

2021 Regular Session

HOUSE BILL NO. 442

BY REPRESENTATIVE BAGLEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PHYSICIAN ASSISTANTS: Provides relative to the licensed profession of physician assistant

1 AN ACT

2 To amend and reenact R.S. 17:500(B)(1), 1201(A)(2), and 1206(A)(1) and R.S. 37:1360.21,

3 1360.22(1), (3), and (5), 1360.23(A), (B), and (D), 1360.24(A)(introductory

4 paragraph) and (3) through (5) and (B), 1360.26, 1360.27(A)(introductory

5 paragraph) and (B), 1360.30, 1360.32, 1360.33(introductory paragraph), (5), and (6),

6 1360.34(introductory paragraph), (4), and (5), 1360.35, 1360.36, 1360.37(C), and

7 1360.38, to enact R.S. 37:1360.22(10) and 1360.31.1, and to repeal R.S.

8 37:1360.22(6) through (9), 1360.23(C), (F), (G), and (I), 1360.24(C) and (D),

9 1360.28, 1360.29, and 1360.31, relative to physician assistants; to provide for

10 legislative intent; to provide for definitions; to provide for powers and duties of the

11 Louisiana State Board of Medical Examiners with respect to physician assistants; to

12 provide relative to licensure of physician assistants; to provide for services that

13 physician assistants are authorized to perform; to provide for the scope of practice

14 of physician assistants; to provide for physician assistant practice agreements; to

15 provide relative to professional liability of physician assistants; to repeal laws

16 requiring supervision of physician assistants by licensed physicians; to repeal laws

17 pertaining to supervising physicians; to make technical changes; and to provide for

18 related matters.

19 Be it enacted by the Legislature of Louisiana:

1 Section 1. R.S. 17:500(B)(1), 1201(A)(2), and 1206(A)(1) are hereby amended and
2 reenacted to read as follows:

3 §500. Sick leave for school bus operators; minimum pay for substitute

4 * * *

5 B.(1) All school bus operators employed by the parish and the city school
6 boards of this state shall be entitled to and shall be allowed a minimum of ten days
7 absence per school year because of personal illness or because of other emergencies,
8 without loss of pay. Such sick leave when not used in any year shall be accumulated
9 to the credit of the school bus operator without limitation. Provided that when a
10 school bus operator is absent for six or more consecutive days because of personal
11 illness, he shall be required to present a certificate from a physician, physician
12 assistant providing health care services in accordance with ~~R.S. 37:1360.28~~ R.S.
13 37:1360.21 et seq., or nurse practitioner providing health care services in accordance
14 with R.S. 37:913 certifying such illness; provided, further, that the parish and city
15 school boards are authorized to adopt such rules and regulations as are necessary
16 relative to the use of such sick leave, either current or accumulated, for emergencies.
17 The parish and city school boards may grant additional sick leave, without loss of
18 pay, or with such reduction of pay as they may establish and fix.

19 * * *

20 §1201. Amount of sick leave; reimbursement; injury on the job

21 A.

22 * * *

23 (2) When a member of the teaching staff is absent for six or more
24 consecutive days because of personal illness, he shall be required to present a
25 certificate from a physician, physician assistant providing health care services in
26 accordance with ~~R.S. 37:1360.28~~ R.S. 37:1360.21 et seq., or nurse practitioner
27 providing health care services in accordance with R.S. 37:913 certifying such illness.
28 Each parish and city school board may adopt such rules and regulations as are
29 necessary relative to the use of such sick leave, either current or accumulated, for

1 emergencies. The parish and city school boards may grant additional sick leave,
2 without loss of pay, or with such reduction of pay as they may establish and fix.

3 * * *

4 §1206. Ten days sick leave for employees; cumulation of unused sick leave

5 A.(1) All such employees, as defined in R.S. 17:1205, shall be entitled to and
6 shall be allowed a minimum of ten days leave of absence as sick leave or in case of
7 other emergencies, per school year, without loss of pay. Any portion of such sick
8 leave not used in any year shall be accumulated to the credit of the employee without
9 limitation. When such employee is absent for six or more consecutive days because
10 of personal illness, he shall be required to present a certificate from a physician,
11 physician assistant providing health care services in accordance with ~~R.S.~~
12 ~~37:1360.28~~ R.S. 37:1360.21 et seq., or nurse practitioner providing health care
13 services in accordance with R.S. 37:913 certifying such illness. Each parish and city
14 school board may adopt such rules and regulations as are necessary relative to the
15 use of such sick leave, either current or accumulated, for emergencies. The parish
16 and city school boards may grant additional sick leave, without loss of pay, or with
17 such reduction of pay as they may establish and fix.

