

107TH CONGRESS
1ST SESSION

H. R. 822

To amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program for surgical first assisting services of certified registered nurse first assistants.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2001

Mr. COLLINS (for himself, Mr. DEAL of Georgia, Mr. FOLEY, Mr. HOEKSTRA, Mr. PICKERING, Mrs. CAPPS, Mr. BRADY of Pennsylvania, Mr. GREENWOOD, Ms. DEGETTE, Mr. STRICKLAND, Mr. McDERMOTT, Mr. FATAH, Mr. NORWOOD, Mr. ENGLISH, Mr. COOKSEY, and Mr. INSLEE) 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, and each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program for surgical first assisting services of certified registered nurse first assistants.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Medicare Certified
3 Registered Nurse First Assistant Direct Reimbursement
4 Act of 2001”.

5 **SEC. 2. MEDICARE COVERAGE OF SURGICAL FIRST ASSIST-**
6 **ING SERVICES OF CERTIFIED REGISTERED**
7 **NURSE FIRST ASSISTANTS.**

8 (a) SERVICES COVERED.—Section 1861(s)(2) of the
9 Social Security Act (42 U.S.C. 1395x(s)(2)), as amended
10 by sections 102(a) and 105(a) of the Medicare, Medicaid,
11 and SCHIP Benefits Improvement and Protection Act of
12 2000, as enacted into law by section 1(a)(6) of Public Law
13 106–554, is amended—

14 (1) by striking “and” at the end of subpara-
15 graph (U);

16 (2) by inserting “and” at the end of subpara-
17 graph (V); and

18 (3) by adding at the end the following new sub-
19 paragraph:

20 “(W) surgical first assisting services (as defined
21 in subsection (ww)(1)) furnished by a certified reg-
22 istered nurse first assistant (as defined in subsection
23 (ww)(2));”.

24 (b) SERVICES DESCRIBED.—Section 1861 of the So-
25 cial Security Act (42 U.S.C. 1395x) , as amended by sec-
26 tions 102(b) and 105(b) of the Medicare, Medicaid, and

1 SCHIP Benefits Improvement and Protection Act of
2 2000, as enacted into law by section 1(a)(6) of Public Law
3 106–554, is amended by adding at the end the following
4 new subsection:

5 “Surgical First Assisting Services; Certified Registered
6 Nurse First Assistant

7 “(ww)(1) The term ‘surgical first assisting services’
8 means services consisting of first assisting a physician
9 with surgery and related preoperative, intraoperative, and
10 postoperative care (as determined by the Secretary) fur-
11 nished by a certified registered nurse first assistant (as
12 defined in paragraph (2)) which the certified registered
13 nurse first assistant is legally authorized to perform by
14 the State in which the services are performed.

15 “(2) The term ‘certified registered nurse first assist-
16 ant’ means an individual who—

17 “(A) is a registered nurse and is licensed to
18 practice nursing in the State in which the surgical
19 first assisting services are performed;

20 “(B) has completed a minimum of 2,000 hours
21 of first assisting a physician with surgery and re-
22 lated preoperative, intraoperative, and postoperative
23 care; and

1 “(C) is certified as a registered nurse first as-
2 sistant by an organization recognized by the Sec-
3 retary.”.

4 (c) PAYMENT AMOUNT.—Section 1833(a)(1) of the
5 Social Security Act (42 U.S.C. 1395l(a)(1)), as amended
6 by sections 105(c) and 223(c) of the Medicare, Medicaid,
7 and SCHIP Benefits Improvement and Protection Act of
8 2000, as enacted into law by section 1(a)(6) of Public Law
9 106–554, is amended—

10 (1) by striking “and” before “(U)”; and

11 (2) by inserting before the semicolon at the end
12 the following: “, and (V) with respect to surgical
13 first assisting services (as defined in section
14 1861(ww)(1)) furnished by a certified registered
15 nurse first assistant (as defined in section
16 1861(ww)(2)), the amount paid shall be 80 percent
17 of the lesser of the actual charge for the services or
18 85 percent of the amount determined under the fee
19 schedule established under section 1848(b) for the
20 same services if furnished by a physician”.

21 (d) PAYMENTS TO EMPLOYERS.—

22 (1) IN GENERAL.—Section 1833(r) of the So-
23 cial Security Act (42 U.S.C. 1395l(r)) is amended—

24 (A) in paragraph (1), by inserting “or sec-
25 tion 1861(s)(2)(W) (relating to surgical first

1 assisting services)” after “clinical nurse spe-
2 cialist services)”]; and

3 (B) in paragraph (2), by striking
4 “1861(s)(2)(K)(ii)” and inserting
5 “1861(s)(2)(K)(ii) or 1861(s)(2)(W)”.

6 (2) APPLICATION OF MANDATORY ASSIGNMENT
7 RULES.—Section 1842(b)(18)(C)(i) of such Act (42
8 U.S.C. 1395u(b)(18)(C)(i)) is amended by striking
9 “physician assistant, nurse practitioner, clinical
10 nurse specialist” and inserting “physician assistant,
11 nurse practitioner, clinical nurse specialist, or cer-
12 tified registered nurse first assistant”.

13 (3) EXCLUSION FROM BUNDLED PAYMENTS
14 FOR COVERED SKILLED NURSING FACILITY SERV-
15 ICES.—Section 1888(e)(2)(A)(ii) of such Act (42
16 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting
17 “surgical first assisting services of a certified reg-
18 istered nurse first assistant,” after “services of a
19 certified registered nurse anesthetist,”.

20 (e) REDUCTION IN PAYMENTS TO AVOID DUPLICATE
21 PAYMENT.—Notwithstanding any other provision of law,
22 the Secretary of Health and Human Services may reduce
23 the amount of payments otherwise made to hospitals
24 under title XVIII of the Social Security Act (42 U.S.C.
25 1395 et seq.) to eliminate estimated duplicate payments

1 for historical or current costs attributable to surgical first
2 assisting services furnished by certified registered nurse
3 first assistants as described in section 1861(wv) of such
4 Act (as added by subsection (a)).

5 (f) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to services furnished on or after
7 the date of the enactment of this Act.

8 **SEC. 3. STUDY OF PAYMENT RATES.**

9 Not later than 180 days after the date of the enact-
10 ment of this Act, the Secretary of Health and Human
11 Services shall submit to Congress a report containing rec-
12 ommendations for adjustments to the payment amounts
13 established under part B of title XVIII of the Social Secu-
14 rity Act for surgical first assisting services furnished by
15 certified registered nurse first assistants (as described in
16 section 1861(wv) of such Act (as added by section 1(a))
17 to ensure that the payment amounts reflect the approxi-
18 mate costs of furnishing such services, taking into account
19 the costs of compensation, overhead, and supervision at-
20 tributable to certified registered nurse first assistants.

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