

ASSEMBLY BILL

No. 1194

Introduced by Assembly Member Correa

February 23, 2001

An act to add Section 3209.10 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1194, as introduced, Correa. Workers' compensation: physician assistants and nurse practitioners.

Existing law requires the physician first treating a workers' compensation claimant for injuries to submit a report ("Doctor's First Report of Occupational Injury or Illness") to the employer within 5 working days from the date of the initial examination.

This bill would authorize a physician assistant or nurse practitioner to sign the Doctor's First Report of Occupational Injury or Illness and to authorize a workers' compensation claimant for injuries to receive time off from work for a period not to exceed 3 calendar days if that authority is included in standardized procedures or protocols. The bill would require the treating physician to cosign the report and to make any determination of temporary disability.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3209.10 is added to the Labor Code, to
2 read:

1 3209.10. Notwithstanding any other provision of law,
 2 medical treatment of a work related injury required to cure or
 3 relieve the effects of the injury may be provided by a state licensed
 4 physician assistant or nurse practitioner, acting under the review
 5 or supervision of a physician and surgeon pursuant to standardized
 6 procedures or protocols within their lawfully authorized scope of
 7 practice. The reviewing or supervising physician of the physician
 8 assistant or nurse practitioner shall be deemed to be the treating
 9 physician. For the purposes of this section, “medical treatment”
 10 includes the authority of the nurse practitioner or physician
 11 assistant to authorize the patient to receive time off from work for
 12 a period not to exceed three calendar days if that authority is
 13 included in a standardized procedure or protocol approved by the
 14 supervising physician. The nurse practitioner or physician
 15 assistant may sign the Doctor’s First Report of Occupational
 16 Injury or Illness. The treating physician shall make any
 17 determination of temporary disability and shall cosign the report.

18 SEC. 2. The addition of Section 3209.10 to the Labor Code
 19 made by this act does not constitute a change in, but is declaratory
 20 of, existing law and neither expands nor limits the scope of practice
 21 of nurse practitioners or physician assistants with regard to the
 22 delivery of care pursuant to Division 4 of the Labor Code. Nothing
 23 in this act implies that a nurse practitioner or physician assistant
 24 is a physician as defined by Section 3209.3 of the Labor Code.

25 SEC. 3. In enacting this act, the Legislature intends to
 26 abrogate the opinions expressed by the Administrative Director or
 27 the Division of Workers’ Compensation as set forth in (1) Minnie
 28 Martin v. Los Angeles Unified School District, AD No.
 29 9786-4895, July 6, 1999, to the extent that it precluded a physician
 30 assistant from practicing within the scope of the protocol approved
 31 by the supervising physician and their lawful scope of practice;
 32 and (2) Michelle Green-MacKey v. Hill’s Pet Nutrition, Ad No.
 33 9786-5083, November 5, 1999, to the extent that it precluded a
 34 nurse practitioner from practicing within the scope of the protocol
 35 approved by the reviewing physician and their lawful scope of
 36 practice.