18 * * *

19 Section 2. R.S. 37:1360.21, 1360.22(1), (3), and (5), 1360.23(A), (B), and (D),
20 1360.24(A)(introductory paragraph) and (3) through (5) and (B), 1360.26,
21 1360.27(A)(introductory paragraph) and (B), 1360.30, 1360.32, 1360.33(introductory
22 paragraph), (5), and (6), 1360.34(introductory paragraph), (4), and (5), 1360.35, 1360.36,
23 1360.37(C), and 1360.38 are hereby amended and reenacted and R.S. 37:1360.22(10) and
24 1360.31.1 are hereby enacted to read as follows:

25 §1360.21. Legislative intent

26 ~~A. Shortages of all skilled health personnel, particularly in rural and urban~~
27 ~~medically underserved areas and in the field of primary care medicine, new scientific~~
28 ~~and technological developments, and new methods of organizing health services~~
29 ~~have made the question of new uses for allied health personnel the critical issue to~~

1 ~~be resolved if our supply of health manpower is to be used effectively and~~
2 ~~productively. In its concern with the growing shortage and geographic~~
3 ~~maldistribution of health care services in Louisiana, the rising cost of health care~~
4 ~~services in the state and nationally, and the need for primary health care by~~
5 ~~thousands of Louisiana citizens, the legislature intends to modernize the laws~~
6 ~~governing physician assistant practice.~~

7 ~~B. Physician assistants are health care professionals qualified by academic~~
8 ~~and clinical education and licensed by the Louisiana State Board of Medical~~
9 ~~Examiners to provide health care services at the direction and under the supervision~~
10 ~~of a physician or a group of physicians approved by the board as a supervising~~
11 ~~physician.~~

12 ~~C. It is the intent of this Part to permit the more effective utilization of the~~
13 ~~skills of physicians, particularly in the primary care setting, by enabling them to~~
14 ~~delegate medical services to qualified physician assistants when such delegation is~~
15 ~~consistent with the patient's health and welfare.~~

16 ~~D. It is the intent of this Part to encourage and permit the utilization of~~
17 ~~physician assistants by physicians and assist in the development of the physician~~
18 ~~assistant profession and allow for innovative developments of programs for the~~
19 ~~education of physician assistants. It is also the purpose of this Part to provide for a~~
20 ~~system of licensing physician assistants and regulating their relationship with~~
21 ~~supervising physicians so that a high quality of service is assured.~~

22 A. In its concern with the growing shortage of healthcare professionals and
23 geographic maldistribution of healthcare services in Louisiana, the rising cost of
24 health care in the state and nationally, and the need for access to health care by
25 thousands of Louisiana citizens, the legislature intends to modernize the laws
26 governing physician assistant practice.

27 B. Physician assistants are healthcare professionals qualified by academic
28 and clinical education and competencies who are licensed by the Louisiana State

1 Board of Medical Examiners to provide healthcare services to the citizens of
2 Louisiana.

3 C. It is also the purpose of this Part to provide for a system of licensing
4 physician assistants so that a high quality of care is assured.

5 §1360.22. Definitions

6 As used in this Part:

7 (1) "Approved program" means a program for the education and training of
8 physician assistants which has been formally approved by the ~~Committee on Allied~~
9 ~~Health Education and Accreditation~~ Accreditation Review Commission on Education
10 for the Physician Assistant, its predecessors, or its successors.

11 * * *

12 (3) "~~Health care~~ Healthcare organization or entity" means any entity or
13 organization providing health care services which is licensed or regulated under Title
14 40 of the Louisiana Revised Statutes of 1950 or regulations promulgated by the
15 Louisiana Department of Health. "~~Health care~~ Healthcare organization or entity"
16 shall also mean an entity commonly referred to as a physician-hospital organization
17 or other similar entity.

18 * * *

19 (5) "Physician assistant" ~~means~~ and "PA" mean a health professional
20 qualified by academic and clinical education, experience, and competencies who is
21 ~~and~~ licensed by the Louisiana State Board of Medical Examiners to provide ~~health~~
22 ~~care services at the direction and under the supervision of a physician or a group of~~
23 ~~physicians approved by the board as a supervising physician.~~ healthcare services to
24 the residents of Louisiana, and who has passed the PA national certifying
25 examination administered by the National Commission on Certification of Physician
26 Assistants or its successors. A PA who has passed the requisite certifying
27 examination may use the title "physician assistant-certified" and "PA-C".

28 * * *

1 §1360.27. Renewal

2 A. Each person who holds a license as a ~~physician assistant~~ PA in this state
3 shall, upon notification from the board, renew ~~said his~~ his license by:

4 * * *

5 B. A ~~physician assistant~~ PA seeking licensure renewal will not be required
6 to make a personal appearance before the board; unless ~~the assistant~~ he is currently
7 engaged in a licensure revocation or discipline proceeding.

