

Documentation of the Meaning and Scope Of PLHCP

Following documents are guidance documents as to the meaning of “Physician and other Licensed Health Care Provider”. All documentation is from Fed/OSHA unless otherwise stated.

August 3, 1998

MEMORANDUM TO: ALL REGIONAL ADMINISTRATORS
FROM: JOHN B.MILES JR., DIRECTOR
SUBJECT: QUESTIONS AND ANSWERS ON THE RESPIRATORY
PROTECTION STANDARD

The purpose of this memorandum is to provide the Regional Offices with a copy of the Question and Answers on the Respiratory Protection Standard (Q and A document.) It is intended to provide guidance to the field on topics relating to the Respiratory Protection Standard, 29 CFR 1910.134. This document will be useful to assist the staff in the Area Offices to answer most of most frequently asked questions.

The Q and A provides a series of questions and answers on each paragraph of the revised standard. The document includes four “attachments” that the compliance staff can use for outreach to employers. The attachments include a Spanish translation of Appendix D, a respirator-use flow-chart, addresses and phone numbers of State Licensing Boards, and a “usable” copy of the Medical Questionnaire, both in English and Spanish.

The National Office will issue a Compliance Directive on the Respirator standard. The Directive will include inspection and citation guidance to ensure uniform enforcement of the respiratory standard as well as interpretations of the standard.

QUESTIONS AND ANSWERS ON THE RESPIRATORY PROTECTION STANDARD

Note: The page numbers referenced at the end of some of the Questions refer to specific pages in the January 8, 1998, Federal Register, Volume 63, No. 5.
(Revised August 17, 1998)

Paragraph (b): Definitions

Physician or Other Licensed Health Care Professional (PLHCP)

Q. Is a licensed vocational or practical nurse, (LVN or LPN) and/or Registered Nurse, (RN) considered a PLHCP and qualified to review the employee medical evaluation questionnaire?(FR p.1186)

A. The OSHA standard requires the Health Care Professional to be legally permitted to provide the healthcare services required by paragraph (e). It is state law that determines the legal scope of practice. Licensing rules vary from state to state.

Paragraph (e): Medical Evaluations

(e)(2)(i)

Q. Are physicians the only medical professionals allowed to perform medical evaluations for respirator use? (FR p.1211)

A. No. A variety of health care professionals may do this depending on the scope of practice permitted by the state's licensing, registration, or certification agencies. Each employer must check with the state-licensing agency to see if other health care professionals under their state law can independently perform this evaluation, or must do so under the direction of a licensed physician. Attached to this document is a phone listing of all the State Licensing Boards in the United States, to assist in determining compliance with this provision.

Q. Can a nurse who does not meet the qualifications of a PLHCP assess a questionnaire? (FRp. 1212)

A. A nurse not otherwise qualified to be the PLHCP can perform some tasks, such as distributing the questionnaire, respond to some questions such as providing advice to employees on where they can obtain assistance in understanding or reading the questions, and gathering the completed forms in preparation for delivery to the PLHCP. If the nurse is working under the direction of a physician (or other PLHCP consistent with state law) who will perform the final review of the assessment, then this arrangement is acceptable.

(e)(3)(i)

Q. Who determines the scope and form of the medical evaluation if an employee gives a positive response to questions 1 through 8 in Section 2, Part A of the questionnaire? (FR 1214)

A. The PLHCP makes this determination. The PLHCP is also expected to refer the employee to a physician if warranted.

Q. If there is a single positive response on the questionnaire, does that automatically require a face-to-face visit with the PLHCP? (FR p. 1214)

A. No, the scope of the medical evaluation is left to the discretion and professional judgment of the PLHCP. There may be occasions where all that is needed is clarification of an issue by telephone.

(e)(3)(ii)

Q. If a PLHCP's scope of practice is limited to questionnaire evaluation or a basic physical exam, can that PLHCP still be used even though further testing and decision making may be necessary? (FR p.1214)

A. Yes. In some cases where medical issues arise that are beyond the scope of the PLHCP's license, the remainder of the evaluation will need to involve a physician or other authorized health care professional (for example, conducted under the direction of a physician).

Q. Does the medical questionnaire have to be administered by a PLHCP? (FR 1214-1215)

A. While the employee must be able to discuss the results of the questionnaire with the PLHCP, the standard does not specify the qualifications of the individual who administers the medical questionnaire.

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SMALL ENTITY COMPLIANCE GUIDE

For the Revised Respiratory Protection Standard
Prepared for the Department of Labor
Directorate of Health Standards Programs
Occupational Safety and Health Administration
Sept 30, 1998

(e)(2) MEDICAL EVALUATION PROCEDURES

This portion of the standard specifies that the medical evaluation can be performed by using a medical questionnaire or by an initial medical examination that obtains the same information as the medical questionnaire.

Identification of a Medical Professional

Employers must identify a physician or another licensed health care professional (PLHCP) to perform the medical evaluations.

Who can perform a medical evaluation?

