



## The Office of State Representative Jeffrey Sánchez

The State House | Boston, MA 02133  
Phone: (617) 722-2130 | Fax: (617) 722-2002  
E-mail: Jeffrey.Sanchez@mahouse.gov

**FOR IMMEDIATE RELEASE**

April 20, 2011

**CONTACT:**

Leigh Simons  
(617) 722-2130

## **REPRESENTATIVE SÁNCHEZ REFUTES MASSACHUSETTS MEDICAL SOCIETY TESTIMONY ON PRIMARY CARE WORKFORCE BILL**

*Bill would increase the primary care workforce in Massachusetts*

BOSTON—The Massachusetts Medical Society's (MMS) written testimony in opposition to House 1520, "An Act encouraging nurse practitioner and physician assistant practice of primary care" misconstrues the bill's intent to ensure access to quality, safe primary care medical services across the Commonwealth.

A 2010 report by MMS itself calls the labor market for family medicine and internal medicine "critical."<sup>1</sup> The Division of Health Care Finance and Policy supports these findings and shows that access to primary care is declining. In 2009, it took an average of 44 days for a patient to get a non-urgent primary care visit with a physician. In the same year, just 44 percent of internal medicine physicians and 60 percent of family medicine physicians were accepting new patients in 2009. This is down from 66 percent and 70 percent, respectively, just two years earlier.<sup>2</sup>

MMS misinterprets the bill in its testimony and offers no solutions to the shortage of primary care in Massachusetts, a shortage that has a considerable effect on underserved populations. In 2009, nearly 14 percent of Massachusetts residents lived in a primary care health professional shortage area, one of the highest rates in New England. Additionally, 22 percent of Massachusetts residents had difficulty obtaining care and of these residents, 37 percent had public coverage through MassHealth, Commonwealth Care, or Commonwealth Choice. Patients who do not have access to insurance through their employer also had more difficulty receiving care in 2009: only 38 percent of family medicine and general practice physicians in 2009 reported that they accepted health plans from the Health Connector.<sup>2</sup>

"The Massachusetts Medical Society fails to acknowledge how this bill would address primary care shortages across the Commonwealth," Representative Jeffrey Sánchez, Co-Chair of the Joint Committee on Public Health, said. "Instead of offering solutions to address this 'critical' problem, the Massachusetts Medical Society's position stands in the best interest of its membership instead of the best interest of patients in the Commonwealth."

House 1520 takes quick action to address these shortages by more effectively and more transparently using nurse practitioners and physician assistants already practicing in the Commonwealth. Increasing the primary care workforce is critical, as areas with larger amounts of primary care are healthier.<sup>3</sup>

Additionally, this bill would help to reduce health care costs in the Commonwealth. Massachusetts could see an estimated savings between \$4.2 billion and \$8.4 billion over ten years with greater use of nurse practitioners and physician assistants as an office visit with these professionals is 20-35 percent less expensive than the average cost of an office-based visit with a physician.<sup>4</sup>

A point-by-point refute of Massachusetts Medical Society's claims follows.

###

<sup>1</sup> Source: Massachusetts Medical Society.

<sup>2</sup> [http://www.massmed.org/AM/Template.cfm?Section=Research\\_Reports\\_and\\_Studies2&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=36166](http://www.massmed.org/AM/Template.cfm?Section=Research_Reports_and_Studies2&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=36166)

<sup>3</sup> Source: Massachusetts Division of Health Care Finance and Policy. [http://www.mass.gov/Eoohhs2/docs/dhcfp/r/pubs/10/primary\\_care\\_report\\_in\\_mahouse.ppt](http://www.mass.gov/Eoohhs2/docs/dhcfp/r/pubs/10/primary_care_report_in_mahouse.ppt)

<sup>4</sup> Source: New England Journal of Medicine. <http://www.nejm.org/doi/full/10.1056/NEJMp0805763>

<sup>5</sup> Source: RAND HEALTH. [http://www.rand.org/content/dam/rand/pubs/technical\\_reports/2009/RAND\\_TR733.pdf](http://www.rand.org/content/dam/rand/pubs/technical_reports/2009/RAND_TR733.pdf)

