

HOUSE BILL REPORT

EHB 1568

As Passed House:

March 18, 2003

Title: An act relating to physician assistants executing a certain certificate for labor and industries.

Brief Description: Modifying physician assistant provisions.

Sponsors: By Representatives Darneille, Pflug, Cody, Campbell, Schual-Berke, Alexander and Skinner.

Brief History:

Committee Activity:

Commerce & Labor: 2/18/03, 2/26/03 [DP].

Floor Activity:

Passed House: 3/18/03, 97-0.

Brief Summary of Engrossed Bill

- Allows supervised physician assistants, in non-compensable industrial injury cases, to execute the certificate that accompanies an injured worker's application for industrial insurance benefits until July 1, 2006.
- Requires the Department of Labor and Industries to study and report to the Legislature on the effects of allowing physician assistants to execute these certificates.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 7 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Assistant Ranking Minority Member; Crouse, Hudgins, Kenney and McCoy.

Minority Report: Do not pass. Signed by 2 members: Representatives Chandler, Ranking Minority Member; and Holmquist.

Staff: Derek Green (786-5793); Chris Cordes (786-7103).

Background:

A worker who, in the course of employment, is injured or suffers disability from an occupational disease is entitled to benefits under Washington's industrial insurance law. 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 (PAs) are licensed to practice medicine or osteopathic medicine to a limited extent under the supervision of a licensed physician or osteopathic physician respectively. Department rules require PAs to obtain advanced approval from the Department prior to treating industrial injury cases. The rules also limit the industrial insurance services that PAs may provide. Licensed PAs may fill out accident and other reports, but the reports must be signed by a physician.

Summary of Engrossed Bill:

For non-compensable industrial injury cases, physician assistants (PAs) practicing with physician supervision are permitted to execute the required physician certificate that accompanies the injured worker's application for industrial insurance benefits. PAs are not authorized to execute physician certificates in occupational disease cases or to execute time loss cards.

The Department of Labor and Industries is required to report on the implementation of these provisions, including the effects on injured worker outcomes, claim costs, and disputed claims. The Department must report the findings to the Senate Commerce and Trade Committee and to the House Commerce and Labor Committee by December 1, 2005.

The PAs authority to execute physician certificates expires June 30, 2006.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect July 1, 2003.

Testimony For: Physician assistants (PAs) are competent to perform this work and are well trained. PAs can only practice under physician supervision, and must meet both the Department of Health and the Department of Labor and Industries requirements. Under the Department of Health rules, PAs are allowed to sign many documents. This bill does not change the scope of PAs practice; it only allows PAs to sign documents they already fill out. Allowing PAs to execute these certificates will make industrial insurance benefits more cost effective by lowering administrative requirements. It will also improve services by speeding up the claim process. Currently claims are often delayed for weeks while PAs are waiting for physicians to sign the forms. PAs have the authority to sign these forms in surrounding states. This bill is important for rural communities that have trouble retaining medical providers.

(With concerns) It is unclear what the scope of this bill is. This bill may effectively make attending PAs the attending physician for industrial insurance purposes, even though under current rules PAs do not qualify as physicians. If PAs have authority to execute certificates, it is unclear whether the supervising physician or the PA will be responsible for dealing with the legal aspects of an industrial insurance claim. Because this bill does not distinguish between surgical and non-surgical PAs, it would expand the authority to execute certificates to surgical PAs as well, even though they rarely initially treat injured workers.

Testimony Against: None.

Testified: (In support) Randall Dickson, Kenneth Wiscomb, and Carl Nelson, Washington Association of Physician Assistants and Washington State Medical Association; Phil Mapes, Northeast Washington Medical Group; and Robby Stern, Washington State Labor Council.

(With concerns) Gary Franklin, Department of Labor and Industries.