

MEMORANDUM

TO: Home Care Agencies Providers

FROM: Ranada Cooper
Associate Director
Office of Health Facilities

DATE: March 1, 2023

SUBJECT: **Signatory Authority of Physician Assistants**

This is a notice to you from DC Health, Health Regulation and Licensing Administration (HRLA), that will serve to clarify signatory authority of physician assistants (PAs) in relation to Home Care Agency (HCA) plans of care.

On November 16, 2022, HRLA issued a notice concerning the signatory authority of advanced practice registered nurses (APRNs), which clarified that APRNs may sign off on home health/care orders or patient plans of care.

The current regulations governing HCAs (effective as of March 19, 2004) state that “[t]he plan of care shall be approved by the patient’s physician.” 22-B DCMR § 3914.2.

However, the federal Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) became law on March 27, 2020. As applied in the District, section 3708 of the CARES Act allows Physician Assistants (PAs) to certify beneficiaries for eligibility under the Medicare home health benefit and oversee their plan of care if the following requirements are met:

- 1) The PA is treating the beneficiary for the condition for which the item is needed;
- 2) The PA is practicing under the supervision of a Doctor of Medicine or Doctor of Osteopathy; and
- 3) The PA has their own National Provider Identifier (NPI).

Further, the Board of Medicine's regulations governing PAs, which were amended after the adoption of the relevant HCA regulations on March 22, 2013 (Final Rulemaking published at 60 DCR 4201), specifically allow PAs to “give medical orders to health professionals, consistent with the policies of a hospital or health care facility where the orders are to be executed.” See 17 DCMR § 4911.9. Accordingly, a PA would be authorized to sign off on home health/care orders or patient plans of care for an HCA if such authority is included in the relevant Delegation Agreement.

To be consistent with the CARES Act, and the Board of Medicine's more recent regulations, 22-B DCMR § 3914.2 will be interpreted and enforced to allow PAs to sign off on home health/care orders or patient plans of care. Therefore, contrary to the current language of 22-B DCMR § 3914.2, an HCA plan of care shall be approved by the patient's physician, an APRN, or a PA (if all necessary conditions are met).

DC Health will update 22-B DCMR § 3914.2 to eliminate any conflicts with existing laws or regulations. In the meantime, please be advised that HRLA will not issue deficiencies when PAs exercise signatory authority with respect to HCA care plans when all necessary conditions are met in accordance with the CARES Act and 17 DCMR § 4911.

If you have any questions or need further information, please contact Vanessa L. Mattox, RN Program Manager at vanessa.mattox@dc.gov or at (202) 442-4751.