

BILL ANALYSIS

Senate Research Center
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S.B. 1815
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State Affairs
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The 77th Legislature, Regular Session, 2001, created a license for surgical assistants in HB. 1183, designating them as eligible providers under the Insurance Code, and made them eligible for state Medicaid reimbursement, but inadvertently did not cover workers' compensation reimbursement.

Surgical assistants have routinely been paid in Texas for workers' compensation cases in the past. When the Texas Workers' Compensation Commission recently adopted new fee guidelines based on Medicare, surgical assistants were left out because they are not currently reimbursed under Medicare.

This bill addresses the eligibility for reimbursement of certified and licensed surgical first assistants. A surgical first assistant is a healthcare professional who stands across from the surgeon during surgery and assists the surgeon. Surgical first assistants in Texas routinely bill third party payers for their services.

As proposed, S.B. 1815 makes certified first assistants and licensed surgical assistants eligible for compensation under the Texas workers' compensation system.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 408, Labor Code, by adding Section 408.0295, as follows:

Sec. 408.0295. SURGICAL ASSISTANT SERVICES. (a) Prohibits an insurance carrier from refusing to reimburse a health care practitioner solely because the practitioner is a surgical assistant licensed under Chapter 206 (Surgical Assistants), Occupations Code, or a surgical first assistant certified by a national certifying organization approved by the Texas State Board of Medical Examiners for a covered service that a physician providing health care services under this subtitle has requested the surgical assistant to perform.

(b) Requires a surgical assistant described by this section to be reimbursed on the same basis as a physician assistant, nurse practitioner, or clinical nurse specialist who functions as a first assistant in surgery.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.