

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 586

Session of
1977INTRODUCED BY COPPERSMITH, ROMANELLI, HILL, HESS, STAUFFER,
FLEMING AND O'PAKE, MARCH 28, 1977

AS AMENDED ON THIRD CONSIDERATION, JUNE 20, 1977

AN ACT

1 Amending the act of July 20, 1974 (P.L.551, No.190), entitled
2 "An act relating to the right to practice medicine and
3 surgery in the Commonwealth of Pennsylvania; and establishing
4 means and methods whereby the right to practice medicine and
5 surgery and any of its branches and limited right to practice
6 medically related acts may be obtained, and exemptions
7 therefrom; imposing powers and duties on the State Board of
8 Medical Education and Licensure; providing for appropriation
9 of board fees to carry out the provisions thereof, and for
10 the granting, revocation and suspension of licenses;
11 providing penalties for violations; and making repeals,"
12 further regulating the practice of medicine and surgery,
13 imposing certain duties on the Department of Health and
14 providing penalties.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Section 2, act of July 20, 1974 (P.L.551,
18 No.190), known as the "Medical Practice Act of 1974," is amended
19 by adding definitions to read:

20 Section 2. Definitions.--As used in this act, the following
21 terms shall have the following meanings ascribed to them in this
22 section unless the context clearly determines otherwise:

23 * * *

24 (11) "Certification." The approval of individuals by the

board to serve as physicians' assistants. It shall also mean the approval of programs by the board for the training and education of physicians' assistants.

(12) "Medical care facility." A general, tuberculosis, mental, chronic disease or other type of hospital, an ambulatory clinic or center, a health maintenance organization, institution and corporation medical departments and centers, student health centers, a physical rehabilitation facility, a skilled or intermediate care nursing facility, a radiology laboratory, a renal dialysis center, a diagnostic center, a home health care agency, or a clinical laboratory, regardless of whether such medical care facility is for profit, nonprofit or governmental; or a program affiliated with a medical care facility which renders treatment or care for drug or alcohol abuse or dependence; or other settings where medical care and services are rendered.

(13) "Physician's assistant." A person certified by the board to assist a physician or group of physicians in the provision of medical care and services and under the supervision and direction of the physician or group of physicians.

(14) "Physician's assistant to a primary care physician." A person certified by the board to assist a physician or group of physicians engaged in primary care.

(15) "Physician's assistant to a secondary care physician." A person certified by the board to assist a physician or group of physicians engaged in medical specialties.

(16) "Proficiency examination." An examination approved by the board for the national certification of physicians' assistants, including, but not limited to those examinations, approved for such purpose by the National Commission on

1 Certification of Physicians' Assistants.

2 Section 2. Section 3 of the act is amended to read:

3 Section 3. Practice of Medicine and Surgery without License
4 Prohibited; Penalties.--It shall be unlawful for any person in
5 the Commonwealth to engage in the practice of medicine and
6 surgery, or pretend to a knowledge of any branch or branches of
7 medicine and surgery, or to hold himself or herself forth as a
8 practitioner in medicine and surgery, or to assume the title of
9 doctor of medicine and surgery or doctor of any specific
10 disease, or to diagnose diseases, or to treat diseases by the
11 use of medicines and surgery as defined in clause (3) of section
12 2 of this act or by any other means, or to sign any death
13 certificate, unless otherwise authorized by law or to hold
14 himself or herself forth as able to do so, excepting those
15 hereinafter exempted, unless he or she has first fulfilled the
16 requirements of this act and has received a certificate of
17 licensure or permission from the board, which license shall be
18 properly recorded in the office of the board. Acts of medical
19 diagnosis or prescription of medical therapeutic or corrective
20 measures may be performed by persons licensed pursuant to the
21 act of May 22, 1951 (P.L.317, No.69), known as "The Professional
22 Nursing Law," if authorized by rules and regulations jointly
23 promulgated by the board and the State Board of Nurse Examiners.
24 Nothing in this act shall be construed to prohibit services and
25 acts rendered by a qualified physician's assistant, technician
26 or other allied medical person if such services and acts are
27 rendered under the supervision, direction or control of a
28 licensed physician. It shall be unlawful for any person to
29 practice as a physician's assistant unless certified and
30 approved by the board. It shall also be unlawful for any

