

PHYSICIAN SCOPE OF PRACTICE

Background: Non-physicians regularly turn to the General Assembly to increase their “scope of practice” so that they can accomplish legislatively what they did not accomplish in their education and training. In the last few years, for example, podiatrists, “naturopaths,” “lay midwives” and pharmacists have all sought legislative approval to “increase” a particular group’s scope of practice or to recognize them as a licensed or certified provider with a scope of practice equivalent to a physician in that specialty. Of particular note are the “naturopaths” and “midwives” who will again seek to be recognized as health care professionals in the State.

The Problem: This legislative onslaught will continue, particularly as the Federal Affordable Care Act is implemented and more and more patients secure health insurance coverage. As this occurs, non physician groups will see it as an opportunity and argue to the Legislature that their enhanced scope of practice is necessary to provide “access” to all individuals.

The Solution: Attempts by non-physician groups to secure physician privileges by way of legislation should be resisted. Where there is reasonable suggestion that increased “access” is necessary, the role of non physicians should be enhanced only when they are being supervised or in collaboration with a physician who is properly trained in their particular medical area. Specifically, with respect to “naturopaths”, the Board of Physicians, at the request of Chairman Peter Hammen, studied the matter and recommended a narrow scope of practice but suggested governance by an independent Board. MedChi continues to maintain that if naturopathy is to be licensed, the scope of practice should not impede upon the practice of medicine, collaboration with physicians should be required, and naturopaths should be regulated by the Board of Physicians. Any legislative proposal will be evaluated based upon the principles MedChi has identified. Similarly, after bills failed in 2012 and 2013, the Board of Nursing conducted a study during the 2013 interim at the request of the House HGO Committee on recognizing “lay midwives.” However, the Board of Nursing study did not specifically delineate the parameters for regulation of these individuals. Legislation is again anticipated during the 2014 Session.

What to Do: Contact members of the Senate EHE Committee and the House HGO Committee to encourage them to look unfavorably on these “scope of practice” expansions by non-physicians and to question the proponents as to why they should be exempt from the normal educational requirements required of doctors.