



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

SENATE BILL NO. 397

PRINTERS NO. 1083

PRIME SPONSOR: Pittman

### COST / (SAVINGS)

FUND	FY 2021/22	FY 2022/23
State Board of Osteopathic Medicine Restricted Account	Minimal	Minimal

**SUMMARY:** Amends the Osteopathic Medical Practice Act (Act 261 of 1978) to update the provisions related to physician assistants. This legislation would take effect immediately.

**ANALYSIS:** This legislation amends the Osteopathic Medical Practice Act to make various updates to physician assistant practice. Under the legislation, the following changes are made:

**Board Membership:** The legislation increases the membership of the State Board of Osteopathic Medicine (Board) by two members, including one doctor and one physician assistant. The legislation eliminates the physician assistant profession from serving on the Board on a rotating basis with other health-related professions by giving the physician assistant a permanent seat. The rotating basis assures that every four appointments to a four-year term be one mid-wife, one athletic trainer, one perfusionist and one respiratory therapist.

**Written Agreements:** The legislation streamlines the written agreement process by authorizing written agreements to be filed, instead of approved, by the Board, making them effective upon submission to the Board.

Under the legislation, a physician assistant shall provide medical services according to a written agreement which provides for all of the following:

- Identifies the primary supervising physician;
- Describes the physician assistant's scope of practice;
- Describes the nature and degree of supervision the primary supervising physician will provide the physician assistant.

The Board is required to review 10% of all newly filed written agreements submitted to the Board. A written agreement subject to a review remains in effect for two weeks after the Board notifies the primary supervising physician and the physician assistant with remedies, if necessary, on the outcome of the review. At that time, a new written agreement must be submitted and becomes effective upon submission. The Board is required, within 120 days of the effective date, to submit the review process for written agreements to the Legislative Reference Bureau for publication in the PA Bulletin.

Written agreements submitted to the Board during the COVID-19 Disaster Emergency declaration are deemed approved.

**Patient Record Review:** The legislation permits the primary supervising physician to determine countersignature requirements of patient records completed by the physician assistant in a written agreement, except during each of the following time periods:

- The first 12 months of physician assistant's practice post-graduation and after the physician assistant has fulfilled the criteria for licensure;
- The first 12 months of the physician assistant's practice in a new specialty.

**Ratio:** The legislation increases the ratio of the number of physician assistants a physician can supervise from four to six in all practice settings.

The legislation also contains language that prohibits an employer or entity from requiring a physician to supervise more physician assistants when the physician, in his or her clinical judgement, determines that supervising more physician assistants will compromise patient care or otherwise affect the physician's ability to properly supervise another physician assistant.

**Regulations:** The legislation requires the Board to promulgate final rules and regulations necessary to carry out this act within 180 days and requires the abrogation of specific inconsistent Board regulations.

**FISCAL IMPACT:** The legislation increases the size of the Board by two members, which will likely increase the reimbursement costs for such members. These costs are expected to be minimal and can be absorbed within existing funding allocations. The remainder of this legislation would have no adverse fiscal impact on Commonwealth funds.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** September 23, 2021

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*