1 physician's assistant to render medical care and services except
2 under the supervision and direction of the supervising
3 physician. The aborting of a pregnancy shall be considered the
4 practice of surgery. On first offense any person wilfully
5 violating the provisions of this section of this act shall, upon
6 conviction, be guilty of a misdemeanor and shall be subject to a
7 fine of not more than one thousand dollars (\$1,000) or
8 imprisonment for not more than six months in the county prison,
9 or both, at the discretion of the court; and on each additional
10 offense shall be subject to a fine of not less than two thousand
11 dollars (\$2,000) and imprisonment of not less than six months or
12 more than one year, at the discretion of the court. In the event
13 the violation is the aborting of a pregnant woman the person
14 convicted thereof shall be guilty of a misdemeanor and shall be
15 subject to a fine of not less than ten thousand dollars
16 (\$10,000) or imprisonment for five years, or both.

17 Section 3. Section 5 of the act is amended by adding a
18 subsection to read:

19 Section 5. Standards for Medical Training and Facilities.--

20 * * *

21 (d) Requirements for the certification of training and
22 educational programs for physicians' assistants shall be
23 formulated by the board in accordance with such national
24 criteria as are established by national organizations or
25 societies as the board may accept.

26 Section 4. Sections 10 and 12 of the act are amended to
27 read:

28 Section 10. Licenses; Exemptions, Non-resident
29 Practitioners; Graduate Students; Biennial Registration.--(a)
30 All physicians who have complied with the requirements of the

1 board, and who shall have passed a final examination, and who
2 have otherwise complied with the provisions of this act, shall
3 receive from the Commissioner of Professional and Occupational
4 Affairs in the Department of State, or whoever exercises
5 equivalent authority acting for the board, a license entitling
6 them to the right to practice medicine and surgery without
7 restriction in this Commonwealth. Each such license shall be
8 duly recorded in the office of the board, in a record to be
9 properly kept for that purpose which shall be open to public
10 inspection; and a certified copy of said record shall be
11 received as evidence in all courts in this Commonwealth in the
12 trial of any case: Provided, That this section relating to
13 licenses to practice medicine and surgery shall not apply to
14 medical officers in the medical service of the Armed Forces of
15 the United States, or the United States Public Health Service,
16 or Veterans Administration, or physicians employed within
17 Federal services, while in discharge of their official duties;
18 or to any one who may be a duly licensed practitioner of
19 medicine in any state or commonwealth who may be called upon by
20 a licensed physician of this Commonwealth to consult with him in
21 a case under treatment; or to physicians of other jurisdictions
22 who are training [for certification] to be certified in special
23 departments of medicine and surgery under subsection (b) of this
24 section; or anyone while actually serving as a clinical clerk
25 under the supervision of the medical or surgical staff in any
26 hospital. Nothing contained in this section shall be construed
27 to entitle a clinical clerk to practice medicine and surgery or
28 to prescribe drugs: And provided further, That any duly licensed
29 physician residing in or maintaining his office of practice in
30 any state near the boundary line between said state and this

1 Commonwealth whose practice extends into this Commonwealth shall
2 have the right to practice in this Commonwealth, at the
3 discretion of the board, provided he files with the secretary of
4 the board a certified copy of his license in the state where he
5 resides, and provided that the board of examiners of the
6 adjoining state reciprocates by extending the same privilege to
7 physicians in this Commonwealth when he shall receive from the
8 secretary of the board a license which shall be automatically
9 revoked if he changes his said residence or office of practice.
10 A record of all persons so licensed shall be kept in the office
11 of the board and shall have the standing before the law of any
12 other license issued by the board.

13 (b) Physicians who are legally authorized to practice
14 medicine and surgery in THIS OR other states or territories of <—
15 the United States and the Dominion of Canada, and who apply for
16 training and [certification] to be certified in special
17 departments of medicine and surgery in institutions in this
18 Commonwealth recognized by the board with advice and
19 consultation with the various examining boards in medical
20 specialties approved by the Council on Medical Education of the
21 American Medical Association as proper for such training, shall
22 receive a graduate certificate that is limited to said training
23 within the complex of the hospital and/or its affiliates or
24 community hospitals where he is engaged in such training. This
25 training experience shall not be converted into a staff service.
26 It shall be valid for one year but may be renewed from year to
27 year. Any person who has been certified in a specialty
28 discipline recognized by the board, and who makes an application
29 for licensure to practice medicine and surgery without
30 restriction in the Commonwealth, upon the payment of a

1 reasonable fee as determined from time to time by the board and
2 at the discretion of the board may be given a qualifying
3 examination. Such examination shall emphasize the subject matter
4 of the specialty discipline for which the applicant has been
5 trained but may also include material from the general field of
6 medical science.

