

HOUSE BILL REPORT

HB 1722

As Amended by the Senate

Title: An act relating to physician assistants executing certain certificates and other forms for labor and industries.

Brief Description: Clarifying the authority of physician assistants to execute certain certificates and other forms for labor and industries.

Sponsors: By Representatives Conway, Curtis, Moeller, Darneille, Wood and Simpson.

Brief History:

Committee Activity:

Commerce & Labor: 2/8/07, 2/16/07 [DP].

Floor Activity:

Passed House: 3/7/07, 96-0.

Senate Amended.

Passed Senate: 4/10/07, 49-0.

Brief Summary of Bill

- Modifies the authority of physician assistants (PAs) under the Industrial Insurance Act to allow PAs to sign any certificate, card, form, or other documentation that the PA's supervising physician or physicians may sign.
- Does not allow a PA to rate a permanent partial disability.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 7 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green, Moeller and Williams.

Staff: Sarah Beznoska (786-7109).

Background:

Industrial Insurance

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A worker who, in the course of employment, is injured or suffers disability from an occupational disease may be entitled to benefits under the Industrial Insurance Act. These benefits include proper and necessary medical and surgical services from a physician of the worker's choice. Benefits solely for medical treatment are considered "non-compensable," while benefits for time-loss, permanent injury, or death are considered "compensable."

To qualify for benefits, an injured worker is required to file an application for benefits with the Department of Labor and Industries (Department) or his or her self-insured employer. The application must be accompanied by a certificate of the attending physician. Department rules specify that the injured worker and attending physician must file a report of accident upon the determination that the injury or disability is work-related. The report must include the signed findings of the attending physician.

Physician Assistants

Physician assistants (PAs) are licensed by the Department of Health to practice medicine or osteopathic medicine to a limited extent under the supervision of a licensed physician or osteopathic physician respectively. A PA may practice medicine only after the Medical Quality Assurance Commission approves a practice arrangement plan jointly submitted by the PA and a physician or physician group. The practice arrangement plan must delineate the manner and extent to which the PA practices and is supervised.

Under rules adopted by the Department of Health, a certified PA may sign and attest to any document that might ordinarily be signed by a licensed physician. The PA and the sponsoring physician are required to ensure that appropriate consultation and review of work are provided.

Physician Assistants and Industrial Insurance

Rules adopted by the Department require PAs to obtain advance approval from the Department prior to treating industrial injury cases. The rules also limit the industrial insurance services that PAs may provide. A PA may fill out accident and other reports, but generally the reports must be signed by a physician.

In 2004, the Legislature expanded the authority of PAs under the Industrial Insurance Act. Until July 1, 2007, PAs may assist workers applying for compensation for simple industrial injuries. A PA may complete and have the sole signature on the report of accident for these claims.

Under Department rule, a simple industrial injury includes:

- no time lost from work after the date of injury; and
- a simple industrial injury limited to an insect bite, abrasion, contusion, laceration, blister, foreign body, open wound, sprain, strain, closed fracture, simple burn, or probable exposure to bloodborne pathogen due to a needlestick.

Under the provisions enacted in 2004, PAs are prohibited from rating a worker's permanent partial disability or determining a worker's entitlement to compensation.

The Department reported to the House Commerce and Labor Committee on December 1, 2006, on the implementation of these provisions, including the effects on injured worker outcomes, claim costs, and disputed claims. The report generally indicated that implementation of the 2004 law was not associated with any negative impact on medical costs or disputes, and appeared to positively affect provider enrollment, availability of authorized reporting providers in rural areas, and some measures of administrative efficiency.

Summary of Bill:

Intent

The intent section states that, under current law, PAs have authority to practice medicine under the supervision and control of a licensed physician and pursuant to the terms of a practice arrangement plan, but this does not require the personal presence of the supervising physician at the place where services are rendered. In addition, the intent section states that PAs working under the supervision of a physician and pursuant to a practice arrangement plan can safely improve the efficiency of the health care delivery system by freeing up additional time for physicians to care for patients and increasing the availability of health care to rural or underserved populations.

