

OSTEOPATHIC MEDICAL PRACTICE ACT - PHYSICIAN ASSISTANTS

Act of Jul. 2, 2019, P.L. 415, No. 69

Cl. 35

Session of 2019

No. 2019-69

SB 699

AN ACT

Amending the act of October 5, 1978 (P.L.1109, No.261), entitled "An act requiring the licensing of practitioners of osteopathic medicine and surgery; regulating their practice; providing for certain funds and penalties for violations and repeals," further providing for physician assistants.

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

Section 1. Section 2 of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, is amended by adding a definition to read:

Section 2. Definitions.

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

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"Primary supervising physician." An osteopathic physician who is registered with the board and designated in a written agreement with a physician assistant under section 10(g) as having primary responsibility for directing and personally supervising the physician assistant.

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Section 2. Section 10(g) of the act is amended to read:
Section 10. Licenses; exemptions; nonresident practitioners; graduate students; biennial registration and continuing medical education.

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(g) The supervising physician shall file, **or cause to be filed**, with the board an application to utilize a physician assistant **including a written agreement** containing a description of the manner in which the physician assistant will assist the supervising physician in his practice, the method and frequency of supervision, including, but not limited to, the number and frequency of the patient record reviews required by subsection (j.1) and the criteria for selecting patient records for review when 100% review is not required, and the geographic location of the physician assistant. **The written agreement and description may be prepared and submitted by the primary supervising physician, the physician assistant or a delegate of the primary supervising physician and the physician assistant.** It shall not be a defense in any administrative or civil action that the physician assistant acted outside the scope of the board-approved description or that the supervising physician utilized the physician assistant outside the scope of the board-approved description because the supervising physician or physician assistant permitted another person to represent to the board that the description had been approved by the **supervising physician or physician assistant.** Upon submission of the application, board staff shall review the application only for completeness and shall issue a letter to the supervising physician providing the temporary authorization for

the physician assistant to begin practice. If the application is not complete, including, but not limited to, required information or signatures not being provided or the fee not being submitted, a temporary authorization for the physician assistant to begin practicing shall not be issued. The temporary authorization, when issued, shall provide a period of 120 days during which the physician assistant may practice under the terms set forth in the written agreement as submitted to the board. Within 120 days the board shall notify the supervising physician of the final approval or disapproval of the application. If approved, a final approval of the written agreement shall be issued to the supervising physician. If there are discrepancies that have not been corrected within the 120-day period, the temporary authorization to practice shall expire. There shall be no more than four physician assistants for whom a physician has responsibility or supervises pursuant to a written agreement at any time. In health care facilities licensed under the act of July 19, 1979 (P.L.130, No.48), known as the "Health Care Facilities Act," a physician assistant shall be under the supervision and direction of a physician or physician group pursuant to a written agreement, provided that a physician supervises no more than four physician assistants at any time. A physician may apply for a waiver to employ or supervise more than four physician assistants at any time under this section for good cause, as determined by the board. In cases where a group of physicians will supervise a physician assistant, the names of all supervisory physicians shall be included on the application.

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Section 3. This act shall take effect in 30 days.

APPROVED--The 2nd day of July, A.D. 2019.

TOM WOLF