Physicians are not the only health care professionals allowed to perform medical evaluations for respirator use. The Respiratory Protection standard allows any PLHCP to administer the medical questionnaire (described below) or to conduct the medical examination if doing so is within the scope of the PLHCP's license. You must check with PLHCPs in your local area to see if performing the medical evaluation is within the scope of their professional license. Or you may check with your state licensing board. Appendix IV, Questions and Answers on the Respiratory Protection standard, lists state Small Entity Compliance Guide licensing boards.

Can a nurse perform a medical evaluation?

Any health care professional, including a nurse, who qualifies as a PLHCP can perform a medical evaluation. If a nurse does not qualify as a PLHCP, he or she may still be able to perform a medical evaluation if he or she is doing so under the supervision of a physician, and the physician performs the final review of the assessment.

The Occupational Health Professional's Services and Qualifications: Questions and Answers

USDOL

OSHA

OSHA Doc #3160 (Revised 1999)

(PAGE 5)

WHO ARE QUALIFIED OCCUPATIONAL HEALTH CARE PROFESSIONALS?

Physicians, physician assistants, and registered nurses, including nurse practitioners, receive standardized educations with core curricula (individualized to their profession) necessary to pass national or state boards and to be licensed in a particular state. Physicians and registered nurses are then eligible to become certified in a specialty practice, such as occupational medicine (physicians and physician assistants) or occupational health nursing (registered nurses and nurse practitioners), through a combination of additional specific education and experience. The additional educational training in occupational health typically includes course work in epidemiology, toxicology, industrial hygiene, recognition and management of occupational illnesses and injuries, research, and general management of a comprehensive occupational health program.

Physicians

Medical Doctors (MDs) have completed study at the college level and training at an accredited school. Licensed MDs have passed the National Medical Board Exam or equivalent examinations and have a license to practice within a given state(s).

Doctors of Osteopathy (DOs) graduate from college and an osteopathic school approved by the American Osteopathic Association. They must pass a state board examination to qualify for a license to practice within a given state(s).

Occupational Medicine Physicians are medical doctors or doctors of osteopathy who have completed additional occupational medicine training or acquired on-site experience. Completion of additional residency training and further practice in occupational medicine enables physicians to pursue certification in occupational medicine after meeting rigorous qualifying standards and successfully completing an examination in occupational medicine given by the American Board of Preventive Medicine (ABPM).

Registered Nurses

Registered Nurses (RNs) receive training and education at the college level and graduate from a state-approved school of nursing. They pass a state board examination and are granted a license to practice within a given state(s).

Nurse Practitioners (NPs) are registered nurses who are licensed in their state and have completed formal advanced education, usually at the master's level. NPs practice under their state *Nurse Practice Act*. Some NPs are certified in occupational health as a specialty area. NPs independently perform many health evaluation and care activities—including physical exams, common diagnostic and laboratory tests—and diagnose and treat employees who are ill or injured. They also can prescribe medications in most states. Additionally, NPs work collaboratively with physicians.

Occupational Health Nurses (OHNs) are registered nurses and nurse practitioners with experience and additional education in occupational health. Certified occupational health nurses (COHN or COHN-S) obtain certification from the American Board for Occupational Health Nurses after meeting rigorous qualifying educational and experience standards and successfully passing an occupational health nursing examination.

Physician Assistants

Physician Assistants (PAs) provide services with the supervision of a doctor of medicine or osteopathy. PAs may perform physical examinations, diagnose and treat illnesses, order and interpret tests, prescribe medications in most states, and plan and implement therapeutic interventions. PAs must graduate from an accredited physician assistant's program, pass a national certification exam, and be licensed by the state. Some PAs specialize in occupational medicine.

Other Health Care Providers

Other health care providers include licensed practical or vocational nurses and emergency medical technicians. Traditionally, these individuals are **not** licensed to practice independently. They have specific training and are usually certified or licensed by the educational institution where they received the training. Sometimes the state licenses or certifies these providers and usually the state's scope of practice outlines the specific work restrictions for these individuals. For example, usually these providers are required to work under the supervision of, or implement orders given by, licensed health care professionals such as MDs, DOs, RNs, PAs, and NPs, except when delivering first aid.

Licensed Practical/Vocational Nurses (LPN/LVNs) graduate from a program of practical nursing and must pass the state board examination. They are licensed by the state to perform certain specific health care activities, under the direct supervision of a physician or registered nurse.

Emergency Medical Technicians/Paramedics (EMTs) are prehospital providers trained to provide specific and limited emergency care. Some EMTs receive advanced training to become paramedics, which allows them to perform more advanced emergency procedures. EMTs are authorized to perform their duties by standing orders or protocols from physicians. They respond primarily to injuries and acute illnesses on a temporary basis and are **not** independently licensed to provide other medical care.

In Summary

Can independently provide evaluation of Medical Questionnaire/Physical Examination for ability of worker to wear respiratory protection:

Physician

- Medical Doctors
- Doctors of Osteopathy
- Occupational Medicine Physicians

Registered Nurses

- Registered Nurses
- Nurse Practitioners
- Occupational Health Nurses

Cannot independently provide evaluation of Medical Questionnaire/Physical Examination for ability of worker to wear respiratory protection:

- Physician Assistants
- Licensed Practical Nurses
- Licensed Vocational Nurses
- Emergency Medical Technicians

Paramedics