DoEd Rules Concerning State Authorization Voided

On Tuesday, July 12, 2011, the U.S. District Court for the District of Columbia voided the portion of the Department of Education's (DoEd) recent regulations that requires institutions to gain state authorization for distance education programs in all states where their students are enrolled. The decision came after a lawsuit was filed by the Association of Private Sector Colleges and Universities this past January. The judge ruled that the DoEd failed to properly provide notice and opportunity to comment during the proposed rulemaking process for the state authorization requirement for distance-learning programs. AACN commends this decision as we have united with our American Council on Education colleagues and Congressional champions to see this section of the regulation rescinded. AACN will continue to monitor the impact of this ruling and the reaction of the DoEd.

To read a copy of the official court ruling see, page 35:

To read a copy of the article in Inside Higher Ed, see:
http://www.insidehighered.com/news/2011/07/13/judge_voids_u_s_requirement_that_online_programs_get_state_approval

To read a copy of the article in The Chronicle for Higher Education, see:
http://chronicle.com/article/Judge-Sides-With-For-Profit/128206/

To see AACN's work on this issue, see:
http://www.aacn.nche.edu/Government/educationreg.htm

Call to Action: Mark Your Calendars to Support APRN Scope of Practice

AACN is proud to support two recently introduced legislative initiatives that will improve the ability of Advanced Practice Registered Nurses (APRNs) to practice to the full scope of their education and training and be recognized for this care. On June 22, 2011, Representatives Allyson Schwartz (D-PA) and Greg Walden (R-OR) introduced bipartisan legislation that recognizes and authorizes APRNs (including nurse practitioners, certified nurse-midwives, and clinical nurse specialists) as eligible healthcare professionals who can order home health services under Medicare. This legislation would help to ensure that Medicare patients requiring these services receive optimal continuity of care. Currently, these APRNs are not able to order home healthcare services despite the fact that they are authorized Medicare providers. The Home Health Care Planning Improvement Act of 2011 (H.R. 2267), which has a companion bill (S.227) introduced by Senator Susan Collins (R-ME), has the support of over 25 sponsors in the House. At the close of last Congress, this bill had 110 cosponsors.
On June 3, 2011, Representative John Olver (D-MA) introduced the Medicaid Advanced Practice Nurses and Physician Assistants Access Act of 2011 (H.R. 2134), the companion bill to S.56, which has been championed in multiple Congresses by Senator Daniel Inouye (D-HI). This legislation would recognize all nurse practitioners and certified nurse-midwives as primary care case managers under Medicaid, include APRNs under Medicaid fee-for-service plans, and include all APRNs within the mix of providers under Medicaid managed care organizations. APRNs are proven to be valuable healthcare providers to underserved populations and are effective in decreasing hospital readmissions, improving quality of life, and promoting preventative care practices among patients. AACN stands ready to provide any support we can offer toward advancing this important legislation.

For more information on both of these bills, see: http://www.aacn.nche.edu/Government/SupportedLegislation.htm

National nursing organizations representing APRNs have agreed that the Congressional August recess would be an ideal time for our members to help champion these important legislative measures. Starting August 8, the first day of the Congressional recess, AACN will post on our grassroots website easy-access links that will allow members to send a letter to legislators requesting their support for the Home Health Care Planning Improvement Act of 2011 and the Medicaid Advanced Practice Nurses and Physician Assistants Access Act of 2011. To stay tuned-in for upcoming information and to send a message to your member of Congress starting August 8, see: http://capwiz.com/aacn/home/.

Additionally, AACN encourages members to contact their legislators during the August recess by attending a town hall meeting or reaching out to their DC/district office to address the impact they can have in discussions regarding APRN scope of practice. As stated in AACCN’s May issue of Policy Beat, two rulings by the Federal Trade Commission (FTC) called for state legislatures in Texas and Florida to adopt less restrictive regulatory models for APRNs and permitting them to practice without unnecessary physician supervision. In the FTC’s letter to legislators in the state of Texas, the commission stated that their staff has “urged several states to reject or narrow restrictions that curtail competition among health care providers because they limit patients’ access to health care and raise prices.”

Precedent has been set for members of Congress to urge the FTC to weigh in on state scope of practice laws. Senator Inouye and other Congressional colleagues sent a letter to the FTC requesting they review the recommendations of the IOM’s Future of Nursing Report in regards to APRN scope of practice. This can serve as a model for other members of Congress to encourage the FTC to closely monitor anticompetitive activities that limit scope of practice in states; however, members of Congress must hear from their constituents that this action is important. Starting August 8, 2011, a template letter will be available for AACN members to request their legislators to contact the FTC on this critical access issue.

Federal Budget and FY 2012 Appropriations Update

Over the past month, focus in Washington has turned sharply toward the looming debt-ceiling crisis (the maximum amount of debt that the government may assume). The debt ceiling may only be raised by an act of Congress, and the Department of Treasury has forecast that the US Government will no longer be able to meet its financial obligations by August 2. As pressure mounts in advance of the August 2 default deadline, lawmakers and the Administration work haltingly toward a solution.
Among the many avenues being considered, President Obama has made clear his desire to come together on a long-term debt-ceiling extension that would include approximately $3 trillion in spending cuts to be accompanied by $1 trillion in new revenue. While Speaker of the House John Boehner (R-OH) did not immediately dismiss the approach, subsequent discussions with his caucus have since cooled progress on these terms.

