

HCFA Restraint Rules Allow Delegation to Physician Assistants – BPQA Agrees

In August 1999 the Health Care Financing Administration (HCFA) implemented Medicare rules designed to protect all patients from improper use of restraint and seclusion. The regulations limit the ordering of patient restraint or seclusion to “a physician or other licensed independent practitioner,” which would seem to exclude physician assistants. However, in May 2000, HCFA issued “Interpretive Guidelines” clarifying that physicians may delegate those responsibilities in some instances.

The Interpretive Guidelines state, “For the purpose of this rule, a LIP is any practitioner permitted by both law and the hospital to independently order restraints, seclusion, or medications for patients. This is not to be construed to limit the authority of a doctor of medicine or osteopathy to delegate tasks to other qualified healthcare personnel (i.e., Physician Assistants and Nurse Practitioners) to the extent recognized under State law or a State’s regulatory mechanism.”

In short, physicians are able to delegate to PAs the ordering of restraints and seclusion and the required face-to-face assessment of the patient within one hour, as long as it is within the PA’s state authorized scope of practice and allowed under hospital policy.

The BPQA confirms that Physicians may delegate to Maryland PAs the ordering and assessment required for restraints in medical facilities. BPQA, however, requests that this duty be included in the PAs delegation agreement. An addendum, in the form of a letter from your supervising physician to BPQA, may be sent to add this duty to an already approved delegation agreement.

Please note that such delegation is prohibited by state law in any mental health setting, which falls under the purview of the Department of Health and Mental Hygiene.

The HCFA regulations, entitled, “Medicare and Medicaid Programs; Hospital conditions of Participation: “Patients’ Rights,” were published in the July 2, 1999, Federal Register. They can be found through the Federal Register. They can be found through the Federal Register Web site at http://www.access.gpo.gov/su_docs/fedreg/a990702c.html. The interpretive guidelines, dated June 2000, are on the Internet at <http://www.hcfa.gov/quality/4b2.htm>. The reference to PAs is on page A-182.

Approved by BPQA, December 2001.