

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1833 Session of
2011

INTRODUCED BY SONNEY, BRENNAN, DAVIS, J. EVANS, FABRIZIO,
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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 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)

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

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

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

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

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

11 ~~(2) The requirements of paragraph (1) shall be reflected~~
12 ~~in the written agreement signed by each team of physician and~~
13 ~~physician assistant.~~ (1) The supervising physician shall ←

14 file. ~~A a copy of the written agreement shall be filed~~ ←
15 the board [an application to utilize a physician assistant
16 containing] WHICH CONTAINS a description of the manner in ←
17 which the physician assistant will assist the supervising
18 physician in his practice, the method and frequency of
19 supervision and the geographic location of the physician
20 assistant. ←

21 ~~(3) (2) Counter signature of charts is not necessarily~~ ←
22 ~~required. All decisions regarding physician countersignature~~
23 ~~of patient charts, including the number of charts to be~~
24 ~~countersigned and the frequency with which chart review is to~~
25 ~~occur, shall be made at the practice or facility level by~~ ←
26 ~~each team of~~ BETWEEN A supervising physician and physician ←
27 ~~assistant.~~

28 ~~(4) (3)~~ (3) There shall be no more than four physician ←
29 assistants for whom a physician has responsibility or
30 supervises pursuant to a written agreement at any time. In

1 health care facilities licensed under the act of July 19,
2 1979 (P.L.130, No.48), known as the "Health Care Facilities
3 Act," a physician assistant shall be under the supervision
4 and direction of a physician or physician group pursuant to a
5 written agreement, provided that a physician supervises no
6 more than four physician assistants at any time. A physician
7 may apply for a waiver to employ or supervise more than four
8 physician assistants at any time under this section for good
9 cause, as determined by the board. In cases where a group of
10 physicians will supervise a physician assistant, the names of
11 all supervisory physicians shall be included on the
12 application.

13 * * *

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

19 (i) Order durable medical equipment.

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

23 (iii) Order physical therapy, athletic trainer and
24 dietitian referrals.

25 (iv) Order respiratory and occupational therapy
26 referrals.

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

29 (vi) Issue homebound schooling certifications.

30 (vii) Perform and sign the initial assessment of

1 methadone treatment evaluations in accordance with
2 Federal and State law, provided that any order for
3 methadone treatment shall be made only by a physician.

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

5 (ix) Sign and approve foster care physicals.

6 (x) Sign and approve State and municipal police
7 officer physicals.

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

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

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

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

22 * * *

23 SECTION 2. THE STATE BOARD OF OSTEOPATHIC MEDICINE SHALL
24 PROMULGATE REGULATIONS TO CARRY OUT THE AMENDMENT OF SECTION
25 10(G) AND (G.2) OF THE ACT WITHIN 18 MONTHS OF THE EFFECTIVE
26 DATE OF THIS SECTION, BUT PROMULGATION OF ANY SUCH REGULATIONS
27 SHALL NOT ACT TO DELAY THE IMPLEMENTATION OR EFFECTIVENESS OF
28 THE AMENDMENT OF SECTION 10(G) AND (G.2) OF THE ACT.

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