

October 25, 2021

Paula Pullano
Department of Health
3 Capitol Hill, Room 410
Providence, RI 02903

Submitted via email: paula.pullano@health.ri.gov

RE: Licensing Home Nursing Care Providers and Home Care Providers (216-RICR-40-10-17)

Dear Ms. Pullano,

The American Association of Nurse Practitioners (AANP), with a membership of over 118,000 nurse practitioners (NPs), represents the interests of the more than 325,000 NPs in the United States. This includes the over 1,400 NPs practicing in Rhode Island, 260 of whom are AANP members. We appreciate the opportunity to comment on 216 RICR 40-10-17, the proposed rule for Licensing Home Nursing Care Providers and Home Care Providers. As noted in the agency's publication, "the proposed regulation will expand access to home nursing care and home care by allowing additional qualified clinicians, such as a physician assistant or advance practice registered nurse, to prescribe home nursing care or home care to patients as well as attend to patients. This expansion will allow greater access to home nursing care and home care and is not anticipated to incur costs beyond prescribed treatment."

As you know, NPs are advanced practice registered nurses who are prepared at the masters or doctoral level to provide primary, acute, chronic and specialty care to patients of all ages and backgrounds. Daily 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. NPs practice in nearly every health care setting including clinics, hospitals, Veterans Health Administration and Indian Health Services facilities, emergency rooms, urgent care sites, private physician or NP practices (both managed and owned by NPs), skilled nursing facilities (SNFs) and nursing facilities (NFs), schools, colleges and universities, retail clinics, public health departments, nurse managed clinics, homeless clinics, and home health. NPs hold prescriptive authority in all 50 states and the District of Columbia.

AANP appreciates that the Rhode Island Department of Health has made it a priority to update their home health regulations. These proposed changes aim to update Rhode Island's regulations to better reflect the changes made by section 3708 of the *Coronavirus Aid, Relief and Economic Security Act* (CARES Act), and the subsequent changes to 42 CFR 440.70. As stated by the agency, "this expansion will allow greater access to home nursing care." We agree, and as many home health patients are high risk for severe complications due to COVID-19, it is imperative that they can receive health care at home without having to potentially expose themselves to the virus.

Updating the home health and medical equipment regulations pursuant to the recent changes made by section 3708 of the CARES Act, and subsequently to 42 CFR 440.70, will better align the Department's regulations with federal laws and regulations, and provide Rhode Island patients with critical increased access to home health care services. We support the proposed changes to 216 RIC R40-10-17, which recognize nurse practitioners as qualified clinicians authorized to prescribe home health services and attend to home health patients. These important rule changes work towards ensuring that home health agencies are able to accept orders for home health services from all qualified health care providers.

Below are our suggested changes to the proposed regulations to ensure that they fully align with the federal home health regulations and the authority granted under the CARES Act. Our recommended changes are in **red bold italic** text.

17.3 (A) 19 "Medical services" means such professional services and supplies rendered by or under the direction of persons duly licensed under the laws of the State of Rhode Island to practice medicine, surgery, podiatry, ***or licensed by the State of Rhode Island to otherwise lawfully provide health care services as a health care provider***, as may be specified by any medical service plan. Medical services shall not be construed to include hospital services.

17.8.2 (A) An advisory group of professional personnel ("Professional Advisory Committee") shall be established by the governing body or other legal authority which shall include at least: 1. One (1) physician, ***One (1) advanced practice registered nurse***, and a registered nurse;

We thank you for the opportunity to comment on these proposed changes to the Rhode Island Department of Health regulations and again express our appreciation for making increased access to home health services a priority. These proposed regulations will increase the ability of NPs and other clinicians to deliver high-quality, cost-effective health care and will improve access to these services for residents of Rhode Island. Should you have comments or questions, please direct them to Frank Harrington, Director of Reimbursement and Regulatory Affairs, fharrington@aanp.org, (571) 777-8454.

Sincerely,



Frank Harrington



**Rhode Island Partnership
for Home Care**

Advancing quality healthcare at home

October 25, 2021

VIA E-MAIL: paula.pullano@health.ri.gov

Attn.: Paula Pullano
Center for Health Systems Policy and Regulation
Department of Health
State of Rhode Island
3 Capitol Hill, Room 410
Providence, RI 02903

Re: Proposed Amendments to 216-RICR-40-10-17

Dear Ms. Pullano,

The Rhode Island Partnership for Home Care supports the amendments as proposed to 216-RICR-40-10-17 to allow physician assistants (PAs), advanced practice registered nurses (APRNs) and certified clinical nurse specialists (CCNSs) to certify Medicare home health services and Medicaid skilled nursing care for their patients. This action by the Department of Health is consistent with changes to federal law through the Coronavirus Aid, Relief and Economic Security Act of 2020 (CARES Act).

Rhode Islanders face delays to accessing timely home care in part due to the backlog for physicians to certify these services for their patients. By allowing non-physician practitioners to certify the aforementioned services, patients can experience a greater opportunity to access home care in their time of need.

