

## **BILL ANALYSIS**

C.S.S.B. 1815  
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Economic Development  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The 77th Legislature, Regular Session, 2001, created a license for surgical assistants in H.B. 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.

C.S.S.B. 1815 makes 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.

### **ANALYSIS**

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

Section 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, 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. Provides the effective date of this Act.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The Committee Substitute only differs from the Senate Engrossed version by clearly stating in section 2 that the reimbursements will only be made for services rendered on or after the effective date of this Act.