7 (c) It shall be the duty of all persons now or hereafter
8 licensed to practice medicine and surgery without restriction to
9 be registered with the board; and, thereafter, to register in
10 like manner at such intervals and by such methods as the board
11 shall determine by regulations; but in no case shall such
12 renewal period be longer than two years. The form and method of
13 such registration shall be determined by the board.

14 (d) Each person so registering with the board shall pay, for
15 each biennial registration, a reasonable fee as determined from
16 time to time by the board which fee shall accompany the
17 application for such registration.

18 (e) Upon receiving a proper application for such
19 registration accompanied by the fee above provided for, the
20 board shall issue its certificate of registration to the
21 applicant. Said certificate together with its renewals shall be
22 good and sufficient evidence of registration under the
23 provisions of this act.

24 (f) The board shall grant certification to physicians'
25 assistants. The board shall grant certification to applicants
26 who have fulfilled either of the following criteria: <—

27 (1) satisfactory performance on the proficiency examination,
28 TO THE EXTENT THAT A PROFICIENCY EXAMINATION EXISTS as <—
29 determined by the board; ~~or~~ AND <—

30 (2) satisfactory completion of a certified program for the

1 training and education of physicians' assistants.

2 In the event that completion of a formal training and
3 educational program is a prerequisite to taking the proficiency
4 examination, the board shall have the power if it determines
5 that the experience of the applicant is of such magnitude and
6 scope so as to render further formal training and education
7 nonessential to the applicant in assisting a physician in the
8 provision of medical care and services, to waive the training
9 and education requirements under this section.

10 (g) The certification of physicians' assistants shall be
11 subject to biennial renewal by the board.

12 (h) The board shall grant provisional certification under
13 the following conditions:

14 (1) The applicant shall be eligible to take the proficiency
15 examination upon completion of the provisional certification
16 period.

17 (2) The application shall include a written request from the
18 applicant's supervising physician.

19 (3) The period of provisional certification may not extend
20 beyond twenty-four consecutive months.

21 (i) The supervising physician shall file with the board an
22 application to utilize a physician's assistant containing a
23 description of the manner in which the physician's assistant
24 will assist the supervising physician in his practice. In cases
25 where a group of physicians will supervise a physician's
26 assistant, the names of all supervisory physicians shall be
27 included on the application.

28 (j) The board shall approve the applications which meet the
29 criteria set by this act and the regulations promulgated
30 pursuant thereto.

1 (k) The board shall establish such rules and regulations as
2 it deems necessary to protect the public and to implement the
3 provisions of this act, including, but not limited to the
4 following:

5 (1) Reasonable procedures for identification of physicians'
6 assistants and for informing patients and the public at large of
7 the use of physicians' assistants.

8 (2) Criteria to distinguish between a physician's assistant
9 to a primary care physician and a physician's assistant to a
10 secondary care physician. Information concerning the use of each
11 type of physician's assistant shall be collected and reports
12 thereof furnished to the General Assembly annually by the
13 Department of Health.

14 (l) Nothing in this act shall be construed to permit a
15 certified physician's assistant to practice medicine without the
16 supervision and direction of a licensed physician approved by
17 the appropriate board, but such supervision and direction shall
18 not be construed to necessarily require the personal presence of
19 the supervising physician at the place where the services are
20 rendered.

21 (m) This act shall not be construed to prohibit the
22 performance by the physician's assistant of any service within
23 his skills, which is delegated by the supervising physician, and
24 which forms a usual component of that physician's scope of
25 practice.

26 (n) Nothing in this act shall be construed to prohibit the
27 employment of physicians' assistants by a medical care facility
28 where such physicians' assistants function under the supervision
29 and direction of a physician or group of physicians.

