



# NONPHYSICIAN PRACTITIONERS

Andrea Schwab, JD, CPA | Laura Palmer, FACMPE | Julian Rivera, JD

## Hiring, Billing, and Delegation of Duties for a Nonphysician Practitioner

THIRD EDITION

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Physicians Caring for Texans



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### Third Edition

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## ABOUT THE AUTHORS

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This credit is available for the period of Feb. 15, 2012, through Aug. 19, 2023.

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The content of this material does not relate to any product of commercial interest; therefore, there are no relevant financial relationships to disclose.

## Learning Objectives

Upon completion of this enduring material, readers should be able to:

- Define the physician's supervision requirements for nonphysician practitioners,
- Determine the managed care credentialing requirements based on the scope of provided services, and
- Implement and monitor appropriate billing processes that correspond to credentialing and supervision.

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# INTRODUCTION

This book provides Texas-specific information about the oversight of nonphysician practitioners (NPPs) in a physician practice: delegating; supervising; ensuring qualifications; and managing practical aspects of contracting, credentialing, and billing. The material presented should not replace written law or regulations. For a full and accurate view of specific statutes and payer guidelines, the reader is directed to the original sources, published updates, regulatory bodies, and provider manuals.

A physician has a general authority to delegate medical acts to a qualified and properly trained person acting under the physician's supervision, as long as:

- The delegation is in accordance with the standard of care;
- The person to whom the delegation is made does not represent to the public that he or she is authorized to practice medicine; and
- The delegated act (1) can be properly and safely performed by the person to whom the medical act is delegated, (2) is performed in its customary manner, and (3) is not in violation of any statute.<sup>1</sup>

A physician also has a general authority to delegate the *administration and provision* of dangerous drugs, so long as:

- The delegation is to a qualified and properly trained person acting under the physician's supervision,
- The act is performed in the physician's office as ordered by the physician, and
- The dangerous drugs are used or required to meet the immediate needs of the physician's patients.<sup>2</sup>

This general authority to delegate does not authorize the delegation of prescriptive authority to nonphysician practitioners; rather, the delegation and supervision of the act of prescribing or ordering drugs and devices is limited to advanced practice registered nurses (APRNs) and physician assistants (PAs), and only under certain circumstances.<sup>3</sup> Regardless of whether the delegation is pursuant to the general authority to delegate medical acts or the specific authority to delegate prescriptive authority, the acts delegated must be supervised and be consistent with the patient's health and welfare, and the *delegating physician remains responsible for the medical acts*.<sup>4</sup> Furthermore, a physician is not authorized to delegate the use of independent medical judgment.<sup>5</sup>

A nonphysician practitioner can be a PA, registered nurse (RN), APRN, physical or occupational therapist, or another health care professional. This book, however, focuses only on PAs and APRNs, and the terms "nonphysician practitioner" and "NPP" used herein refer only to these two types of health care professionals. Texas APRNs may be nurse practitioners, clinical nurse specialists, nurse midwives, or nurse anesthetists; the use of the terms "advanced practice registered nurse" and "APRN" in this book refers to the various types collectively.

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1 Tex. Occ. Code §157.001.

2 Tex. Occ. Code §157.002.

3 Tex. Occ. Code §157.051 et. seq.

4 Tex. Occ. Code §157.001(b); 22 Texas Administrative Code §193.5(b).

5 See, e.g., 22 Tex. Admin. Code §193.5; Tex. Occ. Code §157.002(d).

# Thinking about growing your medical practice with a nonphysician practitioner?

## Want to be sure you are employing your NPP the right way?

### **This complete guide walks you through:**

- Hiring an NPP
- Legal liability of physicians
- Scope of practice
- Delegation and supervision of duties
- Prescriptive authority
- Billing for NPP services

**You'll also find sample job descriptions,  
billing guidelines, case studies, and much more  
to make sure your NPP becomes a valued  
member of your health care team.**

Physicians should understand the required training and recertification of NPPs as well as their limitations because physicians have the ultimate responsibility and liability in the practice and in the care of their patients.

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