

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 586

Session of
1977

INTRODUCED BY COPPERSMITH, ROMANELLI, HILL, HESS, STAUFFER,
FLEMING AND O'PAKE, MARCH 28, 1977

AS AMENDED ON THIRD CONSIDERATION, JUNE 21, 1977

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
24 Examiners.] Nothing in this act shall be construed to prohibit <—
25 services and acts rendered by a qualified physician's assistant,
26 REGISTERED NURSE, technician or other allied medical person if <—
27 such services and acts are rendered under the supervision,
28 direction or control of a licensed physician. It shall be
29 unlawful for any person to practice as a physician's assistant
30 unless certified and approved by the board. It shall also be

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

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

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

21 * * *

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

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

29 Section 10. Licenses; Exemptions, Non-resident
30 Practitioners; Graduate Students; Biennial Registration.--(a)

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

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

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

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

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

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

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

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

28 (1) satisfactory performance on the proficiency examination,
29 to the extent that a proficiency examination exists as
30 determined by the board; and

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

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

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

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

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

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

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

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

29 (j) The board shall approve the applications which meet the
30 criteria set by this act and the regulations promulgated

1 pursuant thereto.

2 (k) The board shall establish such rules and regulations as
3 it deems necessary to protect the public and to implement the
4 provisions of this act, including, but not limited to the
5 following:

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

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

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

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

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

1 (o) No medical services may be performed by a physician's
2 assistant under this act which include the measurement of the
3 powers or range of human vision or the determination of the
4 refractive status of the human eye. This subsection does not
5 prohibit the performance of routine vision screenings.

6 (p) Nothing in this act shall be construed to allow
7 physicians' assistants to practice chiropractic.

8 Section 12. [Examination] Fees.--The board shall have the
9 power to charge a reasonable fee for all examinations, as
10 determined from time to time by the board. A fee of ten dollars
11 (\$10) shall be charged for each initial certification and
12 biennial renewal of certificates for physicians' assistants. A
13 fee of twenty-five dollars (\$25) shall be charged for each
14 application by a physician or group of physicians to supervise a
15 physician's assistant.

16 Section 5. Section 15 of the act is amended by adding a
17 subsection to read:

18 Section 15. Reasons for Refusal; Revocation or Suspension of
19 License.--* * *

20 (d) The board shall have authority to refuse, revoke or
21 suspend the license of a physician's assistant for any or all of
22 the following reasons:

23 (1) Failing to demonstrate the qualification for
24 certification contained in this act or regulations of the board.

25 (2) Making misleading, deceptive, untrue or fraudulent
26 representations in his serving as a physician's assistant;
27 practicing fraud or deceit in obtaining a certification to serve
28 as a physician's assistant; or making a false or deceptive
29 biennial registration with the board.

30 (3) Conviction of a felony in this Commonwealth or any other

1 state, territory or country. Conviction as used in this
2 paragraph shall include a finding or verdict of guilt, an
3 admission of guilt or a plea of nolo contendere.

4 (4) Having his certification to serve as a physician's
5 assistant revoked or suspended or having other disciplinary
6 action taken, or his application for certification refused,
7 revoked or suspended by the proper certifying authority of
8 another state, territory or country.

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

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

28 (7) Violating a lawful regulation promulgated by the board
29 or violating a lawful order of the board, previously entered by
30 the board in a disciplinary proceeding.

1 (8) Knowingly rendering medical care and services except
2 under the supervision and direction of the supervising
3 physician.

4 (9) Being guilty of immoral or unprofessional conduct shall
5 include any departure from, or the failure to conform to, the
6 standards of acceptable and prevailing practice for physicians'
7 assistants, in which proceeding actual injury to a patient need
8 not be established.

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

12 (1) Deny the application for certification.

13 (2) Administer a public or private reprimand.

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

16 (4) Require a physician's assistant to submit to the care,
17 counseling, or treatment of a physician or physicians designated
18 by the board.

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

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

25 Section 6. Nothing herein shall make illegal any type of
26 relationship directly supervised by a physician which was proper
27 before the enactment of this act.

28 SECTION 7. THE LAST SENTENCE OF CLAUSE (1) OF SECTION 2, ACT <—
29 OF MAY 22, 1951 (P.L.317, NO.69), KNOWN AS "THE PROFESSIONAL
30 NURSING LAW," IS REPEALED.

1 Section 7 8. This act shall take effect January 1, 1978.

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