

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## 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 AMENDED ON THIRD CONSIDERATION, JUNE 13, 1977

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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:

23 \* \* \*

24 (11) "Certification." The approval of individuals by the

board to serve as physicians' assistants. It shall also mean the approval of programs by the board for the training and education of physicians' assistants.

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

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

(14) "Physician's assistant to a primary care physician." A person certified by the board to assist a physician or group of physicians engaged in primary care.

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

(16) "Proficiency examination." An examination approved by the board for the national certification of physicians' assistants, including, but not limited to those examinations, approved for such purpose by the National Commission on

1 Certification of Physicians' Assistants.

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

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

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

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

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

20 \* \* \*

21 (d) Requirements for the certification of training and  
22 educational programs for physicians' assistants shall be  
23 formulated by the board in accordance with such national  
24 criteria as are established by national organizations or  
25 societies as the board may accept.

26 Section 4. Sections 10 and 12 of the act are amended to  
27 read:

28 Section 10. Licenses; Exemptions, Non-resident  
29 Practitioners; Graduate Students; Biennial Registration.--(a)  
30 All physicians who have complied with the requirements of the

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

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

13 (b) Physicians who are legally authorized to practice  
14 medicine and surgery in other states or territories of the  
15 United States and the Dominion of Canada, and who apply for  
16 training and [certification] to be certified in special  
17 departments of medicine and surgery in institutions in this  
18 Commonwealth recognized by the board with advice and  
19 consultation with the various examining boards in medical  
20 specialties approved by the Council on Medical Education of the  
21 American Medical Association as proper for such training, shall  
22 receive a graduate certificate that is limited to said training  
23 within the complex of the hospital and/or its affiliates or  
24 community hospitals where he is engaged in such training. This  
25 training experience shall not be converted into a staff service.  
26 It shall be valid for one year but may be renewed from year to  
27 year. Any person who has been certified in a specialty  
28 discipline recognized by the board, and who makes an application  
29 for licensure to practice medicine and surgery without  
30 restriction in the Commonwealth, upon the payment of a

1 reasonable fee as determined from time to time by the board and  
2 at the discretion of the board may be given a qualifying  
3 examination. Such examination shall emphasize the subject matter  
4 of the specialty discipline for which the applicant has been  
5 trained but may also include material from the general field of  
6 medical science.

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

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

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

24 (f) The board shall grant certification to physicians'  
25 assistants. The board shall grant certification to applicants  
26 who have fulfilled either of the following criteria:

27 (1) satisfactory performance on the proficiency examination,  
28 as determined by the board; or

29 (2) satisfactory completion of a certified program for the  
30 training and education of physicians' assistants.

In the event that completion of a formal training and educational program is a prerequisite to taking the proficiency examination, the board shall have the power if it determines that the experience of the applicant is of such magnitude and scope so as to render further formal training and education nonessential to the applicant in assisting a physician in the provision of medical care and services, to waive the training and education requirements under this section.

(g) The certification of physicians' assistants shall be subject to biennial renewal by the board.

(h) The board shall grant provisional certification under the following conditions:

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

(2) The application shall include a written request from the applicant's supervising physician.

(3) The period of provisional certification may not extend beyond twenty-four consecutive months.

(i) The supervising physician shall file with the board an application to utilize a physician's assistant containing a description of the manner in which the physician's assistant will assist the supervising physician in his practice. In cases where a group of physicians will supervise a physician's assistant, the names of all supervisory physicians shall be included on the application.

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

(k) The board shall establish such rules and regulations as



1 it deems necessary to protect the public and to implement the  
2 provisions of this act, including, but not limited to the  
3 following:

4 (1) Reasonable procedures for identification of physicians'  
5 assistants and for informing patients and the public at large of  
6 the use of physicians' assistants.

7 (2) Criteria to distinguish between a physician's assistant  
8 to a primary care physician and a physician's assistant to a  
9 secondary care physician. Information concerning the use of each  
10 type of physician's assistant shall be collected and reports  
11 thereof furnished to the General Assembly annually by the  
12 Department of Health.

13 (1) Nothing in this act shall be construed to permit a  
14 certified physician's assistant to practice medicine without the  
15 supervision and direction of a licensed physician approved by  
16 the appropriate board, but such supervision and direction shall  
17 not be construed to necessarily require the personal presence of  
18 the supervising physician at the place where the services are  
19 rendered.

20 (m) This act shall not be construed to prohibit the  
21 performance by the physician's assistant of any service within  
22 his skills, which is delegated by the supervising physician, and  
23 which forms a usual component of that physician's scope of  
24 practice.

25 (n) Nothing in this act shall be construed to prohibit the  
26 employment of physicians' assistants by a medical care facility  
27 where such physicians' assistants function under the supervision  
28 and direction of a physician or group of physicians.

29 (O) NO MEDICAL SERVICES MAY BE PERFORMED BY A PHYSICIAN'S  
30 ASSISTANT UNDER THIS ACT WHICH INCLUDE THE MEASUREMENT OF THE

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POWERS OR RANGE OF HUMAN VISION OR THE DETERMINATION OF THE  
REFRACTIVE STATUS OF THE HUMAN EYE. THIS SUBSECTION DOES NOT  
PROHIBIT THE PERFORMANCE OF ROUTINE VISION SCREENINGS.

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' 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 assistant.

Section 5. Section 15 of the act is amended by adding a subsection 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 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 assistant; practicing fraud or deceit in obtaining a certification to serve as a physician's 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.

(4) Having his certification to serve as a physician's

1 assistant revoked or suspended or having other disciplinary  
2 action taken, or his application for certification refused,  
3 revoked or suspended by the proper certifying authority of  
4 another state, territory or country.

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

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

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

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

30 (9) Being guilty of immoral or unprofessional conduct shall

1 include any departure from, or the failure to conform to, the  
2 standards of acceptable and prevailing practice for physicians'  
3 assistants, in which proceeding actual injury to a patient need  
4 not be established.

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

8 (1) Deny the application for certification.

9 (2) Administer a public or private reprimand.

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

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

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

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

21 Section 6. This act shall take effect January 1, 1978.