8 §1360.30. Notification of intent to practice

9 ~~A. A physician assistant~~ A PA licensed in this state, prior to initiating
10 practice, shall submit, on forms approved by the board, notification of such intent to
11 practice. Such notification shall include:

12 ~~(1) The name, business address, and telephone number of the supervising~~
13 ~~physician.~~

14 ~~(2) The name, business address, and telephone number of the physician~~
15 ~~assistant.~~

16 ~~B. A physician assistant shall notify the board of any changes in or additions~~
17 ~~to his supervising physicians within fifteen days of the date of such change or~~
18 ~~addition. the name, business address, and telephone number of each practice location~~
19 ~~of the PA.~~

20 §1360.31.1. Services performed by physician assistants

21 A. A PA is a healthcare professional qualified by academic and clinical
22 training, experience, and competencies to provide healthcare services, including
23 diagnostic services, the development and management of treatment plans,
24 prescribing medications, and often providing primary health care in collaboration
25 with physicians and other healthcare providers.

26 B. A PA may do all of the following:

27 (1) Provide healthcare services for which he is prepared by education,
28 training, and experience and is competent to perform in accordance with his practice
29 agreement. Such services may include, without limitation, all of the following:

- 1 (a) Obtaining and performing a comprehensive health history and physical
2 examination.
- 3 (b) Evaluating, diagnosing, managing, and providing treatment plans.
- 4 (c) Educating a patient on health promotion and disease prevention.
- 5 (d) Ordering and evaluating a diagnostic study and therapeutic procedure as
6 authorized by his practice agreement.
- 7 (e) Performing therapeutic procedures as authorized by his practice
8 agreement.
- 9 (f) Assisting in surgery.
- 10 (g) Prescribing, administering, procuring, and dispensing legend drugs and
11 medical devices and durable medical equipment.
- 12 (h) Prescribing Schedule II through V drugs in accordance with registration
13 with the federal Drug Enforcement Administration.
- 14 (i) Ordering, where appropriate, home health care or hospice services or
15 treatment.
- 16 (j) Providing consultation upon request.
- 17 (2) Obtain informed consent.
- 18 (3) Order, delegate, and assign therapeutic and diagnostic measures to
19 licensed or unlicensed personnel.
- 20 (4) Certify the health or disability of a patient as required by any local, state,
21 or federal program.
- 22 (5) Request, receive, and sign for a professional sample, and distribute a
23 professional sample to a patient.
- 24 (6) Be reimbursed directly for healthcare services provided.
- 25 (7) Provide healthcare services as a volunteer for a charitable organization
26 or at a public or private event, including a religious event, youth camp, community
27 event, or similar event if all of the following conditions apply:
- 28 (a) He receives no compensation for such services.

1 (b) He provides healthcare services in a manner that is consistent with his
2 education, training, experience, and competence.

3 (8) Provide healthcare services in emergency situations, including man-made
4 and natural disaster relief efforts, or as appropriate during declarations of emergency
5 by local, state, or federal officials.

6 §1360.32. Assumption of professional liability; practice agreements; scope of
7 physician assistant practice

8 ~~When a physician assistant is supervised by a physician or group practice of~~
9 ~~physicians or a professional medical corporation or a hospital or other health care~~
10 ~~organization or entity, the physician assistant shall be supervised by and be the legal~~
11 ~~responsibility of the supervising physician or group practice or professional medical~~
12 ~~corporation or other hospital or other health care organization or entity and the~~
13 ~~supervising physician. The legal responsibility for the physician assistant's patient~~
14 ~~care activities, including care and treatment that is provided in health care facilities,~~
15 ~~shall remain that of the supervising physician, group practice of physicians, or a~~
16 ~~professional medical corporation or a hospital or other health care organization or~~
17 ~~entity.~~

18 A. The legal responsibility for the patient care activities of a PA, including
19 care and treatment provided in healthcare facilities, shall be that of the PA. A
20 managed care organization with which the PA is a network provider shall not require
21 a clinical supervisory relationship between a PA and another healthcare provider.

22 B. A PA may practice at any of the following locations and settings:

23 (1) Any healthcare organization.

24 (2) Any healthcare facility with a credentialing and privileging system.

25 (3) Any private or group health care practice.

26 (4) Any professional medical corporation.

27 (5) Any healthcare facility or practice not included in Paragraphs (1) through
28 (4) of this Subsection which is approved by the board.

1 (6) Has been adjudicated as mentally incompetent or has a mental condition
2 that renders him unable to safely perform as a ~~physician assistant~~ PA.

3 * * *

4 §1360.34. Disciplinary authority

5 The board, in consultation with the Physician Assistants Advisory
6 Committee, upon finding that a ~~physician assistant~~ PA has committed any offense
7 described in R.S. 37:1360.33, may:

8 * * *

9 (4) Require a ~~physician assistant~~ PA to submit to the care, counseling, or
10 treatment of a physician or physicians designated by the board.

