

## AN ACT

1 Amending the act of December 20, 1985 (P.L.457, No.112),  
2 entitled "An act relating to the right to practice medicine  
3 and surgery and the right to practice medically related acts;  
4 reestablishing the State Board of Medical Education and  
5 Licensure as the State Board of Medicine and providing for  
6 its composition, powers and duties; providing for the  
7 issuance of licenses and certificates and the suspension and  
8 revocation of licenses and certificates; provided penalties;  
9 and making repeals," further providing for State Board of  
10 Medicine and for physician assistants.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Section 3(a) and (b) of the act of December 20,  
14 1985 (P.L.457, No.112), known as the Medical Practice Act of  
15 1985, are amended to read:

16 Section 3. State Board of Medicine.

17 (a) Establishment.--The State Board of Medicine shall  
18 consist of the commissioner or his designee, the Secretary of  
19 Health or his designee, two members appointed by the Governor  
20 who shall be persons representing the public at large and  
21 [~~seven~~] eight members appointed by the Governor, one of whom

1 shall be a physician assistant, six of whom shall be medical  
2 doctors with unrestricted licenses to practice medicine and  
3 surgery in this Commonwealth for five years immediately  
4 preceding their appointment and one who shall be a nurse  
5 midwife, [physician assistant, certified registered nurse  
6 practitioner,] respiratory therapist, licensed athletic trainer  
7 or perfusionist licensed or certified under the laws of this  
8 Commonwealth. All professional and public members of the board  
9 shall be appointed by the Governor, with the advice and consent  
10 of a majority of the members elected to the Senate.

11 (b) Terms of office.--The term of each professional and  
12 public member of the board shall be four years or until his or  
13 her successor has been appointed and qualified, but not longer  
14 than six months beyond the four-year period. In the event that  
15 any of said members shall die or resign or otherwise become  
16 disqualified during his or her term, a successor shall be  
17 appointed in the same way and with the same qualifications and  
18 shall hold office for the unexpired term. No member shall be  
19 eligible for appointment to serve more than two consecutive  
20 terms. The Governor shall assure that nurse midwives, [physician  
21 assistants, certified registered nurse practitioners,]  
22 perfusionists and respiratory therapists are appointed to four-  
23 year terms on a rotating basis so that, of every four  
24 appointments to a four-year term, one is a nurse midwife, [one  
25 is a physician assistant, one is a certified registered nurse  
26 practitioner] one is an athletic trainer, one is a perfusionist  
27 and one is a respiratory therapist.

28 \* \* \*

29 Section 2. Section 13(d), (d.1) and (e) of the act, amended  
30 July 2, 2019 (P.L.413, No.68), are amended to read:

1 Section 13. Physician assistants.

2 \* \* \*

3 (d) Supervision.--[A physician assistant shall not perform a  
4 medical service without the supervision and personal direction  
5 of an approved physician. The board shall promulgate regulations  
6 which define the supervision and personal direction required by  
7 the standards of acceptable medical practice embraced by the  
8 medical doctor community in this Commonwealth.

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

10 (1) The approved physician shall countersign 100% of the  
11 patient records completed by the physician assistant within a  
12 reasonable time, which shall not exceed ten days, during each  
13 of the following time periods:

14 (i) The first 12 months of the physician assistant's  
15 practice post graduation and after the physician  
16 assistant has fulfilled the criteria for licensure set  
17 forth in section 36(c).

18 (ii) The first 12 months of the physician  
19 assistant's practice in a new specialty in which the  
20 physician assistant is practicing.

21 (iii) The first six months of the physician  
22 assistant's practice in the same specialty under the  
23 supervision of the approved physician, unless the  
24 physician assistant has multiple approved physicians and  
25 practiced under the supervision of at least one of those  
26 approved physicians for six months.

