

AMENDMENTS TO SENATE BILL NO. 398

Sponsor: SENATOR PITTMAN

Printer's No. 386

1 Amend Bill, page 1, line 9, by inserting after "for"
2 definitions, for

3 Amend Bill, page 1, line 10, by inserting after "assistants"
4 ; and abrogating regulations

5 Amend Bill, page 1, lines 13 through 15, by striking out all
6 of said lines and inserting

7 Section 1. The definition of "primary supervising physician"
8 in section 2 of the act of December 20, 1985 (P.L.457, No.112),
9 known as the Medical Practice Act of 1985, is amended to read:
10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 * * *

15 "Primary supervising physician." A medical doctor who is
16 registered with the board and designated in a written agreement
17 with a physician assistant under section 13(e) as having primary
18 responsibility for [directing and personally] supervising the
19 physician assistant.

20 * * *

21 Section 2. Section 3(a) and (b) of the act are amended to
22 read:

23 Amend Bill, page 1, line 18, by inserting a bracket before
24 "his"

25 Amend Bill, page 1, line 18, by inserting after "his"
26] the commissioner's

27 Amend Bill, page 1, line 19, by inserting a bracket before
28 "his"

29 Amend Bill, page 1, line 19, by inserting after "his"

1] the Secretary of Health's

2 Amend Bill, page 1, line 21, by striking out "eight" and
3 inserting

4 nine

5 Amend Bill, page 1, line 21; page 2, line 1; by striking out
6 "one of whom" in line 21 on page 1 and "shall be a physician
7 assistant," in line 1 on page 2

8 Amend Bill, page 2, line 1, by inserting a bracket before
9 "six"

10 Amend Bill, page 2, line 1, by inserting after "six"

11] one of whom shall be a physician assistant, seven

12 Amend Bill, page 2, line 12, by inserting a bracket before
13 "his"

14 Amend Bill, page 2, line 13, by inserting after "her"

15] a

16 Amend Bill, page 2, line 16, by inserting a bracket before
17 "his"

18 Amend Bill, page 2, line 16, by inserting after "her"

19] the member's

20 Amend Bill, page 2, lines 29 and 30; pages 3 through 5, lines
21 1 through 30; page 6, lines 1 through 24; by striking out all of
22 said lines on said pages and inserting

23 Section 3. Section 13(c.1) introductory paragraph, (c.2)(1),
24 (d), (d.1), (e) and (g) of the act are amended to read:
25 Section 13. Physician assistants.

26 * * *

27 (c.1) Except as limited by subsection (c.2), and in addition
28 to existing authority, a physician assistant shall have
29 authority to do all of the following, provided that the
30 physician assistant is acting within the supervision [and
31 direction] of the supervising physician:

32 * * *

33 (c.2) Nothing in this section shall be construed to:

34 (1) Supersede the authority of the Department of Health

1 and the Department of [Public Welfare] Human Services to
2 regulate the types of health care professionals who are
3 eligible for medical staff membership or clinical privileges.

4 * * *

5 (d) Supervision.--[A physician assistant shall not perform a
6 medical service without the supervision and personal direction
7 of an approved physician. The board shall promulgate regulations
8 which define the supervision and personal direction required by
9 the standards of acceptable medical practice embraced by the
10 medical doctor community in this Commonwealth.] The supervising
11 physician shall be responsible for the medical services that a
12 physician assistant renders. Supervision shall not require the
13 onsite presence or personal direction of the supervising
14 physician.

15 (d.1) Patient record review.--

16 [(1) The approved physician shall countersign 100% of
17 the patient records completed by the physician assistant
18 within a reasonable time, which shall not exceed ten days,
19 during each of the following time periods:

20 (i) The first 12 months of the physician assistant's
21 practice post graduation and after the physician
22 assistant has fulfilled the criteria for licensure set
23 forth in section 36(c).

24 (ii) The first 12 months of the physician
25 assistant's practice in a new specialty in which the
26 physician assistant is practicing.

27 (iii) The first six months of the physician
28 assistant's practice in the same specialty under the
29 supervision of the approved physician, unless the
30 physician assistant has multiple approved physicians and
31 practiced under the supervision of at least one of those
32 approved physicians for six months.

33 (2) In the case of a physician assistant who is not
34 subject to 100% review of the physician assistant's patient
35 records pursuant to paragraph (1), the approved physician
36 shall personally review on a regular basis a selected number
37 of the patient records completed by the physician assistant.
38 The approved physician shall select patient records for
39 review on the basis of written criteria established by the
40 approved physician and the physician assistant. The number of
41 patient records reviewed shall be sufficient to assure
42 adequate review of the physician assistant's scope of
43 practice.]

44 (3) The primary supervising physician shall determine
45 countersignature requirements of patient records completed by
46 the physician assistant in a written agreement, except as
47 provided for in paragraph (4).

48 (4) The primary supervising physician shall countersign
49 100% of patient records completed by the physician assistant
50 within a reasonable time, which shall not exceed ten days for
51 the first 12 months of the physician assistant's practice

1 post graduation and after the physician assistant has
2 fulfilled the criteria for licensure set forth in section
3 36(c).