30 (o) No medical services may be performed by a physician's

assistant under this act which include the measurement of the powers or range of human vision or the determination of the refractive status of the human eye. This subsection does not prohibit the performance of routine vision screenings.

(P) NOTHING IN THIS ACT SHALL BE CONSTRUED TO ALLOW PHYSICIANS' ASSISTANTS TO PRACTICE CHIROPRACTIC.

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Section 12. [Examination] Fees.--The board shall have the power to charge a reasonable fee for all examinations, as determined from time to time by the board. A fee of ten dollars (\$10) shall be charged for each initial certification and biennial renewal of certificates for physicians' assistants. A fee of twenty-five dollars (\$25) shall be charged for each application by a physician or group of physicians to supervise a physician's assistant.

Section 5. Section 15 of the act is amended by adding a subsection to read:

Section 15. Reasons for Refusal; Revocation or Suspension of License.--* * *

(d) The board shall have authority to refuse, revoke or suspend the license of a physician's assistant for any or all of the following reasons:

(1) Failing to demonstrate the qualification for certification contained in this act or regulations of the board.

(2) Making misleading, deceptive, untrue or fraudulent representations in his serving as a physician's assistant; practicing fraud or deceit in obtaining a certification to serve as a physician's assistant; or making a false or deceptive biennial registration with the board.

(3) Conviction of a felony in this Commonwealth or any other state, territory or country. Conviction as used in this

1 paragraph shall include a finding or verdict of guilt, an
2 admission of guilt or a plea of nolo contendere.

3 (4) Having his certification to serve as a physician's
4 assistant revoked or suspended or having other disciplinary
5 action taken, or his application for certification refused,
6 revoked or suspended by the proper certifying authority of
7 another state, territory or country.

8 (5) Being unable to serve as a physician's assistant with
9 reasonable skill and safety to the physician's patients by
10 reason of illness, drunkenness, excessive use of drugs,
11 narcotics, chemicals, or any other type of material, or as a
12 result of any mental or physical condition.

13 (6) In enforcing clause (5), the board shall, upon probable
14 cause, have authority to compel a physician's assistant to
15 submit to a mental or physical examination by physicians
16 designated by it. Failure of a physician's assistant to submit
17 to such examination shall constitute an admission of the
18 allegations against him unless the failure is due to
19 circumstances beyond his control, consequent upon which a
20 default and final order may be entered without the taking of
21 testimony or presentation of evidence. A physician's assistant
22 affected under this clause shall at reasonable intervals be
23 afforded an opportunity to demonstrate that he can resume the
24 competent assistance of a physician in the physician's practice
25 of medicine, with reasonable skill and safety to the physician's
26 patients.

27 (7) Violating a lawful regulation promulgated by the board
28 or violating a lawful order of the board, previously entered by
29 the board in a disciplinary proceeding.

30 (8) Knowingly rendering medical care and services except

1 under the supervision and direction of the supervising
2 physician.

3 (9) Being guilty of immoral or unprofessional conduct shall
4 include any departure from, or the failure to conform to, the
5 standards of acceptable and prevailing practice for physicians'
6 assistants, in which proceeding actual injury to a patient need
7 not be established.

8 When the board finds that the certification of a physician's
9 assistant may be refused, revoked or suspended under the terms
10 of subsection (a), it may:

11 (1) Deny the application for certification.

12 (2) Administer a public or private reprimand.

13 (3) Revoke, suspend, limit, or otherwise restrict a
14 certification as determined by the board.

15 (4) Require a physician's assistant to submit to the care,
16 counseling, or treatment of a physician or physicians designated
17 by the board.

18 (5) Suspend enforcement of its finding thereof and place him
19 on probation with the right to vacate the probationary order for
20 noncompliance.

21 (6) Restore or reissue, in its discretion, a certification
22 to serve as a physician's assistant, and impose any disciplinary
23 or corrective measure which it might originally have imposed.

24 SECTION 6. NOTHING HEREIN SHALL MAKE ILLEGAL ANY TYPE OF <—
25 RELATIONSHIP DIRECTLY SUPERVISED BY A PHYSICIAN WHICH WAS PROPER
26 BEFORE THE ENACTMENT OF THIS ACT.

27 Section ~~6~~ 7. This act shall take effect January 1, 1978. <—