| MMS Point                                                                                                                                                                                              | Sánchez Counterpoint                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>“No legislation before you today undermines the quality of our health care system and patients’ rights more than H 1520.”</p>                                                                       | <ul style="list-style-type: none"> <li>• Massachusetts is facing a critical shortage of primary care providers. In its 2010 workforce study, the Massachusetts Medical Society (MMS) found that the labor market for family medicine and internal medicine is “critical.”<sup>5</sup></li> <li>• By more effectively and more transparently using services provided by nurse practitioners (NPs) and physician assistants (PAs), H.1520 eases the primary care shortage by making better use of the primary care professionals already practicing in the Commonwealth.</li> <li>• Several studies have found that NPs and PAs provide primary care that is at least as effective and safe as that provided by physicians.<sup>6</sup></li> <li>• This bill expands patients rights by allowing patients to freely choose their primary care provider, including nurse practitioners, physician assistants, <i>and</i> physicians who practice primary care.</li> </ul> |
| <p>“The essence of the bill is contained in a fact sheet from the supporters: Strikes out the word ‘physician’ throughout the statutes and inserts the word ‘provider.’”</p>                           | <ul style="list-style-type: none"> <li>• The bill changes the words “primary care physician” to “primary care provider,” a definition for which is already in statute.</li> <li>• By removing ambiguity for nurse practitioners (NPs) and physician assistants (PAs) who already practice primary care, this change will increase patient safety.</li> <li>• Currently, orders for some diagnostic and other tests must come from a physician, even if a patient’s primary care provider is an NP or a PA. This means the results must go back to the physician, not the patient’s primary care provider, and creates unsafe and burdensome delays in getting critical medical information back to the patient’s primary care provider.</li> </ul>                                                                                                                                                                                                                     |
| <p>“The bill does not even define the term provider. It does define a ‘primary care provider’ as a health care professional qualified to provide general medical care for common health problems.”</p> | <ul style="list-style-type: none"> <li>• Again, MMS alters the change this bill makes. The bill does not insert the term “provider,” it inserts the term “primary care provider” and uses the same definition that is already used in statute.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>“Section 5 Adds the nebulous definition of primary care provider to the definition section of the public health laws of the Commonwealth, Chapter 111...Chapter 111 cites the term physician 62 times.”</p>                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>• Primary care provider is already defined in statute and the bill merely adds the definition to Chapter 111.</li> <li>• Under current law, “primary care physician” is only cited in Chapter 111 three times, not 62 as claimed by MMS. One of the three instances is not changed by this bill; the other two are detailed below.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>“Section 6 uses only statutory references to replace physician with provider in the public health law section entitled: Multi-Disciplinary Medical Review Team; certification of nursing home care eligibility. Why would we want to eliminate a statutory requirement for a physician in this area?”</p>                                                                                                                                                      | <ul style="list-style-type: none"> <li>• The bill changes the words “primary care physician” to “primary care provider,” a definition for which is already in statute.</li> <li>• The bill’s change from “primary care physician” to “primary care provider” allows a patient’s primary care provider who is an NP or PA to be on the multidisciplinary team that certifies a patient is eligible for a nursing home. Currently, a patient whose primary care provider is an NP or PA would have to have a physician, who is not their primary care provider and who many never have seen the patient before, make this decision.</li> <li>• For a decision as important and sensitive as nursing home eligibility, patients should have the right to have their primary care provider be a part of the decision making process.</li> </ul> |
| <p>“Similarly section 13 uses statutory references to eliminate physician referral of problems with Newborn hearing screening tests. These protections were put in place by the legislature to afford specific protections to newborns that their pediatricians be informed immediately if hearing problems were detected. Why would we want to lessen this provision? What parent would want a generic provider notified of a serious problem in a newborn?”</p> | <ul style="list-style-type: none"> <li>• This change does nothing to reduce protections that a newborn’s primary care provider is informed immediately of a hearing problem.</li> <li>• Instead, it allows a newborn’s primary care provider, be they a primary care physician, NP practicing primary care, or PA practicing primary care, to be informed immediately of the problem.</li> <li>• For patients whose primary care provider is an NP or PA, the current law may actually create delays in receiving this important information.</li> </ul>                                                                                                                                                                                                                                                                                    |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>“Section 15 also by statutory reference strikes out current law requiring that the name of a supervising physician be listed on prescriptions of physician assistants. What patient, concerned about a prescription, wouldn’t want to know who supervises the assistant?</p> <p>“These specific provisions raise quality concerns, even though they are couched in legalese which hides their meaning. If these provisions have merit, why aren’t they plainly stated?”</p>                                                                                                                                                                                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>• Section 15 does not make any changes to current requirements that PAs practice under the supervision of a physician or that PAs must have guidelines developed with the supervising physician in order to prescribe.</li> <li>• Instead, section 15 allows individual medical practices to decide the type of supervisory arrangement between the physician and PA that is most appropriate for the practices’ patients.</li> <li>• The American Academy of Family Physicians and the American College of Physicians have supported the principle that the appropriate ratio of physician to PA should be determined at the practice level.<sup>7,8</sup></li> <li>• The bill is written in legislative language.</li> </ul> |
| <p>Section 16 is clear in its intent but not in its impact... This is what it says: ‘When a provision of law or rule requires a signature, certification, stamp, verification, affidavit or endorsement by a physician, when relating to physical and mental health, that requirement may be fulfilled by a nurse practitioner...’</p> <p>“As noted above, there are 62 places just in Chapter 111 where the term physician appears. A search using the term physician gets 609 separate hits in the general laws of the Commonwealth...</p> <p>“Physicians greatly appreciate the work of nurse practitioners and physician assistants. We’re not so sure about the “providers” and “primary care providers” this bill creates...</p> <p>“This section replacing all requirements for a physician signature is indefensible, unwarranted and a threat to the public. What more can be said?”</p> | <ul style="list-style-type: none"> <li>• This section specifically states that nothing in the section shall be construed to expand the scope of practice of NPs, which is statutorily defined in Chapter 112 and is not changed by this bill.</li> <li>• The bill also states that this section shall not be construed to preclude the development of mutually agreed upon guidelines between the NP and supervising physician that are also statutorily defined in Chapter 112.</li> <li>• Instead of “replacing” physicians, it merely allows patients who see NPs not to have to go through duplicative and burdensome additional appointments to obtain a signature on forms such as seeing eye dog applications.</li> </ul>                                      |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>“Unfortunately, this bill goes on. It places primary care provider definitions in medicaid statutes and includes providers to replace physicians in statutes entitled Emergency services provided to beneficiaries for emergency medical conditions.”</p>                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>• The change to this section of Chapter 111 does nothing to reduce emergency services provided to patients.</li> <li>• These statutes currently state that insurers may require a plan member to notify one of several entities, including the patient’s primary care physician, if they have received emergency services.</li> <li>• For patients whose primary care provider is an NP or PA, this section of the bill simplifies the notification process the patient must go through and allows the patient to notify their own primary care provider instead of an unrelated primary care physician.</li> </ul> |
| <p>“The term provider is placed throughout the insurance laws in replacements for physicians. Do you really want the patient protection act, enacted to rein in the abuse of subscribers by health maintenance organizations, to be amended to say as does section 35 that after your physician is disenrolled from your insurance plan you now will have a right to ‘a description of the procedure for choosing an alternative primary care provider?’”</p> | <ul style="list-style-type: none"> <li>• Section 35 of this bill merely adds a definition of “primary care provider.”</li> <li>• Other sections in the bill which address primary care physician disenrollment merely extend the protections provided patients whose primary care provider is disenrolled. Without these changes, patients whose primary care provider is an NP or PA would not have the same protections as a patient whose primary care provider is a physician.</li> </ul>                                                                                                                                                              |
| <p>“This lengthy legislation ends with a section entitled consumer choice of physician assistants. Of course in its detail it mandates that insurers and the GIC recognize physician assistants. Given what precedes this section in the bill, the public really deserves a statutory right to choose a physician. No such law exists or is proposed.”</p>                                                                                                    | <ul style="list-style-type: none"> <li>• Physicians are already recognized by insurers and the GIC.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>“What possible reason is there to pass this legislation other than the desire of some ‘providers’ to increase their bargaining power with a wide variety of insurers and public payers?”</p>                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>• The intent of this bill is to improve the health of Massachusetts residents by increasing access to primary care.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