4 (e) Written agreement.--A physician assistant shall [not
5 provide a medical service without a written agreement with one
6 or more physicians] provide medical services according to a
7 written agreement which provides for all of the following:

8 (1) Identifies and is signed by [each physician the
9 physician assistant will be assisting] the primary
10 supervising physician.

11 (2) Describes the [manner in which the physician
12 assistant will be assisting each named physician. The written
13 agreement and description may be prepared and submitted by
14 the primary supervising physician, the physician assistant or
15 a delegate of the primary supervising physician and the
16 physician assistant. It shall not be a defense in any
17 administrative or civil action that the physician assistant
18 acted outside the scope of the board-approved description or
19 that the supervising physician utilized the physician
20 assistant outside the scope of the board-approved description
21 because the supervising physician or physician assistant
22 permitted another person to represent to the board that the
23 description had been approved by the supervising physician or
24 physician assistant] physician assistant's scope of practice.

25 (3) Describes the nature and degree of supervision [and
26 direction each named physician will provide the physician
27 assistant, including, but not limited to, the number and
28 frequency of the patient record reviews required by
29 subsection (d.1) and the criteria for selecting patient
30 records for review when 100% review is not required] the
31 primary supervising physician will provide the physician
32 assistant.

33 (4) [Designates one of the named physicians as having
34 the primary responsibility for supervising and directing the
35 physician assistant.] Is prepared and submitted by the
36 primary supervising physician, the physician assistant or a
37 delegate of the primary supervising physician and the
38 physician assistant. It shall not be a defense in any
39 administrative or civil action that the physician assistant
40 acted outside the scope of the board-filed description or
41 that the supervising physician utilized the physician
42 assistant outside the scope of the board-filed description
43 because the supervising physician or physician assistant
44 permitted another person to represent to the board that the
45 description had been approved by the supervising physician or
46 physician assistant.

47 [(5) Has been approved by the board as satisfying the
48 foregoing and as consistent with the restrictions contained
49 in or authorized by this section. Upon submission of the
50 application, board staff shall review the application only
51 for completeness and shall issue a letter to the supervising

1 physician providing the temporary authorization for the
2 physician assistant to begin practice. If the application is
3 not complete, including, but not limited to, required
4 information or signatures not being provided or the fee not
5 being submitted, a temporary authorization for the physician
6 assistant to begin practicing shall not be issued. The
7 temporary authorization, when issued, shall provide a period
8 of 120 days during which the physician assistant may practice
9 under the terms set forth in the written agreement as
10 submitted to the board. Within 120 days the board shall
11 notify the supervising physician of the final approval or
12 disapproval of the application. If approved, a final approval
13 of the written agreement shall be issued to the supervising
14 physician. If there are discrepancies that have not been
15 corrected within the 120-day period, the temporary
16 authorization to practice shall expire.]

17 (6) Becomes effective upon submission by the primary
18 supervising physician, the physician assistant or a delegate
19 of the primary supervising physician and the physician
20 assistant to the board. The board may develop audit
21 procedures to ensure supervision and scope of practice
22 protections are maintained in accordance with this act. The
23 audit shall not include more than 10% of all written
24 agreements on an annual basis. A written agreement subject to
25 an audit shall remain in effect for two weeks after the board
26 notifies the primary supervising physician and the physician
27 assistant with remedies, if necessary, on the outcome of the
28 audit. The primary supervising physician, physician assistant
29 or delegate to the primary supervising physician and
30 physician assistant must submit a new written agreement which
31 shall be effective upon submission to the board.

32 A physician assistant shall not assist a physician in a manner
33 not described in the agreement or without the nature and degree
34 of supervision [and direction] described in the agreement. There
35 shall be no more than [four] six physician assistants for whom a
36 physician has responsibility or supervises pursuant to a written
37 agreement at any time. In health care facilities licensed under
38 the act of July 19, 1979 (P.L.130, No.48), known as the Health
39 Care Facilities Act, a physician assistant shall be under the
40 supervision [and direction] of a physician or physician group
41 pursuant to a written agreement, provided that a physician
42 supervises no more than [four] seven physician assistants at any
43 time. A physician may apply for a waiver to employ or supervise
44 more [than four] physician assistants at any time under this
45 section for good cause, as determined by the board.

46 * * *

47 (g) Supervision.--A physician assistant may be employed by a
48 health care facility licensed under the Health Care Facilities
49 Act under the supervision [and direction] of an approved
50 physician or group of such physicians, provided one of those
51 physicians is designated as having the primary responsibility

1 for supervising [and directing] the physician assistant. In
2 health care facilities licensed under the Health Care Facilities
3 Act, the attending physician of record for a particular patient
4 shall act as the primary supervising physician for the physician
5 assistant while that patient is under the care of the attending
6 physician.

7 * * *

8 Amend Bill, page 6, line 25, by striking out "3" and
9 inserting

10 4

11 Amend Bill, page 6, by inserting between lines 27 and 28

12 Section 5. Any and all regulations at 49 Pa. Code §§
13 18.142(5), 18.153(c), 18.158(b)(4) and 18.161(b) and other
14 provisions of 49 Pa. Code Ch. 18 are abrogated to the extent of
15 any inconsistency with this act.

16 Amend Bill, page 6, line 28, by striking out "4" and
17 inserting

18 6