S.C. 1395w-4(a)(6)) is amended in the matter pre-
21 ceding subparagraph (A), by inserting “or student reg-
22 istered nurse anesthetists” after “physician residents”.

1 **SEC. 204. REMOVING UNNECESSARY AND COSTLY SUPER-**
2 **VISION OF CERTIFIED REGISTERED NURSE**
3 **ANESTHETISTS.**

4 Section 1861(bb)(2) of the Social Security Act (42
5 U.S.C. 1395x(bb)(2)) is amended—

6 (1) in the second sentence, by inserting “, but
7 may not require that certified registered nurse anes-
8 thetists provide services under the supervision of a
9 physician” after “certification of nurse anes-
10 thetists”; and

11 (2) in the third sentence, by inserting “under
12 the supervision of an anesthesiologist” after “an an-
13 esthesiologist assistant”.

14 **SEC. 205. CRNA SERVICES AS A MEDICAID-REQUIRED BEN-**
15 **EFIT.**

16 (a) IN GENERAL.—Section 1905(a)(5) of the Social
17 Security Act (42 U.S.C. 1396d(a)(5)) is amended—

18 (1) by striking “and (B)” and inserting “(B)”;
19 and

20 (2) by inserting before the semicolon at the end
21 the following: “, and (C) services furnished by a cer-
22 tified registered nurse anesthetist (as defined in sec-
23 tion 1861(bb)(2)), which such certified registered
24 nurse anesthetist is authorized to perform under
25 State law (or the State regulatory mechanism as
26 provided by State law)”.

1 (b) PAYMENT.—Section 1902(a) of the Social Secu-
2 rity Act (42 U.S.C. 1396d(a)) is amended—

3 (1) in paragraph (86), by striking “and” at the
4 end;

5 (2) in paragraph (87), by striking the period
6 and inserting “; and”; and

7 (3) by inserting after paragraph (87) the fol-
8 lowing new paragraph:

9 “(88) provide for payment for the services of a
10 certified registered nurse anesthetist (as defined in
11 section 1861(bb)(1)) in amounts no lower than the
12 amounts, using the same methodology, used for pay-
13 ment for amounts under section 1833(a)(1)(H).”.

14 **TITLE III—REMOVAL OF BAR-**
15 **RIERS TO PRACTICE ON CER-**
16 **TIFIED NURSE-MIDWIVES**

17 **SEC. 301. IMPROVING ACCESS TO TRAINING IN MATERNITY**
18 **CARE.**

19 (a) MEDICARE PAYMENTS FOR SUPERVISION BY
20 CERTIFIED NURSE-MIDWIVES.—Paragraph (1) of section
21 1861(gg) of the Social Security Act (42 U.S.C. 1395x(gg))
22 is amended to read as follows:

23 “(1) The term ‘certified nurse-midwife services’
24 means—

1 “(A) such services furnished by a certified
2 nurse-midwife (as defined in paragraph (2));
3 and

4 “(B) such services (and such supplies and
5 services furnished as an incident to the nurse-
6 midwife’s service) which—

7 “(i) the certified nurse-midwife is le-
8 gally authorized to perform under State
9 law (or the State regulatory mechanism
10 provided by State law) as would otherwise
11 be covered if furnished by a physician;

12 “(ii) are furnished under the super-
13 vision of a certified-nurse midwife by an
14 intern or resident-in-training (as described
15 in subsection (b)(6));

16 “(iii) would otherwise be described in
17 subparagraph (A) if furnished by a cer-
18 tified nurse-midwife; and

19 “(iv) would otherwise be covered if
20 furnished under the supervision of a physi-
21 cian.”.

22 (b) CLARIFYING PERMISSIBILITY OF USING CERTAIN
23 GRANTS FOR CLINICAL TRAINING BY CERTIFIED NURSE-
24 MIDWIVES.—Section 811(a)(1) of the Public Health Serv-

1 ice Act (42 U.S.C. 296j(a)(1)) is amended by inserting
2 “, including clinical training,” after “projects”.

