



January 17, 2020

Seema Verma, Administrator  
Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
P.O. Box 8010  
7500 Security Boulevard  
Baltimore, MD 21244

**RE: Request for Feedback on Scope of Practice**

Submitted via email: PatientsOverPaperwork@cms.hhs.gov

Dear Administrator Verma:

On behalf of the 53 undersigned members of the Nursing Community Coalition, we write to express our strong support for Section 5 of the President's recent Executive Order (EO) #13890 on *Protecting and Improving Medicare for Our Nation's Seniors* and provide our feedback on removing Scope of Practice barriers. The contributions made by nurses, including Advanced Practice Registered Nurses (APRNs),<sup>1</sup> are critical to the delivery of high-quality, lifesaving, preventive, and palliative health care across all care settings, geographic areas, and social determinants of health. Removing outdated barriers by updating Medicare regulations, and allowing APRNs to practice at the top of their licensure, is imperative to achieving access to high-quality, cost effective health care. We appreciate CMS' continued work to reduce regulatory burdens, most recently in student documentation requirements of E/M services, and request further implementation of the ideals outlined in Section 5, as well as other recommendations below, that align with this request for feedback.

The members of the Nursing Community Coalition represent the cross section of education, practice, research, and regulation within the nursing profession. With over four million licensed Registered Nurses (RNs), Advanced Practice Registered Nurses (APRNs), and nursing students, the profession embodies the drive and passion to ensure the health of patients, families, and our nation continues to improve.<sup>2</sup> In fact, as of 2017, over 182,000 APRNs were treating Medicare patients.<sup>3</sup> This number is only expected to grow, as more than 100,000 nursing students are currently enrolled in APRN programs and will serve as our nation's next generation of expert providers.<sup>4</sup> APRNs are the backbone of our nation's

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<sup>1</sup> APRNs include certified nurse-midwives (CNMs), certified registered nurse anesthetists (CRNAs), clinical nurse specialists (CNSs) and nurse practitioners (NPs).

<sup>2</sup> National Council of State Boards of Nursing. (2020). Active RN Licenses: A profile of nursing licensure in the U.S. as of January 13, 2020. Retrieved from: <https://www.ncsbn.org/6161.htm>.

<sup>3</sup> Centers for Medicare and Medicaid Services. MDCR Providers 6. Medicare Providers: Number of Medicare Non-Institutional Providers by Specialty. (2013-2017). Retrieved from: [https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/CMSProgramStatistics/2017/Downloads/PROVIDERS/2017\\_CPS\\_MDCR\\_PROVIDERS\\_6.PDF](https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/CMSProgramStatistics/2017/Downloads/PROVIDERS/2017_CPS_MDCR_PROVIDERS_6.PDF)

<sup>4</sup> 2018-2019 Enrollments and Graduations in Baccalaureate and Graduate Programs in Nursing. Washington, DC: American Association of Colleges of Nursing.

health care system providing care to all communities, including our vulnerable and underserved populations.

A prime example of how removing barriers to practice for APRNs increases access to care for all patients is in our continued work combatting the opioid epidemic. The Medicaid and CHIP Payment and Access Commission (MACPAC) recently found that authorizing NPs and PAs to prescribe medication-assisted treatment led to a substantial increase in access to treatment for patients, particularly in rural and underserved areas.<sup>5</sup> APRNs are critical in treating patients, including those with substance use disorders, and are sometimes the sole providers of this care in medically underserved areas that struggle to recruit and retain health professionals.

We appreciate CMS' focus on Section 5 of the EO and suggest the following barriers are removed to allow Medicare patients the ability to access services APRNs can provide and ensure these providers are able to practice to the full extent of their education and clinical training. These recommendations include, but are not limited to:

- Authorize APRNs to certify patient eligibility for home health care services and document the face-to-face assessment.<sup>6</sup>
- Update Medicare facility Conditions of Participation to authorize APRNs to practice to the full extent of their education and clinical training in all settings. This includes removing unnecessary physician supervision requirements.<sup>7</sup>
- Consistent with Section 5(c) of the Executive Order, end reimbursement disparities and ensure that APRNs are appropriately reimbursed across all HHS programs for the work performed rather than their occupation.

