

AMENDMENTS TO SENATE BILL NO. 397

Sponsor: SENATOR PITTMAN

Printer's No. 385

1 Amend Bill, page 1, line 6, by inserting after "Medicine"
2 , for practice of osteopathic medicine and surgery without
3 license prohibited

4 Amend Bill, page 1, line 8, by inserting after "education"
5 ; and abrogating regulations

6 Amend Bill, page 1, lines 11 through 14, by striking out all
7 of said lines and inserting

8 Section 1. The definitions of "physician assistant" and
9 "primary supervising physician" in section 2 of the act of
10 October 5, 1978 (P.L.1109, No.261), known as the Osteopathic
11 Medical Practice Act, are amended to read:

12 Amend Bill, page 2, by inserting between lines 5 and 6

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

18 Amend Bill, page 2, line 7, by striking out all of said line
19 and inserting

20 Section 2. Sections 2.1(a) and 3(b) of the act are amended
21 to read:

22 Amend Bill, page 2, line 10, by inserting a bracket before
23 "his"

24 Amend Bill, page 2, line 10, by inserting after "his"

25] a

26 Amend Bill, page 2, line 11, by inserting a bracket before
27 "his"

1 Amend Bill, page 2, line 11, by inserting after "his"

2] a

3 Amend Bill, page 2, line 16, by inserting a bracket before

4 "six"

5 Amend Bill, page 2, line 16, by inserting after "six"

6] seven

7 Amend Bill, page 2, by inserting between lines 28 and 29

8 Section 3. Practice of osteopathic medicine and surgery without
9 license prohibited.

10 * * *

11 (b) Nothing in this act shall be construed to prohibit
12 services and acts rendered by a qualified physician assistant,
13 technician or other allied medical person if such services and
14 acts are rendered under the supervision, direction or control of
15 a licensed physician. It shall be unlawful for any person to
16 practice as a physician assistant unless licensed and approved
17 by the board. It shall also be unlawful for any physician
18 assistant to render medical care and services except under the
19 supervision [and direction] of the supervising physician. A
20 physician assistant may use the title physician assistant or an
21 appropriate abbreviation for that title, such as "P.A.-C."

22 Amend Bill, page 2, lines 29 and 30; page 3, line 1; by
23 striking out all of said lines on said pages and inserting

24 Section 3. Section 10(g), (g.2), (j) (j.1), (k) and (l) of
25 the act are amended and the section is amended by adding a
26 subsection to read:

27 Amend Bill, page 3, line 6, by striking out all of said line
28 and inserting

29 (g) (1) The primary supervising physician shall file, or
30 cause to be

31 Amend Bill, page 3, line 10, by inserting a bracket before
32 "supervising"

33 Amend Bill, page 3, line 11, by striking out the bracket
34 before the comma after "practice" where it occurs the first time

35 Amend Bill, page 3, line 11, by striking out "] and"

1 Amend Bill, page 3, line 11, by striking out ".["

2 Amend Bill, page 3, line 16, by inserting after "assistant."
3] primary supervising physician, according to subsection
4 (g.4).

5 Amend Bill, page 3, line 21, by inserting a bracket before
6 "board-approved"

7 Amend Bill, page 3, line 21, by inserting after "board-
8 approved"
9] board-filed

10 Amend Bill, page 3, line 23, by inserting a bracket before
11 "board-approved"

12 Amend Bill, page 3, line 23, by inserting after "board-
13 approved"
14] board-filed

15 Amend Bill, page 3, line 27, by inserting a bracket before
16 "Upon"

17 Amend Bill, page 4, line 14, by inserting after "expire."

18]
19 (2) The written agreement becomes effective upon
20 submission by the primary supervising physician, the
21 physician assistant or a delegate of the primary supervising
22 physician and the physician assistant to the board. The board
23 may develop audit procedures to ensure supervision and scope
24 of practice protections are maintained in accordance with
25 this chapter. The audit shall not include more than 10% of
26 all written agreements on an annual basis. A written
27 agreement subject to an audit shall remain in effect for two
28 weeks after the board notifies the primary supervising
29 physician and the physician assistant with remedies, if
30 necessary, on the outcome of the audit. The primary
31 supervising physician, physician assistant or delegate to the
32 primary supervising physician and physician assistant must
33 submit a new written agreement which shall be effective upon
34 submission to the board.

