

DHS Responses to Public Comments Regarding Physician Assistant and Clinical Nurse Specialist as Other Licensed Practitioners

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Comment: Please accept the following comments on behalf of the Arkansas Medical Society in response to the Proposed Rules on Physician Assistants and Clinical Nurse Specialists as Other Licensed Practitioners:

1. Physician Assistants – The provisions in the proposed rules relating to qualifications of physician assistants do not appear to include statutory language from Act 303 of 2023 that requires authorization from the supervising physician in order for the physician assistant to be identified as a treating provider and/or a billing provider. There should be a requirement that this authorization must be provided along with other required documentation.

Response: DHS agrees this clarification should be provided. Wording consistent with the above-mentioned, ACT 303 of 2023, has been added to Section II (§252.130.C) of the physician assistant provider manual.

Comment: Act 303 of 2023 – SECTION 2. Arkansas Code Title 17, Chapter 105, Subchapter 1, is amended to add an additional section to read as follows: 17-105-125. Insurer billing and payment. (a) If authorized by the supervising physician, a physician assistant shall be: (1) Identified as the treating provider in billing and claims processes when the physician assistant delivered the medical services to the patient; and (2) Allowed to file claims as the billing provider for medical services delivered by the physician assistant to a patient that: (A) Is a Medicaid beneficiary; or (B) Has a health benefit plan provided by a healthcare insurer.

2. Several sections in the proposed rules refer to admissions to hospitals. Some might interpret these sections to recognize physician assistants or clinical nurse specialists as being authorized to admit patients to a hospital. However, this would be in direct conflict with Arkansas Department of Health rules and the proposed rules should be clarified to remove the potential for misinterpretation.

As we continue to review this proposal, we may need to submit follow-up comments.

Response: DHS agrees and to be consistent with the Arkansas Department of Health's Rules for Hospitals and Related Institutions in Arkansas (Section 6) there will be updates to the Physician Assistant Provider Manual Section II (§214.710 and § 252.465); and the Clinical Nurse Specialist Provider Manual Section II (§214.710 and § 252.465).