Simultaneously, Senate Majority Leader Harry Reid (D-NV) and Senate Minority Leader Mitch McConnell (R-KY) have begun crafting a smaller package that would give the President authority to raise the debt ceiling at three separate intervals over the next two years. Under this plan, each occasion would require the President to meet a particular spending cut benchmark. A bipartisan, 12-member congressional commission would be formed and tasked with identifying those cuts. Their recommendations would be granted expedited privilege through both the House and Senate in order to avoid a filibuster and ensure consideration.

On a separate track, the House of Representatives went forward with what was widely considered a symbolic vote on a plan referred to as "cut, cap and balance". Despite its passage, the plan—which included a balanced budget amendment to the constitution—is unlikely to be considered before the Senate.

A new bipartisan development, however, has injected a degree of hope into the debate. The formerly disbanded "Gang of Six," a bipartisan group of lawmakers comprised of Senators Dick Durbin (D-IL), Kent Conrad (D-ND), Mark Warner (D-VA), Saxby Chambliss (R-GA), Mike Crapo (R-ID), and Tom Coburn (R-OK), has put forward a potential compromise plan. The approach would seek $3.7 trillion in deficit-reductions to be enacted in a two-step process: an initial bill that makes immediate cuts; and a process for a second bill to enact comprehensive reform and put our nation on a stable fiscal path. While the plan’s impact on the overall debate remains to be seen, its unveiling represents an element of optimism amidst an otherwise contentious discussion.

Due to the significant negotiations and legislative process that will need to occur by August 2, it has been rumored that the House Labor Health, and Human Services (LHHS) Appropriations Subcommittee mark-up, which is scheduled for July 26, 2011, may occur at a later date. AACN is working with the Nursing Community to reiterate to the House LHHS Appropriations Subcommittee staff the importance of funding programs such as the Title VIII Nursing Workforce Development programs, Nurse Managed Health Centers, and the National Institute for Nursing Research.

AACN will continue to closely monitor developments regarding debt reduction efforts and be sure to keep you up-to-date accordingly.

**HHS Unveils the National Prevention Strategy**

On June 16, the United States Surgeon General Regina Benjamin, M.D. unveiled the nation’s first National Prevention and Health Promotion Strategy. After two rounds of public comment, Dr. Benjamin and members of the National Prevention Council released the document that provides a guide to the most effective ways to improve health. In a statement posted on healthcare.gov, it was noted that “the National Prevention Strategy provides an unprecedented opportunity to shift the nation from a focus on sickness and disease to one based on wellness and prevention. It will present a vision, goals, recommendations and action items that public, private, nonprofit organizations and individuals can take to reduce preventable death, disease and disability in the United States.” To read a copy of the strategy, see: http://www.healthcare.gov/center/councils/nphpphc/strategy/report.pdf
PCORI Board of Governors Meeting Held in Washington, DC, Asks Public for Input

On July 18-19, 2011, the Patient-Centered Outcomes Research Institute (PCORI) Board of Governors met in Washington, DC. The Board discussed reports made by the Communication, Outreach and Engagement Committee, Methodology Committee, and the institute’s Executive Director, Dr. Joseph Selby. Additionally, they discussed the proposed PCORI mission statement. A consensus statement was presented that reads, “The Patient-Centered Outcomes Research Institute helps people make informed health care decisions and improves health care delivery and outcomes—by producing and promoting high integrity, evidence-based information—that comes from research guided by patients, caregivers and the broader health care community.”

Today, July 20, 2011, the Institute announced that it is seeking public feedback regarding the definition of “patient-centered outcomes research” and what meaning it might hold for the patients PCORI’s research aims to benefit. The working definition of “patient-centered outcomes research” will address four main concerns patients ask of themselves:

- “Given my personal characteristics, conditions, and preferences, what should I expect will happen to me?”
- “What are my options and what are the benefits and harms of those options?”
- “What can I do to improve the outcomes that are most important to me?”
- “How can the health care system improve my chances of achieving the outcomes I prefer?”

PCORI invites individuals and organizations to visit their website, pcori.org, to provide input by addressing these questions. The survey will be open until September 2, 2011. Insights from AACN members will be important during this call for comments.

The next Board of Governors meeting will be held on September 19-20, 2011 in Seattle, Washington and AACN encourages faculty, researchers, and other stakeholders to take part in the public comment period during the meeting. For more details on PCORI, see: www.pcori.org.

Accepting Nominations for AACN’s 2011 Policy Luminary Award

AACN created the Policy Luminary Award to recognize an outstanding nursing leader for his or her public policy achievements. Past recipients include Dr. Mary Wakefield, Administrator of the U.S. Health Resources and Services Administration (HRSA), and Dr. Mary Naylor, Marian S. Ware Professor in Gerontology at the University of Pennsylvania and Director of NewCourtland Center for Transitions and Health. The outstanding career contributions to policy of these nurses exemplify the spirit of the AACN Policy Luminary Award.

AACN’s Government Affairs Committee is seeking nominations for this year’s award. **Nominations are due by 5pm ET, on Monday, September 26, 2011.** Each nomination package should include two letters of recommendation from peers, the nominee’s CV, and a one page biosketch.

Nominations must be electronically submitted to AACN’s Government Affairs Coordinator Gene Throwe at gthrowe@aacn.nche.edu. Please direct any questions to AACN’s Director of Government Affairs, Suzanne Miyamoto at 202-463-6930, ext. 247.

AACN’s 2009 Policy Luminary Award recipient Dr. Mary Wakefield (left) and 2010 recipient Dr. Mary Naylor (right).