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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 586

Session of  
1977

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

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AS REPORTED FROM COMMITTEE ON HEALTH AND WELFARE, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 3, 1978

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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:

1       \* \* \*

2       (11) "Certification." The approval of individuals by the  
3 board to serve as ~~physicians~~ PHYSICIAN assistants. It shall <—  
4 also mean the approval of programs by the board for the training  
5 and education of ~~physicians~~ PHYSICIAN assistants. <—

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

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

23       (14) ~~Physician's~~ "PHYSICIAN assistant to a primary care <—  
24 physician." A person certified by the board to assist a  
25 physician or group of physicians engaged in primary care.

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

29       ~~(16)~~ (15) "Proficiency examination." An examination  
30 approved by the board for the national certification of

1 ~~physicians~~ PHYSICIAN assistants, including, but not limited to <—  
2 those examinations, approved for such purpose by the National  
3 Commission on Certification of Physicians PHYSICIAN Assistants. <—

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

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

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

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

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

23 \* \* \*

24 (d) Requirements for the certification of training and  
25 educational programs for ~~physicians~~ PHYSICIAN assistants shall <—  
26 be formulated by the board in accordance with such national  
27 criteria as are established by national organizations or  
28 societies as the board may accept.

29 Section 4. Sections 10 and 12 of the act are amended to  
30 read:

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

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

16 (b) Physicians who are legally authorized to practice  
17 medicine and surgery in this or other states or territories of  
18 the United States and the Dominion of Canada, and who apply for  
19 training and [certification] to be certified in special  
20 departments of medicine and surgery in institutions in this  
21 Commonwealth recognized by the board with advice and  
22 consultation with the various examining boards in medical  
23 specialties approved by the Council on Medical Education of the  
24 American Medical Association as proper for such training, shall  
25 receive a graduate certificate that is limited to said training  
26 within the complex of the hospital and/or its affiliates or  
27 community hospitals where he is engaged in such training. This  
28 training experience shall not be converted into a staff service.  
29 It shall be valid for one year but may be renewed from year to  
30 year. Any person who has been certified in a specialty

1 discipline recognized by the board, and who makes an application  
2 for licensure to practice medicine and surgery without  
3 restriction in the Commonwealth, upon the payment of a  
4 reasonable fee as determined from time to time by the board and  
5 at the discretion of the board may be given a qualifying  
6 examination. Such examination shall emphasize the subject matter  
7 of the specialty discipline for which the applicant has been  
8 trained but may also include material from the general field of  
9 medical science.

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

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

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

27 (f) The board shall grant certification to ~~physicians~~ <—  
28 PHYSICIAN assistants. The board shall grant certification to <—  
29 applicants who have fulfilled the following criteria:

30 (1) satisfactory performance on the proficiency examination,

1 to the extent that a proficiency examination exists as <—  
2 determined by the board; and

3 (2) satisfactory completion of a certified program for the  
4 training and education of ~~physicians~~ PHYSICIAN assistants. <—

5 In the event that completion of a formal training and  
6 educational program is a prerequisite to taking the proficiency  
7 examination, the board shall have the power if it determines  
8 that the experience of the applicant is of such magnitude and  
9 scope so as to render further formal training and education  
10 nonessential to the applicant in assisting a physician in the  
11 provision of medical care and services, to waive the training  
12 and education requirements under this section FOR A PERIOD NOT <—  
13 TO EXTEND BEYOND TWO YEARS FROM THE EFFECTIVE DATE OF THIS ACT.

14 (g) The certification of ~~physicians~~ PHYSICIAN assistants <—  
15 shall be subject to biennial renewal by the board.

16 ~~(h) The board shall grant provisional certification under~~ <—  
17 ~~the following conditions:~~

18 ~~(1) The applicant shall be eligible to take the proficiency~~  
19 ~~examination upon completion of the provisional certification~~  
20 ~~period.~~

21 ~~(2) (H) The application shall include a written request from~~ <—  
22 ~~the applicant's supervising physician.~~

23 ~~(3) The period of provisional certification may not extend~~ <—  
24 ~~beyond twenty four consecutive months.~~

25 (i) The supervising physician shall file with the board an  
26 application to utilize a ~~physician's~~ PHYSICIAN assistant <—  
27 containing a description of the manner in which the ~~physician's~~ <—  
28 PHYSICIAN assistant will assist the supervising physician in his <—  
29 practice, THE METHOD AND FREQUENCY OF SUPERVISION, THE <—  
30 GEOGRAPHIC LOCATION OF THE PHYSICIAN ASSISTANT AND IN NO



1 INSTANCE MAY A PHYSICIAN SUPERVISE MORE THAN TWO PHYSICIAN  
2 ASSISTANTS AT ANY TIME. In cases where a group of physicians  
3 will supervise a ~~physician's~~ PHYSICIAN assistant, the names of <—  
4 all supervisory physicians shall be included on the application.

5 (j) The board shall approve the applications which meet the  
6 criteria set by this act and the regulations promulgated  
7 pursuant thereto.