<sup>5</sup> Source: Massachusetts Medical Society.

[http://www.massmed.org/AM/Template.cfm?Section=Research\\_Reports\\_and\\_Studies2&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=36166](http://www.massmed.org/AM/Template.cfm?Section=Research_Reports_and_Studies2&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=36166)

<sup>6</sup> Source: New England Journal of Medicine. <http://www.nejm.org/doi/pdf/10.1056/NEJMp1012121>

<sup>7</sup> Source: American Academy of Family Physicians.

[http://www.aafp.org/online/etc/medialib/aafp.org/documents/prac\\_mgt/priv\\_proc/aafpaajointpaper.Par.0001.File.tmp/AAFP&AAPAJointpaper.pdf;jsessionid=5532674e-dfc3-c24c-8ca1-642f17b0d626](http://www.aafp.org/online/etc/medialib/aafp.org/documents/prac_mgt/priv_proc/aafpaajointpaper.Par.0001.File.tmp/AAFP&AAPAJointpaper.pdf;jsessionid=5532674e-dfc3-c24c-8ca1-642f17b0d626)

<sup>8</sup> Source: American College of Physicians. [http://www.acponline.org/advocacy/where\\_we\\_stand/policy/internists\\_asst.pdf](http://www.acponline.org/advocacy/where_we_stand/policy/internists_asst.pdf)