

H.R. 4663, the “Protect Patient Access and Promote Hospital Efficiency Act,” and Physician Certification of Inpatient Admissions under Medicare

- H.R. 4663, the “Protecting Patient Access and Promote Hospital Efficiency Act,” permits Certified Nurse-Midwives (CNMs), Nurse Practitioners (NPs), Clinical Nurse Specialists (CNS’) and Physician Assistants (PAs) who are permitted to admit patients under state law to sign certifications of the medical necessity of an inpatient admission for a Medicare patient.
- H.R. 4663 does nothing to change state scope of practice laws for these practitioners; it simply recognizes existing provisions of state law allowing them to issue admission orders.
- CNMs, NPs, CNS’ and PAs admit thousands of patients to hospitals every year. They do so under state law and hospital bylaws that allow them to generate admission orders.
- Language that dates to the creation of the Social Security Act in 1965 requires that inpatient admissions for Medicare patients be accompanied by a “certification” of the medical necessity of the admission. Under the law, only physicians may sign certifications. .
- In the FY 2014 Inpatient Prospective Payment System regulation, the Centers for Medicare and Medicaid Services (CMS) drew a clear distinction between the admission order and a certification and made clear that the admission order cannot stand in the place of a certification.
- Many hospitals have chosen to apply Medicare’s policy across their entire patient population and many insurers will choose to follow Medicare’s lead. As a consequence, the requirement for a physician-signed certification is being applied well beyond the Medicare population.
- CNMs admit hundreds of thousands of patients to hospitals every year. Ninety-five percent of the births they attend take place in hospitals. Likewise, the other provider types identified in H.R. 4663 admit thousands of patients each year.
- Physicians are understandably reluctant to certify admissions for patients with whom they are unfamiliar. They may be concerned about vicarious liability.

- Physicians may refuse to sign certifications as a method of controlling competition from other providers who could otherwise admit and treat patients drawn from the same pool of patients the physician seeks to treat.
- When the original language requiring certification was written in 1965, there were no NPs in practice and very few CNMs were admitting patients to hospitals. H.R. 4663 revises the Medicare statute to bring it in line with modern medical practice – a world where tens of thousands of CNMs, NPs, CNS' and PAs are admitting patients to the hospital on a daily basis.