



American Association of
NURSE PRACTITIONERS®

Federal Legislative Policy Priorities

Decades of research from organizations such as the National Academy of Medicine (formerly the Institute of Medicine) and the American Enterprise Institute have shown that nurse practitioners (NPs) are essential to meeting the nation's health care needs and that federal statutory and regulatory barriers should be removed to authorize them to practice to the full extent of their education and clinical preparation. The American Association of Nurse Practitioners® (AANP) urges the 116th Congress to remove federal barriers that limit patient access to high-quality, cost-effective health care and to ensure that no additional barriers are enacted.

- **Authorize NPs to Certify Patient Eligibility for Medicare and Medicaid Home Health Services**

NPs have been authorized Medicare Part B providers since 1998. Daily NP practice includes assessment; ordering, performing, supervising and interpreting diagnostic and laboratory tests; making diagnoses; initiating and managing treatment, including prescribing medication and non-pharmacologic treatments; coordinating care; counseling; and educating patients and their families and communities. Additionally, NPs can perform the required face-to-face assessment for home health care services. However, an NP with a patient who needs home health care services still must locate a physician to certify that the NP has conducted the required face-to-face assessment and certify a home health care plan of care for their patient. AANP calls on Congress to pass legislation to authorize NPs to certify their patients for home health services.

- **Authorize the assignment of NP patients to Medicare Shared Savings Program (MSSP) Accountable Care Organizations (ACOs)**

NPs are recognized in the MSSP as ACO professionals, yet federal law limits NPs and their patients from being full participants in the program by requiring that a patient receive one primary care service from a primary care physician in order for the patient to count towards the shared savings. A recent Centers for Medicare and Medicaid (CMS) regulation created a voluntary alignment pathway, where patients can choose an NP as their primary care provider in an MSSP ACO and be assigned to the ACO without the one primary care visit from a primary care physician per year requirement. However, federal law still contains the physician visit requirement when patients are assigned to an MSSP ACO based on their claims data. AANP calls on Congress to pass legislation to improve the way beneficiaries are assigned under the MSSP.

- **Ensure Patients With Diabetes Have Timely Access to Therapeutic Shoes**

NPs provide the full range of medical care to patients with diabetes, but federal law requires that the NP must send a patient who needs therapeutic shoes to a physician to certify that need. Additionally,

according to current statute, the certifying physician must be the provider treating the patient's diabetic condition going forward. Delays in treatment, caused by this burdensome statute, jeopardize the health of patients and cause the Medicare program to incur additional costs by requiring the participation of an additional provider. AANP calls on Congress to pass legislation to authorize NPs to certify their diabetic patients' need for therapeutic shoes.

- **Authorize NPs to Certify Medicare Patients for Hospice Care**

NPs serve as attending providers and recertify Medicare patients' eligibility for hospice care. However, they are still unable to provide the initial certification of patients for hospice care. Instead, they must find a physician to certify initial eligibility at an additional cost. A statutory change is needed to authorize NPs to perform the initial certification of hospice eligibility for a patient. AANP calls on Congress to pass legislation to authorize hospice care programs to accept initial certification of eligibility orders from NPs for Medicare beneficiaries.

- **Authorize NPs to Perform Admitting Examinations and All Required Patient Assessments in Skilled Nursing Facilities (SNFs)**

NPs are authorized to perform every other required monthly assessment, as well as other medically necessary visits in a SNF. AANP calls on Congress to urge CMS to issue rulemaking to explicitly authorize NPs to perform admitting examinations and all required patient assessments in SNFs.

- **Reauthorize and Provide Stable, Sufficient Funding for Nurse Education Programs**

NPs are essential to meeting the increased demand for health care. However, nurse education programs are facing extreme budget pressure as Congress wrestles with reducing the federal deficit. It is critical for Congress to reauthorize and provide sustained, stable funding to maintain nurse education programs. Funding must be sufficient to enable these programs to sustain current NP education and faculty preparation programs, support education of advanced practice nurses and fund clinical training programs.

- **Substance Use Disorder**

As the 116th Congress works to address substance use disorder (SUD), it is essential that NPs be fully included in these initiatives. NPs across the country are treating patients who suffer from addiction. Given recent legislative advances, NPs are now permanently authorized to prescribe medication assisted treatments (MATs) to those patients. To date, that authorization has created thousands of access points for treatment. NPs are the health care provider of choice for millions of Americans, and it is imperative that patients of NPs have access to this medically necessary treatment. We further urge Congress to ensure that patients with pain also have access to appropriate pharmaceutical and non-pharmaceutical treatments.

- **Amend Medicare Conditions of Participation to Require Hospitals to Include NPs for Appointment to Medical Staffs**

AANP supports legislation to reform the Medicare Conditions of Participation for hospitals to provide non-discriminatory guidance to hospitals on the evaluation process for NP membership on hospital

medical staffs and granting hospital privileges. Uniform procedures for medical staffing and privileging can benefit all health professionals and the patients they serve. These steps will reinforce the efforts by CMS and many hospitals to improve patient care by including NPs in order to provide more timely and appropriate care, while ensuring a fair marketplace for NPs to practice to the full extent of their education and clinical preparation.

- **Authorize NPs to Order Cardiac and Pulmonary Rehabilitation Services for Medicare Patients**

In 2018, Congress passed legislation that authorized NPs to supervise cardiac and pulmonary rehabilitation starting in 2024. However, NPs are still not authorized to order cardiac and pulmonary rehabilitation for their Medicare patients. NPs are fully qualified, based on their education and clinical training, to order and supervise these services, yet this barrier to care harms patients by causing unnecessary delays in treatment. AANP calls on Congress to pass legislation to authorize NPs to order cardiac and pulmonary rehabilitation and to expedite the implementation date of the authorization to supervise cardiac and pulmonary rehabilitation.

- **Health Care Priorities**

As the 116th Congress examines health care legislation, AANP urges that any legislation be provider neutral and inclusive of NPs. AANP requests that any legislation considered by Congress ensures patients have access to health care with affordable coverage options, regardless of pre-existing conditions; upholds the principles of Essential Health Benefits; protects patient access to health care delivered by the provider of their choice; preserves patient access to Medicaid; improves Medicare's efficiency by removing barriers to practice and eliminating duplication of provider efforts; and maintains the nation's commitment to improving its health care workforce. AANP supports legislation and regulatory changes that remove barriers to practice so that NPs can practice to their full scope, ensuring that patients have access to these much-needed high-quality, cost effective, health care services. AANP continues to support legislative and regulatory changes to increase access to care for those suffering from SUD.

We firmly believe in the principal that providers should be reimbursed equitably when they provide the same services as other providers, and there should not be reimbursement differentials based on a provider's licensure. Further, as Medicare implements value-based payments, AANP urges Congress and executive agencies to fully include NPs in these new payment models. NPs are a critical part of the solution to our nation's health care needs, and AANP looks forward to serving as a resource to create legislative and regulatory pathways for patients to have greater access to care.