

104TH CONGRESS
1ST SESSION

H. R. 188

To amend title XVIII of the Social Security Act to permit direct payment under the medicare program for services of registered nurses as assistants at surgery.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mrs. COLLINS of Illinois introduced the following bill; which was referred to the Committee on 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 title XVIII of the Social Security Act to permit direct payment under the medicare program for services of registered nurses as assistants at surgery.

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. DIRECT PAYMENT FOR SERVICES OF REG-**
4 **ISTERED NURSES AS ASSISTANTS AT SUR-**
5 **GERY.**

6 (a) SERVICES COVERED.—Section 1861(s)(2)(K) of
7 the Social Security Act (42 U.S.C 1395x(s)(2)(K)) is
8 amended—

1 (1) in clause (iii), by striking “and” at the end;

2 (2) in clause (iv), by striking “clause (i) or (ii)”

3 and inserting “clause (i), (ii), or (iv)”;

4 (3) by redesignating clause (iv) as clause (v);

5 and

6 (4) by inserting after clause (iii) the following

7 new clause:

8 “(iv) services which would be physicians’ serv-
9 ices if furnished by a physician (as defined in sub-
10 section (r)(1)) and which are performed by a reg-
11 istered nurse under the supervision of a physician
12 (as so defined) as an assistant at surgery and which
13 the registered nurse is legally authorized to perform
14 by the State in which the services are performed,
15 and”.

16 (b) PAYMENT AMOUNT.—Section 1842(b)(12)(A) of
17 such Act (42 U.S.C. 1395u(b)(12)) is amended—

18 (1) by striking “clauses (i), (ii), or (iv)” and in-
19 serting “clauses (i), (ii), (iv), or (v)”;

20 (2) by striking “a physician assistants and
21 nurse practitioners” and inserting “physician assist-
22 ants, nurse practitioners, and registered nurses”.

23 (c) PAYMENTS TO EMPLOYERS.—Section
24 1842(b)(6)(C) of such Act (42 U.S.C. 1395u(b)(6)(C)) is
25 amended—

1 (1) by striking “clauses (i), (ii), or (iv)” and in-
2 serting “clauses (i), (ii), (iv), or (v)”; and

3 (2) by striking “physician assistant or nurse
4 practitioner” and inserting “physician assistant,
5 nurse practitioner, or registered nurse”.

6 (d) 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)), as added by section 123(b)(1)
9 of the Social Security Act Amendments of 1994, is amend-
10 ed by striking “A physician” and inserting “A registered
11 nurse, physician”.

12 (e) REDUCTION IN PAYMENTS TO AVOID DUPLICATE
13 PAYMENT.—Notwithstanding any other provision of law,
14 the Secretary of Health and Human Services may reduce
15 the amount of payments otherwise made to hospitals
16 under title XVIII of the Social Security Act to eliminate
17 estimated duplicate payments for historical or current
18 costs attributable to services described in section
19 1861(s)(2)(K)(iv) of such Act (as amended by subsection
20 (a)).

21 (e) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to services furnished on or after
23 January 1, 1996.

1 **SEC. 2. STUDY OF PAYMENT RATES.**

2 Not later than April 1, 1996, the Secretary of Health
3 and Human Services shall submit a report to Congress
4 containing recommendations for adjustments to the pay-
5 ment amounts established under part B of title XVIII of
6 the Social Security Act for services described in section
7 1861(s)(2)(K)(iv) of such Act (as amended by section
8 1(a)) to ensure that the payment amounts reflect the ap-
9 proximate costs of furnishing the services, taking into ac-
10 count the costs of compensation, overhead, and super-
11 vision attributable to registered nurses.

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