

SUBJECT: Workers' compensation reimbursement for licensed surgical assistants

COMMITTEE: Economic Development — committee substitute recommended

VOTE: 6 ayes — Ritter, B. Cook, Anchia, Deshotel, McCall, Seaman

0 nays

1 absent — Kolkhorst

SENATE VOTE: On final passage, April 28 — 31-0, on Local and Uncontested Calendar

WITNESSES: No public hearing.

BACKGROUND: Non-physician surgical assistants are health professionals who assist surgeons in the operating room. While a surgical technologist generally is responsible for sterilizing and handling instruments, the surgical assistant assists in the performance of certain surgical procedures, such as retracting tissue, controlling bleeding, and applying sutures or wound dressing.

In 2001, the 77th Legislature in HB 1183 by Capelo established a license for surgical assistants, designating them as providers under the Insurance Code and making them eligible for state Medicaid reimbursements but not covering them for workers' compensation reimbursements. In the past, surgical assistants have been paid routinely for workers' compensation cases because they were eligible for reimbursement under Occupations Code, ch. 206. When the Texas Workers' Compensation Commission (TWCC) recently adopted its new fee guidelines based on federal Medicare guidelines, TWCC omitted surgical assistants because they currently are not reimbursed under Medicare.

DIGEST: CSSB 1815 would amend the Labor Code to prohibit an insurance carrier from refusing to reimburse a health care practitioner solely because the practitioner was a licensed surgical assistant for a covered service that a physician had requested the assistant to perform. The bill would provide that a surgical assistant would be reimbursed on the same basis as a physician assistant, nurse practitioner, or clinical nurse specialist who

functioned as a first assistant in surgery.

The bill would take effect September 1, 2005, and would apply only to a claim for workers' compensation benefits based on a compensable injury that occurred on or after that date.

**SUPPORTERS
SAY:**

CSSB 1815 would allow non-physician surgical assistants to be eligible once again for reimbursement under the workers' compensation system. In 2001, the 77th Legislature created a license for surgical assistants and designated them as eligible providers under the Insurance Code but inadvertently did not cover them for workers' compensation reimbursement. Surgical assistants have been part of the workers' compensation system in the past and provide a valuable service. Because non-physician surgical assistants are reimbursed at rates between 10 percent and 25 percent less than physician surgical assistants, their increased utilization would be a cost saver for the health care system.

Non-physician surgical assistants reflect a positive trend in health care delivery in recent years that enables highly competent professionals to fill a void that has expanded as physicians increasingly lack the time or the incentive to assist with surgeries. Surgeons often prefer the aid of non-physician surgical assistants who are familiar with their surgical practices and usually have more flexible schedules than physician surgical assistants. Further, non-physician surgical assistants provide hospitals with valuable resources to address acute staffing shortages in operating rooms.

Texas workers' compensation patients, and the system in general, would benefit from the reimbursement of non-physician surgical assistants in workers' compensation cases.

**OPPONENTS
SAY:**

While adding surgical assistants to the professionals permitted to seek reimbursement from the workers' compensation system would allow them to bill separately, it only would apply to a few professionals. Since its establishment in 2001, very few health professionals have applied for a surgical assistant's license.

NOTES:

The committee substitute is not substantially different from the Senate-passed bill.