March 11, 2010

Dear Physicians, Physician Assistants and Advance Practice Registered Nurses,

In 2007, the Montana Legislature passed law clarifying the role of the advance practice registered nurse (APRN) for Workers’ Compensation, i.e., the APRN is no longer required to practice in consultation with a physician licensed under Title 37, chapter 3.

Montana State Fund recognizes an APRN as a treating physician who may determine MMI if the APRN is licensed under 37-8-409 and holds a certificate in a field of advanced practice registered nursing related to the treatment of the worker’s compensation injury. An APRN may also evaluate the injured worker for determination of an impairment rating in accordance with Legislative revisions to 39-71-7111 in 2009.

Montana Statute 39-71-116(35c) states that a certified physician assistant may be considered a treating physician “if there is not a physician in the area where the physician assistant-certified is located”. A PA may evaluate the injured worker for determination of impairment rating, however a medical doctor must co-sign this documentation as a PA is not authorized to provide an impairment rating under 39-71-711.

Montana State Fund (MSF) recognizes the increasing use of physician assistants (PA) on claims in areas where the treating physician is located. This has created confusion as to whether reimbursement should be authorized for the PA, whether the physician is retaining the role of treating physician, and if opinions rendered by the PA are valid.

Injured worker treatment by a PA has been reviewed internally at MSF. While we consider treatment with the physician to be preferable, timely medical treatment is considered essential. MSF’s opinion is:

- The physician will retain the role of treating physician,
- The PA is an extension of the physician, as evidenced by the physician’s legal responsibility to oversee the medical care and treatment provided by a PA working in his/her office, and
- Use of a PA may allow more timely treatment of an injured employee.

In order to ensure appropriate oversight, MSF will adhere to the following actions:
1) The PA will be responsible for providing the same information a physician is required to provide.
2) A PA may evaluate the injured worker for determination of impairment rating, however the supervising physician must co-sign this documentation.
3) A PA may evaluate the injured employee for determination of MMI.

If you have any questions regarding the opinion or actions delineated in this letter, please contact me at (406) 495-5277 or bmcgregor@montanastatefund.com.

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