

Assembly Bill No. 1194

CHAPTER 229

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

[Approved by Governor September 1, 2001. Filed with Secretary of State September 4, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1194, 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, until January 1, 2006, authorize a physician assistant or nurse practitioner to 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 sign the report and to make any determination of temporary disability.

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

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

3209.10. (a) Medical treatment of a work-related injury required to cure or relieve the effects of the injury may be provided by a state licensed physician assistant or nurse practitioner, acting under the review or supervision of a physician and surgeon pursuant to standardized procedures or protocols within their lawfully authorized scope of practice. The reviewing or supervising physician and surgeon of the physician assistant or nurse practitioner shall be deemed to be the treating physician. For the purposes of this section, "medical treatment" includes the authority of the nurse practitioner or physician assistant to authorize the patient to receive time off from work for a period not to exceed three calendar days if that authority is included in a standardized procedure or protocol approved by the supervising physician. The nurse practitioner or physician assistant may cosign the Doctor's First Report of Occupational Injury or Illness. The treating physician shall make any determination of temporary disability and shall sign the report.



(b) The provision of subdivision (a) that requires the cosignature of the treating physician applies to this section only and it is not the intent of the Legislature that the requirement apply to any other section of law or to any other statute or regulation. Nothing in this section implies that a nurse practitioner or physician assistant is a physician as defined in Section 3209.3.

(c) This section shall remain in effect only until January 1, 2006, and on that date is repealed, unless a later enacted statute that is enacted before January 1, 2006, deletes or extends that date.

SEC. 2. The addition of Section 3209.10 to the Labor Code made by this act does not constitute a change in, but is declaratory of, existing law and neither expands nor limits the scope of practice of nurse practitioners or physician assistants with regard to the delivery of care pursuant to Division 4 of the Labor Code.

SEC. 3. In enacting this act, the Legislature intends to abrogate the opinions expressed by the Administrative Director or the Division of Workers' Compensation as set forth in *Minnie Martin v. Los Angeles Unified School District*, AD No. 9786-4895, July 6, 1999, to the extent that it precluded a physician assistant from practicing within the scope of the protocol approved by the supervising physician and their lawful scope of practice.

