

# PROVIDER Update



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## Support Nurse Practitioners and Physician Assistants in Expanding Access to Care

### New law allows nurse practitioners to work without physician supervision

Effective January 1, 2023, California passed a new law, California Assembly Bill 890 (AB 890), that permits nurse practitioners (NPs) in specific settings to provide care (under certain conditions) that does not meet “standardized procedures.” AB 890 grants NPs full practice authority to provide services to patients. In other words, the new law gives NPs in California who meet pre-established professional requirements more authority to practice independently.

The law created two new categories of **nursing professionals** as follow:

- **103 NP** (California Business & Professions Code § 2837.103): An NP can work without standardized procedures, in a group setting with at least one physician and surgeon, within the population focus of their national certification.
- **104 NP** (California Business & Professions Code § 2837.104): An NP may work without standardized procedures, outside of a group setting, within the population focus of their national certification.
- The new law requires an NP to first work as a 103 NP in good standing for at least three years prior to becoming a 104 NP. Therefore, the application to become a 104 NP will not be available until year 2026.
  - To learn more about AB 890, refer to the California legislative information page at <https://bit.ly/3UgJlnA>.

Additionally:

- **103 Physician Assistants (PAs)** can also be added per the Health Net contract with the state for Medi-Cal only. PAs will follow the same criteria as the NPs however, they will need to be assigned to a supervising physician. This information would be provided when they are added through a delegated Participating Provider Group or credentialed with Wellcare.

#### THIS UPDATE APPLIES TO:

- Physicians
- Independent Practice Associations
- Hospitals
- Ancillary Providers

#### PROVIDER SERVICES

866-999-3945

#### PROVIDER PORTAL

[provider.wellcare.com/california](https://provider.wellcare.com/california)

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## Peer review reporting requirements

Beyond granting additional freedom to qualified NP, AB 890 includes a provision that requires these professionals to adhere to the peer review reporting requirements outlined in Section 805 of California law. The bill amends the definition of the statutory term "licentiate" to include nurses. This means that some mandatory reporting requirements are triggered when a nurse faces professional disciplinary action.

## Training and compliance requirements

The new law requires additional training, certification and compliance for 103 NP and 104 NP as follow:

103 NP	<b>(California Business &amp; Professions Code § 2837.103)</b>
	<p><b>An NP can work without standardized procedures, in a group setting with at least one physician and surgeon, within the population focus of their national certification.</b></p> <p>An NP who meets the requirements of the statute may perform the following functions without standardized procedures in accordance with their education and training:</p> <ul style="list-style-type: none"><li>• Conduct advanced assessments.</li><li>• Order, perform, and interpret diagnostic procedures.<ul style="list-style-type: none"><li>○ “For radiologic procedures, a nurse practitioner can order diagnostic procedures and use the findings or results in treating the patient. An NP may perform or interpret clinical laboratory procedures that they are permitted to perform under Section 1206 and under the federal Clinical Laboratory Improvement Act.”</li></ul></li><li>• Establish primary and differential diagnoses.</li><li>• Prescribe, order, administer, dispense, procure, and furnish certain therapeutic measures, including, but not limited to those set forth in the Business and Professions Code.</li><li>• After performing a physical examination, certify disability pursuant to Section 2708 of the Unemployment Insurance Code.</li><li>• Delegate some tasks to a medical assistant based on other regulations.</li></ul>
104 NP	<b>(California Business &amp; Professions Code § 2837.104)</b>
	<p><b>An NP may work without standardized procedures, outside of a group setting, within the population focus of their national certification.</b></p> <p>A nurse practitioner authorized to practice under this section shall comply with all of the following:</p> <ul style="list-style-type: none"><li>• The NP, consistent with applicable standards of care, shall not practice beyond the scope of their clinical and professional education and training, including specific areas of concentration and shall only practice within the limits of their knowledge and experience and national certification.</li><li>• The NP shall consult and collaborate with other healing arts providers based on the clinical condition of the patient to whom health care is provided. Physician consultation shall be obtained as specified in the individual protocols and under the circumstances set forth in the statute such as when a patient requests a physician consultation, emergency conditions that require “prompt medical intervention after initial stabilizing care has been started,” and other circumstances.</li></ul>

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	<ul style="list-style-type: none"><li>• NP consultation with a physician and surgeon alone shall not create a physician-patient relationship. The NP shall be solely responsible for the services they provide.</li><li>• The NP shall establish a plan for referral of complex medical cases and emergencies to a physician and surgeon or other appropriate healing arts providers. The plan should meet additional criteria set forth in the law.</li><li>• A NP shall verbally inform all new patients in a language understandable to the patient that a NP is not a physician and surgeon. For purposes of Spanish language speakers, the nurse practitioner shall use the standardized phrase “enfermera especializada.”</li></ul>
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### **Application Information**

NPs and PAs can apply to work as a 103 NP, 104 NP or 103 PA. When submitting applications to the Plan:

- The application must include a copy of the license from the California Board of Registered Nursing that shows the 103 NP “qualification” status.
- The application must indicate if the provider is requesting primary care physician (PCP) or specialist status.
- 103 NPs who are requesting to be PCPs require credentialing.
- 103 PA must provide supervising physician information in the application to the Plans.

### **Nurse Practitioner specialties**

Below is a general listing of PCP 103 nurse practitioner specialties:

- Adult nurse practitioner
- Nurse practitioner
- Family nurse practitioner
- Geriatric nurse practitioner
- Neonatal nurse practitioner
- Pediatric nurse practitioner

### **Additional information**

If you have questions regarding the information contained in this update, contact 866-999-3945.