The intent section also states that some state agencies and departments do not accept the signature of PAs on certain certificates, reports, and other documents that their supervising physician is permitted to sign, even though the signing of these documents is within the PA's scope of practice, covered under the practice arrangement plan, and permitted pursuant to rules of the Department of Health.

It is the intent of the Legislature to clarify the Department of Health's rules in statute and allow a PA to sign and attest to any document that might ordinarily be signed by the supervising physician, consistent with the terms of the practice arrangement plan.

Physician Assistants and Industrial Insurance

Physician Assistants (PAs) are granted permanent authority to sign any certificate, card, form, or other documentation required by the Department that the PA's supervising physician or physicians may sign. The PA must act within the PA's scope of practice and consistent with the PA's practice arrangement plan.

A PA's authority includes signing an application for compensation, but does not include rating a permanent partial disability.

EFFECT OF SENATE AMENDMENT(S):

The intent section is removed.

A requirement is added for the Department of Labor and Industries to report to the Legislature on implementation by December 1, 2008, including the effect on injured worker outcomes, claim costs, and disputed claims. An emergency clause is also added.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) There are misconceptions about what PAs do and how PAs practice and those misconceptions have led to limitations on PAs in the area of workers' compensation. Physician assistants are licensed to practice medicine in Washington. They can write prescriptions, sign birth and death certificates, admit people to a hospital, and order all tests. For workers' compensation, PAs have the ability to sign, in limited amounts, initial visit forms. An example is that a PA sees a patient who has hurt his or her back in an industrial accident. The PA sees the patient, does the exam, does the work up, and makes recommendations. The person may need a note that says that he or she needs time off or needs restrictions on work, but making time-loss determinations is not something that PAs are allowed to do. This is not a restriction placed on PAs by any other insurance provider or by Medicare. In small towns, PAs are having a very difficult time with these restrictions.

This bill is not an expansion of PA service. Physician assistants practice occupational medicine daily. Washington is different from other states because Washington has all of these paperwork restrictions on PAs for workers' compensation. A physician must sign everything. This slows progress of a claim and makes smooth flow of the claim difficult. This bill allows PAs to function for workers' compensation in the same way that PAs practice in every other area.

Additional studies are not needed. There was a previous study on the restricted PA practice, and the study was favorable to how PAs provide care.

(In support with amendment) The Department of Labor and Industries (Department) is dedicated to encouraging efficiency, access, and quality of care for workers. The Department has done a lot of work in these areas, such as the Center of Occupational Health and Education (COHE) projects. In the Renton COHE, the PAs have been extremely effective. Physician assistants do good health care and are highly respected. The only concern the Department has is that the last study was done on PAs' authority with respect to simple non-compensable claims. This bill would allow PAs to sign all forms including light duty, job modification, time loss compensation, death benefits, and more.

The Department is concerned that PAs do not have independent practice authority and do have to be supervised by a physician. If PAs are allowed to sign all of these forms, there might be confusion about who is the attending physician. If a claim were appealed to the Board of

Industrial Insurance Appeals (Board), which person would testify at the Board - the PA, the attending physician, or both?

The Department is concerned about more complicated issues and would like to see a study included in the bill. The Department wants an opportunity to study this in a rigorous way. A sunset could be added to the study.

Persons Testifying: (In support) Stephen Huffman and Robert Barber, Wenatchee Valley Medical Center; Monica Morrison, Washington Academy of Physician Assistants; Carl Nelson, Washington Academy of Physician Assistants and Washington State Medical Association; and Wendy Hamai, Washington Academy of Physician Assistants.

(In support with amendment) Gary Franklin, Department of Labor and Industries.

Persons Signed In To Testify But Not Testifying: Kaye Kvam, Washington Academy of Physician Assistants.