27 (2) In the case of a physician assistant who is not  
28 subject to 100% review of the physician assistant's patient  
29 records pursuant to paragraph (1), the approved physician  
30 shall personally review on a regular basis a selected number

1 of the patient records completed by the physician assistant.  
2 The approved physician shall select patient records for  
3 review on the basis of written criteria established by the  
4 approved physician and the physician assistant. The number of  
5 patient records reviewed shall be sufficient to assure  
6 adequate review of the physician assistant's scope of  
7 practice.] The supervising physician shall be responsible for  
8 the medical services that a physician assistant renders.  
9 Supervision shall not require the onsite presence or personal  
10 direction of the supervising physician.

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

15 (1) Identifies and is signed by [each physician the  
16 physician assistant will be assisting] the primary  
17 supervising physician.

18 (2) Describes the [manner in which the physician  
19 assistant will be assisting each named physician. The written  
20 agreement and description may be prepared and submitted by  
21 the primary supervising physician, the physician assistant or  
22 a delegate of the primary supervising physician and the  
23 physician assistant. It shall not be a defense in any  
24 administrative or civil action that the physician assistant  
25 acted outside the scope of the board-approved description or  
26 that the supervising physician utilized the physician  
27 assistant outside the scope of the board-approved description  
28 because the supervising physician or physician assistant  
29 permitted another person to represent to the board that the  
30 description had been approved by the supervising physician or

1 physician assistant] physician assistant's scope of practice.

2 (3) Describes the nature and degree of supervision [and  
3 direction each named physician will provide the physician  
4 assistant, including, but not limited to, the number and  
5 frequency of the patient record reviews required by  
6 subsection (d.1) and the criteria for selecting patient  
7 records for review when 100% review is not required] the  
8 supervising physician will provide the physician assistant.

9 (4) Designates one [of the named] physicians as having  
10 the primary responsibility for supervising [and directing]  
11 the physician assistant.

12 [(5) Has been approved by the board as satisfying the  
13 foregoing and as consistent with the restrictions contained  
14 in or authorized by this section. Upon submission of the  
15 application, board staff shall review the application only  
16 for completeness and shall issue a letter to the supervising  
17 physician providing the temporary authorization for the  
18 physician assistant to begin practice. If the application is  
19 not complete, including, but not limited to, required  
20 information or signatures not being provided or the fee not  
21 being submitted, a temporary authorization for the physician  
22 assistant to begin practicing shall not be issued. The  
23 temporary authorization, when issued, shall provide a period  
24 of 120 days during which the physician assistant may practice  
25 under the terms set forth in the written agreement as  
26 submitted to the board. Within 120 days the board shall  
27 notify the supervising physician of the final approval or  
28 disapproval of the application. If approved, a final approval  
29 of the written agreement shall be issued to the supervising  
30 physician. If there are discrepancies that have not been

1 corrected within the 120-day period, the temporary  
2 authorization to practice shall expire.]

3 (5.1) Is maintained by the supervising physician at the  
4 practice or health care facility and available to the board  
5 upon request. The written agreement shall be supplied to the  
6 board within 30 days of a request.

7 A physician assistant shall [not assist a physician in a manner  
8 not described in the agreement or without the nature and degree  
9 of supervision and direction described in the agreement. There  
10 shall be no more than four physician assistants for whom a  
11 physician has responsibility or supervises pursuant to a written  
12 agreement at any time. In health care facilities licensed under  
13 the act of July 19, 1979 (P.L.130, No.48), known as the Health  
14 Care Facilities Act, a physician assistant shall be under the  
15 supervision and direction of a physician or physician group  
16 pursuant to a written agreement, provided that a physician  
17 supervises no more than four physician assistants at any time. A  
18 physician may apply for a waiver to employ or supervise more  
19 than four physician assistants at any time under this section  
20 for good cause, as determined by the board.] provide medical  
21 services in a manner as described in the agreement. A

22 supervising physician shall determine the number of physician  
23 assistants supervised at any one time.

24 \* \* \*

25 Section 3. The State Board of Medicine shall promulgate  
26 rules and regulations necessary to carry out this act within 180  
27 days of the effective date of this section.

28 Section 4. This act shall take effect in 60 days.