Sincerely,

Nicholas Oliver, MPA, CAE
Executive Director

Dear Madam/Sir,

I am working as a Nurse Practitioner in the state of Rhode Island, I am writing to you to consider making licensure for Nurse Practitioners as home health care providers.

We work with high risk populations, many of whom require these vital and necessary services, it would allow us to continue to give excellent top quality care, and would expedite the process for our patients, so that they can receive these services in a timely manner.

Thank you for your time and consideration in this matter.

Respectfully,

Sharon N. Garber APRN CNP



October 21, 2021

Paula Pullano
Department of Health
3 Capitol Hill, Room 410
Providence, RI 02903

Submitted via email: Paula.pullano@health.ri.gov

Re: Licensing Home Nursing Care Providers and Home Care Providers (216-RICR-40-10-17)

Dear Ms. Pullano:

The Nurse Practitioner Alliance of Rhode Island (NPARI) that represents all licensed nurse practitioners (NPs) in Rhode Island (approximately 1400) accepts the opportunity to participate in public comment on the proposed rule change for Licensing Home Nursing Care Providers and Home Care Providers (216 RICR 40-10-17). This is a budget neutral proposal that will expand access to home nursing and home care by allowing licensed advanced practice nurses and physician assistants to certify Medicare and Medicaid recipients for Home Care.

This rule change will make permanent the changes made by 42 CFR 440.70 and section 3708 of the *Coronavirus Aid, Relief and Economic Security Act (CARES act)* to reduce barriers to home based care for recipients who have complex chronic illnesses, may be at end of life, and would be unnecessarily exposed to infections, like COVID-19, by living in congregate settings, such as long term care facilities.

Working with the American Association of Nurse Practitioners (AANP) that represents over 118,000 NP's in the US and almost 300 in Rhode Island, we propose the following changes to the proposed regulations. Changes are in red text.

17.3 (A) 19 "Medical services" means such professional services and supplies rendered by or under the direction of persons duly licensed under the laws of the State of Rhode Island to practice medicine, surgery, podiatry, **or licensed by the State of Rhode Island to otherwise lawfully provide health care services as a health care provider**, as may be specified by any medical service plan. Medical services shall not be construed to include hospital services.

17.8.2 (A) An advisory group of professional personnel ("Professional Advisory Committee") shall be established by the governing body or other legal authority which shall include at least:
1. One (1) physician, **One (1) advanced practice registered nurse**, and a registered nurse.

We thank you for the opportunity to comment on these proposed changes to the Rhode Island Department of Health regulations and again express our appreciation for making increased

<https://npari.enpnetwork.com>
FB: @NPARIpage

• NPARIgroup@gmail.com
• IG: @np_alliance_ri



access to home health services a priority. These proposed regulations will increase the ability of NPs and other clinicians to deliver high-quality, cost-effective health care and will improve access to these services for residents of Rhode Island. Should you have comments or questions, please direct them to Denise Coppa, Legislative Liaison (401-533-8567) or Frank Harrington, Director of Reimbursement and Regulatory Affairs, fharrington@aanp.org, (571) 777-8454.

Sincerely,

Denise Coppa, PhD, APRN-CNP, FAANP, FAAN
Legislative Liaison
Nurse Practitioner Alliance of Rhode Island



<https://npari.enpnetwork.com>
FB: @NPARIpage



• NPARIgroup@gmail.com
IG: @np_alliance_ri



Lauren Gareau
Rules Coordinator
Rhode Island Department of Health 3 Capitol Hill
Providence, R.I. 02908

Sent electronically to: Lauren.Gareau@health.ri.gov
Re: Request to amend Home Health Regulations: TI Title 216, Chapter 40,

Subchapter 10. Part 17 September 8, 2021

Dear Ms. Gareau

The Rhode Island Affiliate of the American College of Nurse-Midwives respectfully requests that the Home Health Regulations: Title 216, Chapter 40, Subchapter 10. Part 17 to reflect changes made to federal law by passage of the Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Section 3708 of the Act permanently authorizes nurse-midwives, certified midwives physician assistants, nurse practitioners, and clinical nurse specialists to certify for Medicare and Medicaid home health care **services in accordance with state law. The current amendments to the rules and regulations inadvertently leaves out CNMs and CMs. CNMs and CMs are not included in the Rhode Island definition of APRNs.**

The current Rhode Island home health rules and regulations specifically prescribe that only physicians may certify the need for home health services for Medicare and Medicaid beneficiaries. Because the CARES Act specifically provides that CNMs, PAs and APRNs may only certify the need for home health services "...in accordance with state law..." in order for CNMs, CMs, PAs and APRNs to certify, the rules need to be amended to add them.

Amending the rules to allow CNMs, CMs, PAs and APRN's will remove a barrier to timely care and increase efficiency.

Please find attached a draft of the necessary changes to the rules. Please contact me if you have any questions.

Michelle Palmer, CNM, CNE, FACNM, RN
American College of Nurse-Midwives Region One Representative

401 480-4722