

## **BILL ANALYSIS**

Senate Research Center  
77R13016 E

H.B. 803  
By: Junell (Duncan)  
Business & Commerce  
5/11/2001  
Engrossed

### **DIGEST AND PURPOSE**

A registered nurse first assistant (RNFA) is a technically skilled and highly educated nursing professional who renders direct care to surgical patients before, during, and after surgery. RNFAs perform the same first assisting duties as surgeons, physicians, physician assistants, and some nurse practitioners, all of whom are authorized to receive Medicare reimbursement for their first assisting services. Nevertheless, Medicare and most private insurance companies do not directly reimburse RNFAs for their services, and reimbursement rates that RNFAs do receive are not always commensurate with the reimbursement rates of other health care professionals who perform the same first assisting duties. Failure to reimburse or adequately reimburse RNFAs may result in costs being shifted to patients. H.B. 803 prohibits an insurance company from refusing to contract with an RNFA or to cover first assisting services because they were performed by an RNFA.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly delegated to the Board of Nurse Examiners in SECTION 5 (Section 301.1525, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

H.B. 803 amends the Occupations Code to authorize the Board of Nurse Examiners (board) to adopt rules governing nurse first assistants (RNFAs). The bill prohibits a health maintenance organization or an insurer, including an insurer offering a preferred provider benefit plan, from requiring, by contract or any other method, a physician to use the services of a nurse first assistant (Sec. 301.1525).

C.S.H.B. 803 amends the Insurance Code to authorize any person with health insurance coverage to select an RNFA to provide services scheduled in a policy that fall within the scope of the RNFA's license and are requested by the physician whom the nurse is assisting. The bill prohibits an insurance company, association, or organization from denying or making any classification, differentiation, or discrimination in the payment for scheduled services or procedures because they were performed by an RNFA (Sec. 3, Art. 21.52).

The bill amends the Human Resources Code to require the Health and Human Services Commission to assure that a recipient of medical assistance is authorized to select an RNFA to perform any health care service or procedure covered under the medical assistance program if the selected RNFA is authorized to perform the service or procedure and the physician requests that the service or procedure be performed by the RNFA (Sec. 32.027).

The bill amends the Insurance Code to prohibit a preferred provider or a health maintenance organization from refusing to contract with an RNFA to be included in the network or refuse to reimburse the RNFA or a covered service that a physician has requested the RNFA to perform (Sec. 3, Art. 3.70-3C, and Sec. 14, Art. 20A.14).

The bill amends the Labor Code to prohibit an insurance carrier from refusing to reimburse a health care practitioner solely because that practitioner is an RNFA for a covered service that a physician providing health care services under worker's compensation has requested the RNFA to perform (Sec. 408.029).

EFFECTIVE DATE: September 1, 2001. Makes application of this Act prospective.