

KAPA ISSUE BRIEF

Interpreting Kentucky Law Regarding Billing for PA-Delivered Services

Michael L. Powe
Vice President, Reimbursement and Professional Advocacy, American Academy of Physician Assistants (AAPA)



There may be some confusion regarding the appropriate interpretation of language contained in the Kentucky physician assistant (PA) Statutes surrounding billing for services provided by licensed PAs. The two provisions in question for PAs are:

- Supervising physician to prohibit PA from independently billing.
KY. REV. STAT. ANN. § 311.856, and
- PA shall not submit direct billing for medical services and procedures performed.
KY. REV. STAT. ANN. § 311.858

Some suggest that these provisions mean that a bill/claim for PA-provided medical services can't be submitted to a third party payer under the name of the PA. That would be an incorrect interpretation. Under certain circumstances third party payers, such as the federal Medicare program, require that PA-provided services be submitted and billed under the PA's name. Failure to do so would place the PA, the supervising physician and the medical practice in jeopardy of breaking federal law, and at risk of federal fraud and abuse charges. No state would

want to interpret a statute in a manner that is in direct conflict with federal healthcare regulations.

Medicare regulations authorize PAs to treat Medicare beneficiaries in the physician's office even when the physician is in another location, such as the hospital. Legal supervision is accomplished when the physician and the PA have access to electronic communication (cell phones). When a PA delivers care in this scenario Medicare regulations **require** that the service be billed under the PA's name.

A distinction needs to be made between submitting a claim under the name of the PA and whether the PA directly receives reimbursement from a third party payer. Even when a claim is submitted under the PA's name, reimbursement or payment for the service goes to the employer of the PA (physician, physician group, hospital, etc.). The employer's tax identification on the claim form is the mechanism that assures payment to the employer and not to the PA. The issue is that PAs may not personally receive payment from a third party payer or from patients for services provided and not the administrative process involved in submitting a claim.



KENTUCKY ACADEMY OF PHYSICIAN ASSISTANTS

446 East High Street, Suite 10, Lexington, KY 40507

859-977-7452

info@kentuckypa.org

www.kentuckypa.org