

AMENDED IN ASSEMBLY APRIL 17, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1194**

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**Introduced by Assembly Member Correa**

February 23, 2001

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1194, as amended, 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~~ *cosign* 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 ~~esign~~ *sign* 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:

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

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

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



1 approved by the reviewing physician and their lawful scope of  
2 practice.

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