35 (3)

36 Amend Bill, page 4, line 15, by inserting a bracket before

1 "four"

2 Amend Bill, page 4, line 15, by inserting after "four"

3] six

4 Amend Bill, page 4, line 20, by inserting a bracket before

5 "and"

6 Amend Bill, page 4, line 20, by inserting a bracket after

7 "direction"

8 Amend Bill, page 4, line 22, by inserting a bracket before

9 "four"

10 Amend Bill, page 4, line 22, by inserting after "four"

11] seven

12 Amend Bill, page 4, line 24, by inserting a bracket before

13 "than"

14 Amend Bill, page 4, line 24, by inserting a bracket after

15 "four"

16 Amend Bill, page 4, lines 28 through 30; page 5, lines 1
17 through 3; by striking out "] The supervising" in line 28, all
18 of lines 29 and 30 on page 4 and all of lines 1 through 3 on
19 page 5

20 Amend Bill, page 5, by inserting between lines 4 and 5

21 (g.2) (1) Except as limited by paragraph (2), and in
22 addition to existing authority, a physician assistant shall
23 have authority to do all of the following, provided that the
24 physician assistant is acting within the supervision [and
25 direction] of the supervising physician:

26 (i) Order durable medical equipment.

27 (ii) Issue oral orders to the extent permitted by a
28 health care facility's bylaws, rules, regulations or
29 administrative policies and guidelines.

30 (iii) Order physical therapy and dietitian
31 referrals.

32 (iv) Order respiratory and occupational therapy
33 referrals.

1 (v) Perform disability assessments for the program
2 providing Temporary Assistance to Needy Families (TANF).

3 (vi) Issue homebound schooling certifications.

4 (vii) Perform and sign the initial assessment of
5 methadone treatment evaluations in accordance with
6 Federal and State law, provided that any order for
7 methadone treatment shall be made only by a physician.

8 (2) Nothing in this subsection shall be construed to:

9 (i) Supersede the authority of the Department of
10 Health and the Department of [Public Welfare] Human
11 Services to regulate the types of health care
12 professionals who are eligible for medical staff
13 membership or clinical privileges.

14 (ii) Restrict the authority of a health care
15 facility to determine the scope of practice and
16 supervision or other oversight requirements for health
17 care professionals practicing within the facility.

18 * * *

19 Amend Bill, page 5, line 12, by inserting after "the" where
20 it occurs the second time

21 primary

22 Amend Bill, page 5, lines 14 through 21, by striking out all
23 of said lines

24 Amend Bill, page 5, by inserting between lines 22 and 23

25 (j) Nothing in this act shall be construed to permit a
26 licensed physician assistant to practice osteopathic medicine
27 without the supervision [and direction] of a licensed physician
28 approved by the appropriate board, but such supervision [and
29 direction] shall not be construed to [necessarily] require the
30 personal presence of the supervising physician at the place
31 where the services are rendered.

32 Amend Bill, page 5, line 23, by striking out the bracket
33 before "(j.1)"

34 Amend Bill, page 5, line 23, by inserting a bracket before
35 "(1)"

36 Amend Bill, page 6, by inserting between lines 20 and 21

37 (3) The primary supervising physician shall determine
38 countersignature requirements of patient records completed by
39 the physician assistant in a written agreement, except as
40 provided for in paragraph (4).

41 (4) The approved physician shall countersign 100% of the

1 patient records completed by the physician assistant within a
2 reasonable time, which shall not exceed 10 days, for the
3 first 12 months of the physician assistant's practice post
4 graduation and after the physician assistant has fulfilled
5 the criteria for licensure specified in subsection (f).

6 (k) This act shall not be construed to prohibit the
7 performance by the physician assistant of any service within
8 [his] the physician assistant's skills, which is delegated by
9 the supervising physician, and which forms a usual component of
10 that physician's scope of practice.

11 (l) Nothing in this act shall be construed to prohibit the
12 employment of physician assistants by a health care facility
13 where such physician assistants function under the supervision
14 [and direction] of a physician or group of physicians.

15 Amend Bill, page 6, line 22, by inserting after "of"

16 Osteopathic

17 Amend Bill, page 6, by inserting between lines 24 and 25

18 Section 5. Any and all regulations at 49 Pa. Code §§ 25.142,
19 25.162, 25.178 and 25.181 are abrogated to the extent of any
20 inconsistency with this act.

21 Amend Bill, page 6, line 25, by striking out "5" and

22 inserting

23 6