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September 29, 1999

Ms. Kathy Andersen
Associate Director Government Relations
State Medical Society of Wisconsin
330 East Lakeside St.
Madison, WI 53701-1109

SEP 30 1999

Dear Ms. Andersen:

Thank you for your letter regarding the use of physician's assistants in treating worker's compensation injuries.

Fee disputes. As we discussed, Wis. Admin. Code Section DWD 80.72(2)(L) includes a physician's assistant in the definition of a "provider" or "health service provider" as that term is used in the fee dispute resolution process. This means that treatment provided to an injured employee by a physician's assistant is billable. It also means that an insurer may dispute the amount of the fee for the services of the physician's assistant pursuant to s. 102.16(2), Stats., and DWD 80.72. However, an insurer may not deny the entire fee simply because the treatment was provided by a physician's assistant (assuming the treatment is appropriately coded and within the scope of services that a physician's assistant is licensed to perform).

Necessity of treatment disputes. An insurer may also refuse to pay for some or all of the treatment provided by a physician's assistant by challenging the necessity of that treatment to cure and relieve the effects of the injury pursuant to s. 102.16(2m), Stats., and DWD 80.73. Section DWD 80.73(2)(d) states: "Provider" includes a hospital, physician, psychologist, chiropractor, podiatrist, or dentist, or ***another licensed medical practitioner who provides treatment ordered by a physician***, psychologist, chiropractor, podiatrist or dentist whose order of treatment is subject to review." (Emphasis added.) However, please note that it is the physician's order of treatment that will be the subject of review by another physician.

I hope this adequately addresses your concerns.

Sincerely,

Richard D. Smith, Director
Bureau of Legal Services
Worker's Compensation Division