

109TH CONGRESS
1ST SESSION

S. 1149

To amend the Federal Employees' Compensation Act to cover services provided to injured Federal workers by physician assistants and nurse practitioners, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2005

Mr. ISAKSON (for himself and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Federal Employees' Compensation Act to cover services provided to injured Federal workers by physician assistants and nurse practitioners, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improving Access to
5 Workers’ Compensation for Injured Federal Workers
6 Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) Medical services and supplies provided by
2 physician assistants (PAs) and nurse practitioners
3 (NPs) are not included in the definition of “medical,
4 surgical, and hospital services and supplies,” in the
5 Federal Employees’ Compensation Act (5 U.S.C.
6 8101 et seq.), PAs and NPs are not included in the
7 definition of “physician” in such Act, and claims
8 signed by PAs and NPs have been denied by the Of-
9 fice of Workers’ Compensation Programs of the De-
10 partment of Labor.

11 (2) In some rural areas where PAs and NPs
12 are the only full-time providers of care, injured Fed-
13 eral workers may have to travel more than 100 miles
14 to receive care that is reimbursable.

15 (3) In some cases, Federal workers have been
16 advised to use hospital emergency rooms for non-
17 emergency care, rather than receiving care after-
18 hours at local clinics where PAs or NPs are the only
19 health care professionals on-site.

20 (4) PAs and NPs are legally regulated in all
21 fifty States, the District of Columbia, and Guam.
22 Forty-eight States, the District of Columbia, and
23 Guam authorize physicians to delegate prescriptive
24 privileges to the PAs they supervise, and forty-nine
25 States, the District of Columbia, and Guam author-

1 ize NPs to prescribe medications under their own
2 signature.

3 (5) PAs and NPs work in virtually every area
4 of medicine and surgery and are covered providers
5 within Medicare, Tri-Care, and most private insur-
6 ance plans. PAs and NPs are also employed by the
7 Federal Government to provide medical care, includ-
8 ing by the Department of Veterans Affairs, the De-
9 partment of Defense, and the Public and Indian
10 Health Services.

11 (6) Amending the Federal Employees' Com-
12 pensation Act to recognize PAs and NPs as covered
13 providers will bring this Act in line with the over-
14 whelming majority of State workers' compensation
15 programs, which recognize PAs and NPs as covered
16 providers.

17 (7) The exclusion of PAs and NPs from the
18 category of covered providers under the Federal Em-
19 ployees' Compensation Act limits patients' access to
20 medical care, services, and supplies, disrupts con-
21 tinuity of care, and creates unnecessary costs for the
22 Office of Workers' Compensation Programs.

1 **SEC. 3. INCLUSION OF PHYSICIAN ASSISTANTS AND NURSE**
2 **PRACTITIONERS IN FEDERAL EMPLOYEES'**
3 **COMPENSATION ACT.**

4 (a) INCLUSION.—Section 8101 of title 5, United
5 States Code, is amended—

6 (1) in paragraph (2), by inserting after “chiro-
7 practors,” the following: “physician assistants, nurse
8 practitioners,”; and

9 (2) in paragraph (3), by inserting after “chiro-
10 practors,” the following: “physician assistants, nurse
11 practitioners,”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 this section shall apply beginning on the first day of the
14 first Federal fiscal year quarter that begins on or after
15 the date of enactment of this Act.

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