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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 699 Session of  
2019

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INTRODUCED BY GORDNER, MAY 31, 2019

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
MAY 31, 2019

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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 physician assistants.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 2 of the act of October 5, 1978  
9 (P.L.1109, No.261), known as the Osteopathic Medical Practice  
10 Act, is amended by adding definitions to read:

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall  
13 have, unless the context clearly indicates otherwise, the  
14 meanings given to them in this section:

15 \* \* \*

16 "Primary supervising physician." A medical doctor who is  
17 registered with the board and designated in a written agreement  
18 with a physician assistant under section 10(g) as having primary  
19 responsibility for directing and personally supervising the

1 physician assistant.

2 \* \* \*

3 "Substitute supervising physician." A physician who is  
4 registered with the board and designated in a written agreement  
5 with a physician assistant under section 10(g) as assuming  
6 primary responsibility for the supervision of a physician  
7 assistant for no more than 30 consecutive calendar days when the  
8 primary supervising physician is unavailable to provide the  
9 level of supervision and record review which was described in  
10 the written agreement and approved by the board.

11 Section 2. Section 10(g) of the act is amended to read:

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

15 \* \* \*

16 (g) The primary supervising physician shall file, or cause  
17 to be filed, with the board an application to utilize a  
18 physician assistant including a written agreement containing a  
19 description of the manner in which the physician assistant will  
20 assist the supervising physician in his practice; the method and  
21 frequency of supervision, including, but not limited to, the  
22 number and frequency of the patient record reviews required by  
23 subsection (j.1) and the criteria for selecting patient records  
24 for review when 100% review is not required, and the geographic  
25 location of the physician assistant. The written agreement and  
26 description may be prepared and submitted by the primary  
27 supervising physician, the physician assistant or a delegate of  
28 the primary supervising physician and the physician assistant,  
29 provided however, that both the primary supervising physician  
30 and physician assistant shall personally review, approve and

1 accept the description prior to submission of the description to  
2 the board for the board's approval. The written agreement shall  
3 be signed by the primary supervising physician, one substitute  
4 supervising physician, if applicable, and the physician  
5 assistant. It shall not be a defense in any administrative or  
6 civil action that the physician assistant acted outside the  
7 scope of the board-approved description or that the supervising  
8 physician utilized the physician assistant outside the scope of  
9 the board-approved description because the supervising physician  
10 or physician assistant permitted another person to represent to  
11 the board that the description had been approved by the  
12 supervising physician or physician assistant. Upon submission of  
13 the application, board staff shall review the application only  
14 for completeness and shall issue a letter to the supervising  
15 physician providing the temporary authorization for the  
16 physician assistant to begin practice. If the application is not  
17 complete, including, but not limited to, required information or  
18 signatures not being provided or the fee not being submitted, a  
19 temporary authorization for the physician assistant to begin  
20 practicing shall not be issued. The temporary authorization,  
21 when issued, shall provide a period of 120 days during which the  
22 physician assistant may practice under the terms set forth in  
23 the written agreement as submitted to the board. Within 120 days  
24 the board shall notify the supervising physician of the final  
25 approval or disapproval of the application. If approved, a final  
26 approval of the written agreement shall be issued to the  
27 supervising physician. If there are discrepancies that have not  
28 been corrected within the 120-day period, the temporary  
29 authorization to practice shall expire. There shall be no more  
30 than four physician assistants for whom a physician has

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

14 \* \* \*

15 Section 3. This act shall take effect in 30 days.