Again, we commend Section 5 of EO #13890 *Protecting and Improving Medicare for Our Nation's Seniors* and appreciate CMS' support and commitment to America's patients. Your efforts to find ways to reduce barriers that impede access to quality health care are greatly appreciated. We look forward to our continued work with CMS and if our organizations can be of any assistance, or if you have any questions, please contact the Nursing Community Coalition's Executive Director, Rachel Stevenson, at [rstevenson@thenursingcommunity.org](mailto:rstevenson@thenursingcommunity.org) or at 202-463-6930, ext. 271.

Sincerely,

Academy of Medical-Surgical Nurses  
Academy of Neonatal Nursing  
American Academy of Ambulatory Care Nursing  
American Academy of Emergency Nurse Practitioners  
American Academy of Nursing  
American Association of Colleges of Nursing

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<sup>5</sup>Medicaid and CHIP Payment and Access Commission (MACPAC). Analysis of Buprenorphine Prescribing Patterns among Advanced Practitioners in Medicaid. (October 2019). Retrieved from: <https://www.macpac.gov/publication/analysis-of-buprenorphine-prescribing-patterns-among-advanced-practitioners-in-medicaid/>

<sup>6</sup> Code of Federal Regulations Title 42 Parts 409, 410, 424, 440 and 484.

<sup>7</sup> 42 C.F.R. § 482.52 -- Condition of participation: Anesthesia services; 42 C.F.R. § 416.42(b)(2) -- Conditions of Coverage: Surgical Services; 42 C.F.R. § 485.639 -- Conditions of Participation: Surgical Services. 42 C.F.R. § 482.12(c)(1)(i), (c)(2),(c)(3), (c)(4)-- Condition of participation: Governing body; 42 C.F.R. § 482.22(b)(3), (c)(5)(i)--Condition of participation: Medical staff; 42 C.F.R. § 482.1(a)(5) Basis and Scope. 42 C.F.R. § 482.22(b)(3), (c)(5)(i) Condition of participation: Medical Staff; 42 C.F.R. §485.631; Skilled Nursing Facility admission/mandatory visits- 42 C.F.R. § 483.20, 42 C.F.R. § 483.30.; Inpatient Rehabilitation Facilities- 42 C.F.R.

American Association of Critical-Care Nurses  
American Association of Heart Failure Nurses  
American Association of Neuroscience Nurses  
American Association of Nurse Anesthetists  
American Association of Nurse Practitioners  
American Association of Post-Acute Care Nursing  
American College of Nurse-Midwives  
American Nephrology Nurses Association  
American Nurses Association  
American Nursing Informatics Association  
American Organization for Nursing Leadership  
American Pediatric Surgical Nurses Association, Inc.  
American Public Health Association, Public Health Nursing Section  
American Psychiatric Nurses Association  
American Society for Pain Management Nursing  
American Society of PeriAnesthesia Nurses  
Association for Radiologic and Imaging Nursing  
Association of Nurses in AIDS Care  
Association of periOperative Registered Nurses  
Association of Public Health Nurses  
Association of Rehabilitation Nurses  
Association of Veterans Affairs Nurse Anesthetists  
Association of Women's Health, Obstetric and Neonatal Nurses  
Commissioned Officers Association of the U.S. Public Health Service  
Dermatology Nurses' Association  
Gerontological Advanced Practice Nurses Association  
Hospice and Palliative Nurses Association  
International Association of Forensic Nurses  
International Society of Psychiatric-Mental Health Nurses  
National Association of Clinical Nurse Specialists  
National Association of Hispanic Nurses  
National Association of Nurse Practitioners in Women's Health  
National Association of Pediatric Nurse Practitioners  
National Association of School Nurses  
National Council of State Boards of Nursing  
National Forum of State Nursing Workforce Centers  
National League for Nursing  
National Nurse-Led Care Consortium  
National Organization of Nurse Practitioner Faculties  
Nurses Organization of Veterans Affairs  
Oncology Nursing Society  
Organization for Associate Degree Nursing  
Pediatric Endocrinology Nursing Society  
Preventive Cardiovascular Nurses Association  
Society of Pediatric Nurses  
Society of Urologic Nurses and Associates  
Wound, Ostomy and Continence Nurses Society