

SENATE BILL REPORT

HB 1722

As Reported By Senate Committee On:
Health & Long-Term Care, March 22, 2007

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

Brief History: Passed House: 3/07/07, 96-0.

Committee Activity: Health & Long-Term Care: 3/21/07, 3/22/07 [DP].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Carrell, Fairley, Kastama, Kohl-Welles and Parlette.

Staff: Edith Rice (786-7444)

Background: Industrial Insurance: 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. To qualify for benefits, an injured worker is required to file an application for benefits with the Department of Labor and Industries (L&I) or his or her self-insured employer. The application must be accompanied by a certificate of the attending physician. L&I 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 (DOH) 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 DOH, 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.

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.

Physician Assistants and Industrial Insurance: Rules adopted by L&I require PAs to obtain advance approval from L&I 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: (1) no time lost from work after the date of injury; and (2) 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 needle stick.

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. L&I issued a report to the Legislature, dated December 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. 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. 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 DOH. It is the intent of the Legislature to clarify the DOH 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 L&I that the PA's supervising physician or physicians may sign. The PA must act within the PA's scope of practice and consistently 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.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: PAs already are seeing these patients and it takes additional time to get the physician signature, both for the PA and the doctor. This bill will save us valuable time. It will make it clear that this is in line with our practice. We are a resource that should be utilized. PAs are a resource that should be utilized.

OTHER: We are concerned about a potential conflict in the rule-making authority. We can make some technical suggestions; we would like to see an additional study done and change the effective date.

Persons Testifying: PRO: Carl Nelson, Kaye Kvam, Denise Grachalla, Arlene Martin, Washington Association of Physician Assistants.

OTHER: Vickie Kennedy, Labor and Industries.