3 **SEC. 302. IMPROVING MEDICARE PATIENT ACCESS TO**
4 **HOME HEALTH SERVICES PROVIDED BY CER-**
5 **TIFIED NURSE-MIDWIVES.**

6 (a) IN GENERAL.—Section 1835(a) of the Social Se-
7 curity Act (42 U.S.C. 1395n(a)) is amended—

8 (1) in paragraph (2)—

9 (A) by inserting “or a certified nurse-mid-
10 wife (as defined in section 1861(gg)),” after “or
11 a physician assistant (as defined in section
12 1861(aa)(5)) who is working in accordance with
13 State law,”; and

14 (B) in subparagraph (A)—

15 (i) in each of clauses (ii) and (iii), by
16 striking “or a physician assistant (as the
17 case may be)” and inserting “a physician
18 assistant, or a certified nurse-midwife (as
19 the case may be)”;

20 (ii) in clause (iv), by—

21 (I) inserting “or by a certified
22 nurse-midwife (as defined in section
23 1861(gg))” after “(but in no case
24 later than the date that is 6 months

1 after the date of the enactment of the
2 CARES Act”); and

3 (II) by striking “(as defined in
4 section 1861(gg))”; and

5 (2) in the matter following paragraph (2), by
6 striking “or physician assistant (as the case may
7 be)” and inserting “physician assistant, or certified
8 nurse-midwife (as the case may be)” each place it
9 appears.

10 (b) CONFORMING AMENDMENTS.—Section 1895 of
11 the Social Security Act (42 U.S.C. 1395(fff)) is amend-
12 ed—

13 (1) in subsection (c)(1), by inserting “a cer-
14 tified nurse-midwife (as defined in section
15 1861(gg)),” after “clinical nurse specialist (as those
16 terms are defined in section 1861(aa)(5)),”; and

17 (2) in subsection (e)(1)(A), by striking “a phy-
18 sician a nurse practitioner or clinical nurse spe-
19 cialist,” and inserting “a physician, a nurse practi-
20 tioner, a clinical nurse specialist, a certified nurse-
21 midwife,”.

22 **SEC. 303. IMPROVING ACCESS TO DMEPOS FOR MEDICARE**
23 **BENEFICIARIES.**

24 Section 1834(a) of the Social Security Act (42 U.S.C.
25 1395m(a)) is amended—

1 (1) in paragraph (1)(E)(ii) by striking “or a
2 clinical nurse specialist (as those terms are defined
3 in section 1861(aa)(5))” and inserting “, a clinical
4 nurse specialist (as those terms are defined in sec-
5 tion 1861(aa)(5)), or a certified nurse-midwife (as
6 defined in section 1861(gg))”; and

7 (2) in paragraph (11)(B)(ii)—

8 (A) by striking “or a clinical nurse spe-
9 cialist (as those terms are defined in section
10 1861(aa)(5))” and inserting “a clinical nurse
11 specialist (as those terms are defined in section
12 1861 (aa)(5)), or a certified nurse-midwife (as
13 defined in 1861(gg))”; and

14 (B) by striking “or specialist” and insert-
15 ing “specialist, or nurse-midwife”.

16 **SEC. 304. TECHNICAL CHANGES TO QUALIFICATIONS AND**
17 **CONDITIONS WITH RESPECT TO THE SERV-**
18 **ICES OF CERTIFIED NURSE-MIDWIVES.**

19 Section 1861(gg)(2) of the Social Security Act (42
20 U.S.C. 1395x(gg)(2)) is amended by striking “, or has
21 been certified by an organization recognized by the Sec-
22 retary” and inserting “and has been certified by the Amer-
23 ican Midwifery Certification Board (or a successor organi-
24 zation)”.