8 (k) The board shall establish such rules and regulations as  
9 it deems necessary to protect the public and to implement the  
10 provisions of this act, including, but not limited to the  
11 following:

12 (1) Reasonable procedures for identification of ~~physicians'~~ <—  
13 PHYSICIAN assistants and for informing patients and the public <—  
14 at large of the use of ~~physicians'~~ PHYSICIAN assistants. <—

15 (2) ~~Criteria to distinguish between a physician's assistant~~ <—  
16 ~~to a primary care physician and a physician's assistant to a~~  
17 ~~secondary care physician. Information concerning the use of each~~  
18 ~~type of physician's~~ PHYSICIAN assistant shall be collected and <—  
19 reports thereof furnished to the General Assembly annually by  
20 the ~~Department of Health.~~ BOARD OF MEDICAL EDUCATION AND <—  
21 LICENSURE, INCLUDING THE GEOGRAPHIC LOCATION OF PHYSICIAN  
22 ASSISTANTS AND THE SETTING OF THEIR PRACTICE I.E., RURAL,  
23 CLINIC, HOSPITALS OR PHYSICIAN'S OFFICES.

24 (l) Nothing in this act shall be construed to permit a  
25 certified ~~physician's~~ PHYSICIAN assistant to practice medicine <—  
26 without the supervision and direction of a licensed physician  
27 approved by the appropriate board, but such supervision and  
28 direction shall not be construed to necessarily require the  
29 personal presence of the supervising physician at the place  
30 where the services are rendered.

1     (m) This act shall not be construed to prohibit the  
2 performance by the ~~physician's~~ PHYSICIAN assistant of any <—  
3 service within his skills, which is delegated by the supervising  
4 physician, and which forms a usual component of that physician's  
5 scope of practice.

6     (n) Nothing in this act shall be construed to prohibit the  
7 employment of ~~physicians'~~ PHYSICIAN assistants by a medical care <—  
8 facility where such ~~physicians'~~ PHYSICIAN assistants function <—  
9 under the supervision and direction of a physician or group of  
10 physicians.

11     ~~(o) No medical services may be performed by a physician's~~ <—  
12 ~~assistant under this act which include the measurement of the~~  
13 ~~powers or range of human vision or the determination of the~~  
14 ~~refractive status of the human eye. This subsection does not~~  
15 ~~prohibit the performance of routine vision screenings.~~

16     (O) THE PHYSICIAN ASSISTANT BEING CERTIFIED IN THIS ACT AND <—  
17 FUNCTIONING UNDER THE SUPERVISION OF THE PHYSICIAN DEFINES  
18 HIS/HER STATUS AS AN EMPLOYE AND SUBJECT TO THE NORMAL  
19 EMPLOYER/EMPLOYEE REIMBURSEMENT PROCEDURES.

20     (P) NO MEDICAL SERVICES MAY BE PERFORMED BY A PHYSICIAN  
21 ASSISTANT UNDER THIS ACT WHICH INCLUDE THE MEASUREMENT OF THE  
22 RANGE OR POWERS OF HUMAN VISION OR THE DETERMINATION OF THE  
23 REFRACTIVE STATUS OF THE HUMAN EYE. THIS SUBSECTION DOES NOT  
24 PROHIBIT THE PERFORMANCE OF ROUTINE VISION SCREENINGS OR THE  
25 PERFORMANCE OF REFRACTIVE SCREENINGS IN THE PHYSICIAN'S OFFICE.

26     ~~(p) (Q) Nothing in this act shall be construed to allow~~ <—  
27 ~~~~physicians'~~ PHYSICIAN assistants to practice chiropractic.~~ <—

28     (R) NOTHING IN THIS ACT SHALL BE CONSTRUED TO PERMIT A <—  
29 PHYSICIAN ASSISTANT TO INDEPENDENTLY PRESCRIBE OR DISPENSE  
30 DRUGS. THE BOARD OF MEDICAL EDUCATION AND LICENSURE AND THE

STATE BOARD OF PHARMACY WILL JOINTLY DEVELOP REGULATIONS TO  
PERMIT A PHYSICIAN ASSISTANT TO PRESCRIBE AND DISPENSE DRUGS AT  
THE DIRECTION OF A LICENSED PHYSICIAN.

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~~ PHYSICIAN  
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~~ PHYSICIAN assistant.

Section 5. Section 15 of the act is amended by adding a  
~~subsection~~ SUBSECTIONS 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~~ CERTIFICATION OF A  
PHYSICIAN 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~~ PHYSICIAN  
assistant; practicing fraud or deceit in obtaining a  
certification to serve as a ~~physician's~~ PHYSICIAN 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  
paragraph shall include a finding or verdict of guilt, an  
admission of guilt or a plea of nolo contendere.

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

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

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

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

28       (8) Knowingly rendering medical care and services except  
29   under the supervision and direction of the supervising  
30   physician.

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

6     (E) When the board finds that the certification of a <—  
7 physician's PHYSICIAN assistant may be refused, revoked or <—  
8 suspended under the terms of subsection (a), it may:

9         (1) Deny the application for certification.

10        (2) Administer a public or private reprimand.

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

13        (4) Require a physician's PHYSICIAN assistant to submit to <—  
14 the care, counseling, or treatment of a physician or physicians  
15 designated by the board.

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

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

23     Section 6. Nothing herein shall make illegal any type of  
24 relationship directly supervised by a physician which was proper  
25 before the enactment of this act.

26     ~~Section 7. The last sentence of clause (1) of section 2, act~~ <—  
27 ~~of May 22, 1951 (P.L.317, No.69), known as "The Professional~~  
28 ~~Nursing Law," is repealed.~~

29     Section 8 7. This act shall take effect January 1, 1978 <—  
30 1979.