

- SUBJECT:** Use of and reimbursement for nurse first assistants
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 6 ayes — Gray, Coleman, Longoria, Maxey, Uresti, Wohlgemuth
0 nays
3 absent — Capelo, Delisi, Glaze
- WITNESSES:** For — Denise Jackson, Texas Registered First Nurse Assistants Network; *Registered but did not testify:* Tina Linsalata, CRNFA; James Willmann, Texas Nurses Association and Texas Legislative Agenda Coalition; Lynda Woolbert, Coalition for Nurses in Advanced Practice

Against — None

On — Marianna Zolondek, Texas Department of Health
- BACKGROUND:** Nurse first assistants are registered nurses who stand across from the surgeon in an operating room. While a circulating nurse generally is responsible for preparing the patient for surgery and the scrub nurse is responsible for the surgical tools, the nurse first assistant is responsible for activities that involve the patient. These could include retracting tissue, controlling bleeding, and applying sutures or wound dressing. They also perform preoperative and recovery functions. Nurse first assistants are certified through a national certification and education program.
- DIGEST:** CSHB 803 would amend the Insurance Code by adding nurse first assistants to the list of health professionals an insurance policy could include or exclude for reimbursement recognition by title, and by adding nurse first assistants to the list of health professionals a policyholder could select for care. A recipient of medical assistance would have to be allowed to select the services of a nurse first assistant if a physician recommended it and the service was within the nurse first assistant's scope of practice.

A health maintenance organization (HMO) or an insurer, including one

offering a preferred-provider benefit plan, could not require a physician to use the services of a nurse first assistant. An HMO or a preferred provider could not refuse to contract with a nurse first assistant for inclusion in the provider network or refuse to reimburse the nurse first assistant for a covered service requested by a affiliated physician. An insurance carrier could not refuse to reimburse a health-care practitioner solely because that practitioner was a nurse first assistant providing requested services.

CSHB 803 would allow the Board of Nurse Examiners to adopt rules governing nurse first assistants. It would define a nurse first assistant under the Occupations Code as a registered nurse who was certified in perioperative nursing by an organization recognized by the board and had completed an educational program approved by such an organization.

The bill would take effect September 1, 2001, and would apply to policies delivered or renewed after that date. Earlier policies would be governed by earlier law.

**SUPPORTERS
SAY:**

CSHB 803 would formalize the role of a registered nurse first assistant in the operating room. Nurse first assistants already are assisting in many operating rooms, but because their role is not defined by law, some insurers do not reimburse them for their services. This bill would make it more likely that the services of a nurse first assistant would be reimbursed. It also would help ensure professionalism and competency in the operating room. Registered nurses already must meet educational and training requirements, but to obtain certification as a first nurse assistant, a nurse must have training that is specific to the operating room.

**OPPONENTS
SAY:**

CSHB 803 would create confusion for patients when they had to decide whether to choose the services of a first nurse assistant or of another practitioner. Given that a physician can delegate tasks in the operating room regardless of titles, the designation of a nurse first assistant is unnecessary.

NOTES:

The committee substitute added the provisions prohibiting insurers from refusing to include nurse first assistants in a provider network and to reimburse a nurse first assistant for services requested by an affiliated

physician had requested. It also would prohibit an insurer from requiring a physician to use a nurse first assistant.