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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1833 Session of  
2011

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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 AND YOUNGBLOOD, OCTOBER 20, 2011

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, OCTOBER 20,  
2011

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AN ACT

1 Amending the act of October 5, 1978 (P.L.1109, No.261), entitled  
2 "An act requiring the licensing of practitioners of  
3 osteopathic medicine and surgery; regulating their practice;  
4 providing for certain funds and penalties for violations and  
5 repeals," further providing for licenses, exemptions,  
6 nonresident practitioners, graduate students, biennial  
7 registration and continuing medical education.

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

10 Section 1. Section 10(g) and (g.2) of the act of October 5,  
11 1978 (P.L.1109, No.261), known as the Osteopathic Medical  
12 Practice Act, amended July 20, 2007 (P.L.316, No.47) and July 4,  
13 2008 (P.L.589, No.46), are amended to read:

14 Section 10. Licenses; exemptions; nonresident practitioners;  
15 graduate students; biennial registration and  
16 continuing medical education.

17 \* \* \*

18 (g)

19 (1) It is the obligation of each team of physician and

1 physician assistant to ensure that:

2 (i) the physician assistant's scope of practice is  
3 identified;

4 (ii) delegation of medical tasks is appropriate to  
5 the physician assistant's level of competence;

6 (iii) the relationship of, and access to, the  
7 supervising physician is defined; and

8 (iv) that a process for evaluation of the physician  
9 assistant's performance is established.

10 (2) The requirements of paragraph (1) shall be reflected  
11 in the written agreement signed by each team of physician and  
12 physician assistant. [The supervising physician shall file] A  
13 copy of the written agreement shall be filed with the board  
14 [an application to utilize a physician assistant containing a  
15 description of the manner in which the physician assistant  
16 will assist the supervising physician in his practice, the  
17 method and frequency of supervision and the geographic  
18 location of the physician assistant].

19 (3) Counter signature of charts is not necessarily  
20 required. All decisions regarding physician countersignature  
21 of patient charts, including the number of charts to be  
22 countersigned and the frequency with which chart review is to  
23 occur, shall be made at the practice or facility level by  
24 each team of supervising physician and physician assistant.

25 (4) There shall be no more than four physician  
26 assistants for whom a physician has responsibility or  
27 supervises pursuant to a written agreement at any time. In  
28 health care facilities licensed under the act of July 19,  
29 1979 (P.L.130, No.48), known as the "Health Care Facilities  
30 Act," a physician assistant shall be under the supervision

1 and direction of a physician or physician group pursuant to a  
2 written agreement, provided that a physician supervises no  
3 more than four physician assistants at any time. A physician  
4 may apply for a waiver to employ or supervise more than four  
5 physician assistants at any time under this section for good  
6 cause, as determined by the board. In cases where a group of  
7 physicians will supervise a physician assistant, the names of  
8 all supervisory physicians shall be included on the  
9 application.

10 \* \* \*

11 (g.2) (1) Except as limited by paragraph (2), and in  
12 addition to existing authority, a physician assistant shall  
13 have authority to do all of the following, provided that the  
14 physician assistant is acting within the supervision and  
15 direction of the supervising physician:

16 (i) Order durable medical equipment.

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

20 (iii) Order physical therapy, athletic trainer and  
21 dietitian referrals.

22 (iv) Order respiratory and occupational therapy  
23 referrals.

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

26 (vi) Issue homebound schooling certifications.

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

1           (viii) Sign and approve day-care physicals.

2           (ix) Sign and approve foster care physicals.

3           (x) Sign and approve State and municipal police  
4 officer physicals.

5           (xi) Authenticate with the physician assistant's  
6 signature any form that may otherwise be authenticated by  
7 a physician's signature as permitted by the supervising  
8 physician, State or Federal law and facility protocol, if  
9 applicable.

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

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

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

19         \* \* \*

20         Section 2. This act shall take effect in 60 days.