1 **TITLE IV—IMPROVING FEDERAL**
2 **HEALTH PROGRAMS FOR ALL**
3 **ADVANCED PRACTICE REG-**
4 **ISTERED NURSES**

5 **SEC. 401. REVISING THE LOCAL COVERAGE DETERMINA-**
6 **TION PROCESS UNDER THE MEDICARE PRO-**
7 **GRAM.**

8 (a) IN GENERAL.—Section 1862(l)(5) of the Social
9 Security Act (42 U.S.C. 1395y(l)(5)) is amended—

10 (1) in subparagraph (D), by adding at the end
11 the following new clauses:

12 “(vi) Identification of any medical or
13 scientific experts whose advice was ob-
14 tained by such contractor during the devel-
15 opment of such determination, whether or
16 not such contractor relied on such advice
17 in developing such determination.

18 “(vii) A hyperlink to any written com-
19 munication between such contractor and
20 another entity that such contractor relied
21 on when developing such determination.

22 “(viii) A hyperlink to any rule, guide-
23 line, protocol, or other criterion that such
24 contractor relied on when developing such
25 determination.”; and

1 (2) by adding at the end the following new sub-
2 paragraphs:

3 “(E) PROHIBITION ON IMPOSITION OF
4 PRACTITIONER QUALIFICATIONS.—The Sec-
5 retary shall prohibit a Medicare administrative
6 contractor that develops a local coverage deter-
7 mination from imposing such determination on
8 any coverage limitation with respect to the
9 qualifications of a physician (as defined in sec-
10 tion 1861(r)) or a practitioner described in sec-
11 tion 1842(b)(18)(C) who may furnish the item
12 or service that is the subject of such determina-
13 tion.

14 “(F) CIVIL MONETARY PENALTY.—A
15 Medicare administrative contractor that devel-
16 ops a local coverage determination that fails to
17 make information described in subparagraph
18 (D) available as required by the Secretary
19 under such subparagraph or comply with the
20 prohibition under subparagraph (E) is subject
21 to a civil monetary penalty of not more than
22 \$10,000 for each such failure. The provisions of
23 section 1128A (other than subsections (a) and
24 (b)) shall apply to a civil money penalty under
25 the previous sentence in the same manner as

1 such provisions apply to a penalty or proceeding
2 under section 1128A(a).”.

3 (b) **TIMING OF REVIEW.**—Section 1869(f)(2) of the
4 Social Security Act (42 U.S.C. 1395ff(f)(2)) is amended
5 by adding at the end the following new subparagraph:

6 “(D) **TIMING OF REVIEW.**—An aggrieved
7 party may file a complaint described in sub-
8 paragraph (A) with respect to a local coverage
9 determination on or after the date that such de-
10 termination is posted, in accordance with sec-
11 tion 1862(l)(5)(D), on the Internet website of
12 the Medicare administrative contractor making
13 such determination, whether or not such deter-
14 mination has taken effect.”.

15 (c) **EFFECTIVE DATE.**—The amendments made by
16 this section shall apply to local coverage determinations
17 made available on the internet website of a Medicare ad-
18 ministrative contractor and on the Medicare internet
19 website on or after the date of the enactment of this Act.

20 **SEC. 402. LOCUM TENENS.**

21 (a) **IN GENERAL.**—Section 1842(b)(6) of the Social
22 Security Act (42 U.S.C. 1395u(b)(6)) is amended—

23 (1) by striking “and (J)” and inserting “, (J)”;
24 and

1 (2) by adding “, and (K) in the case of services
2 furnished by a certified registered nurse anesthetist
3 (as defined in section 1861(bb)(2)), nurse practi-
4 tioner, or clinical nurse specialist (as defined in sec-
5 tion 1861(aa)(5)), or a certified nurse midwife (as
6 defined in section 1861(gg)(2))” after “(as defined
7 in section 1886(d)(2)(D))”.

8 (b) IMPLEMENTATION.—Not later than 90 days after
9 the date of the enactment of this Act, the Secretary of
10 Health and Human Services shall update all applicable
11 regulations and subregulatory guidance necessary to carry
12 out this section.

○