

## Nurse Practitioners vs. Physicians Assistants: Nurses' Equal Pay Act Lawsuit Will Go Forward.

The US Circuit Court of Appeals for the Sixth Circuit found unpersuasive the justifications offered by the US Veterans Administration for paying mostly-male physicians assistants significantly more than mostly-female nurse practitioners.

The US Equal Pay Act says explicitly that every employer in the US must pay men and women the same wages for doing essentially the same work.

The Court of Appeals issued a complex opinion examining the question whether physicians assistants and nurse practitioners, that is, the ones working in US Veterans Administration hospitals, do or do not do essentially the same work so as to invoke the nurse practitioners' rights under the Equal Pay Act.]

---

***The Veterans Administration has not convinced the court there is anything but gender discrimination behind the disparity in pay between predominately male physicians assistants and predominately female nurse practitioners.***

***The District Court should not have dismissed the nurse practitioners' case without giving them their full-fledged day in court.***

UNITED STATES COURT OF APPEALS  
SIXTH CIRCUIT  
March 17, 2006

---

The Court of Appeals seemed to insinuate there was nothing but old-fashioned gender discrimination behind the VA's practice of paying nurse practitioners less than physicians assistants.

However, the thrust of the Court of Appeal's complex ruling was only to show that the Federal District Court judge was wrong to grant a summary judgment against the nurse practitioners on a very complex legal question without giving them their day in court to develop fully their evidence of Equal Pay Act violations.

This is not a definitive ruling that nurse practitioners are entitled to equal pay with physicians assistants, but it could be a meaningful step in that direction. ***Beck-Wilson v. Principi, 441 F. 3d 353 (6th Cir., March 17, 2006).***