

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1832 Session of
2011

INTRODUCED BY SONNEY, BRENNAN, DAVIS, J. EVANS, FABRIZIO,
GILLESPIE, HARKINS, HELM, HENNESSEY, HORNAMAN, M. K. KELLER,
MILLARD, MUSTIO, OBERLANDER, PAYTON, PICKETT, READSHAW,
REICHLEY, SCAVELLO, STURLA, YOUNGBLOOD, HANNA, GEIST AND
KORTZ, OCTOBER 20, 2011

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, FEBRUARY 15, 2012

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; providing penalties;
9 and making repeals," further providing for physician
10 assistants.

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

13 Section 1. Section 13(c.1), (d) and (e) of the act of
14 December 20, 1985 (P.L.457, No.112), known as the Medical
15 Practice Act of 1985, amended July 20, 2007 (P.L.314, No.46) and
16 July 4, 2008 (P.L.580, No.45), are amended to read:

17 Section 13. Physician assistants.

18 * * *

19 (c.1) Except as limited by subsection (c.2), and in addition
20 to existing authority, a physician assistant shall have

1 authority to do all of the following, provided that the
2 physician assistant is acting within the supervision and
3 direction of the supervising physician:

4 (1) Order durable medical equipment.

5 (2) Issue oral orders to the extent permitted by a
6 health care facility's bylaws, rules, regulations or
7 administrative policies and guidelines.

8 (3) Order physical therapy, athletic trainer and
9 dietitian referrals.

10 (4) Order respiratory and occupational therapy
11 referrals.

12 (5) Perform disability assessments for the program
13 providing Temporary Assistance to Needy Families (TANF).

14 (6) Issue homebound schooling certifications.

15 (7) Perform and sign the initial assessment of methadone
16 treatment evaluations in accordance with Federal and State
17 law and regulations, provided that any order for methadone
18 treatment shall be made only by a physician.

19 (8) Sign and approve day-care physicals.

20 (9) Sign and approve foster care physicals.

21 (10) Sign and approve State and municipal police officer
22 physicals.

23 (11) Authenticate with the physician assistant's
24 signature any form that may otherwise be authenticated by a
25 physician's signature as permitted by the supervising
26 physician, State or Federal law and facility protocol, if
27 applicable.

28 * * *

29 (d) Supervision.--A physician assistant shall not perform a
30 medical service without the supervision and personal direction

1 of an approved physician. †The board shall promulgate
2 regulations which define the supervision and personal direction
3 required by the standards of acceptable medical practice
4 embraced by the medical doctor community in this Commonwealth.‡

5 ~~Supervision shall be continuous but shall not be construed as~~
6 ~~necessarily requiring the physical presence of the supervising~~
7 ~~physician at the time and place that the services are rendered.~~

8 The following apply:

9 ~~(1) It is the obligation of each team of physician and~~
10 ~~physician assistant to ensure that:~~

11 ~~(i) the physician assistant's scope of practice is~~
12 ~~identified;~~

13 ~~(ii) delegation of medical tasks is appropriate to~~
14 ~~the physician assistant's level of competence;~~

15 ~~(iii) the relationship of, and access to, the~~
16 ~~supervising physician is defined; and~~

17 ~~(iv) a process for evaluation of the physician~~
18 ~~assistant's performance is established.~~

19 ~~The requirements of this paragraph shall be reflected in~~
20 ~~the written agreement signed by each team of physician and~~
21 ~~physician assistant.~~

22 ~~(2) Countersignature of patient charts is not~~
23 ~~necessarily required. All decisions regarding physician~~
24 ~~countersignature of patient charts, including the number of~~
25 ~~charts to be countersigned and the frequency with which chart~~
26 ~~review is to occur, shall be made between a supervising~~
27 ~~physician and physician assistant at the practice or facility~~
28 ~~level.~~

29 (e) Written agreement.--A physician assistant shall not
30 provide a medical service without a written agreement with one

1 or more physicians which provides for all of the following:

2 (1) Identifies and is signed by each physician the
3 physician assistant will be assisting.

4 (2) Describes the †manner in which the physician ←
5 assistant will be assisting each named physician† ~~roles and~~ ←
6 ~~responsibilities of the physician assistant and the~~
7 ~~supervising physician as required in subsection (d).~~

8 †(3) Describes the nature and degree of supervision and ←
9 direction each named physician will provide the physician
10 assistant.

11 (4) Designates one of the named physicians as having the
12 primary responsibility for supervising and directing the
13 physician assistant.† ←

14 (5) Has †been [approved by] ~~filed a complete application~~ ←
15 ~~with~~ the board [as satisfying] AND SATISFIES the foregoing ←
16 and [as] IS consistent with the restrictions contained in or ←
17 authorized by this section.

18 A physician assistant shall not assist a physician in a manner
19 not described in the agreement or without the nature and degree
20 of supervision and direction described in the agreement. There
21 shall be no more than four physician assistants for whom a
22 physician has responsibility or supervises pursuant to a written
23 agreement at any time. In health care facilities licensed under
24 the act of July 19, 1979 (P.L.130, No.48), known as the Health
25 Care Facilities Act, a physician assistant shall be under the
26 supervision and direction of a physician or physician group
27 pursuant to a written agreement, provided that a physician
28 supervises no more than four physician assistants at any time. A
29 physician may apply for a waiver to employ or supervise more
30 than four physician assistants at any time under this section

1 for good cause, as determined by the board.

2 * * *

3 SECTION 2. THE STATE BOARD OF MEDICINE SHALL PROMULGATE ←
4 REGULATIONS TO CARRY OUT THE AMENDMENT OF SECTION 13(C.1), (D)
5 AND (E) OF THE ACT WITHIN 18 MONTHS OF THE EFFECTIVE DATE OF
6 THIS SECTION, BUT PROMULGATION OF ANY SUCH REGULATIONS SHALL NOT
7 ACT TO DELAY THE IMPLEMENTATION OR EFFECTIVENESS OF THE
8 AMENDMENT OF SECTION 13(C.1), (D) AND (E) OF THE ACT.

9 Section ~~2~~ 3. This act shall take effect in 60 days. ←