11 (5) Place the ~~physician assistant~~ PA on probation with the right to vacate the
12 probationary order for noncompliance.

13 * * *

14 §1360.35. Title and practice protection

15 A. Any person not licensed under this Part is guilty of a misdemeanor and
16 is subject to penalties applicable to the unlicensed practice of medicine if he:

17 (1) Holds himself out as a ~~physician assistant~~ PA.

18 (2) Uses any combination or abbreviation of the term "physician assistant"
19 to indicate that he is a ~~physician assistant~~ PA.

20 (3) Acts as a ~~physician assistant~~ PA without being licensed by the board.

21 B. An unlicensed physician shall not be permitted to use the title of
22 "physician assistant" or "PA", or to practice as a ~~physician assistant~~ PA, unless he
23 fulfills the requirements of this Part.

24 ~~C. Only a physician assistant licensed under this Part who has met the~~
25 ~~current certification requirements of the National Commission on the Certification~~
26 ~~of Physicians' Assistants and its successors shall be entitled to use the designation~~
27 ~~"PA-C" before or after his name or as any title, thereof.~~

1 §1360.36. Identification requirements

2 A ~~physician assistant~~ PA licensed under this Part shall keep his license
3 available for inspection at his primary place of employment and shall, when engaged
4 in his professional activities, wear a name tag identifying himself as a "physician
5 assistant", "physician assistant-certified", "PA", or "PA-C".

6 §1360.37. Injunctive proceedings

7 * * *

8 C. In case of violation of any injunction issued under the ~~provision~~
9 provisions of this Part, the court shall try and punish the offender for contempt of
10 court in accordance with law.

11 §1360.38. Exemptions

12 ~~A.~~ The provisions of this Part shall not apply to:

13 (1) Practitioners of allied health fields duly licensed in accordance with other
14 laws of this state.

15 (2) A ~~physician assistant~~ PA administering medical services in cases of
16 emergency.

17 (3) A ~~physician assistant~~ PA student enrolled in a ~~physician assistant~~ PA
18 educational program accredited by the Accreditation Review Commission on
19 Education for the Physician Assistant.

20 (4) A ~~physician assistant~~ PA employed by the federal government while
21 performing duties incidental to that employment.

22 ~~B. Nothing herein shall prohibit or limit the authority of physicians to~~
23 ~~employ auxiliary personnel not recognized under this Part.~~

24 Section 3. R.S. 37:1360.22(6) through (9), 1360.23(C), (F), (G), and (I), 1360.24(C)
25 and (D), 1360.28, 1360.29, and 1360.31 are hereby repealed in their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 442 Original

2021 Regular Session

Bagley

Abstract: Amends, enacts, and repeals various laws pertaining to the licensed profession of physician assistant.

Present law creates and provides for the licensed profession of physician assistant. Provides for licensure of physician assistants by the La. State Board of Medical Examiners and for healthcare services that physician assistants are authorized to perform. Requires continuous supervision of physician assistants by supervising physicians and provides for obligations and responsibilities of such physicians. Proposed law amends, enacts, and repeals provisions throughout present law relative to physician assistants.

Proposed law revises legislative intent concerning laws relative to the physician assistant profession.

Proposed law revises the definition of physician assistant in present law to read as follows:

"Physician assistant" and "PA" mean a health professional qualified by academic and clinical education, experience, and competencies who is and licensed by the Louisiana State Board of Medical Examiners to provide healthcare services to the citizens of Louisiana, and who has passed the PA national certifying examination administered by the National Commission on Certification of Physician Assistants or its successors. A PA who has passed the requisite certifying examination may use the title "physician assistant-certified" and "PA-C".

Proposed law retains present law requiring that physician assistants be licensed by the La. State Board of Medical Examiners.

Proposed law repeals from present law all of the following:

- (1) Provisions requiring supervision of physician assistants by supervising physicians.
- (2) The defined term "supervising physician" and all provisions relating to such physicians.
- (3) Provisions authorizing the La. State Board of Medical Examiners to grant working permits to certain physician assistant applicants who have not yet taken the national certifying examination or have taken the examination and are awaiting results.

Proposed law defines "practice agreement" to mean the agreement between the practice site and the physician assistant as to the approved functions of the physician assistant.

With respect to services performed by a physician assistant, referred to hereafter as a "PA", proposed law revises present law to authorize a PA to do all of the following:

- (1) Provide healthcare services for which he is prepared by education, training, and experience and is competent to perform in accordance with his practice agreement. Proposed law provides that such services may include, without limitation, all of the following:

- (a) Obtaining and performing a comprehensive health history and physical examination.
 - (b) Evaluating, diagnosing, managing, and providing treatment plans.
 - (c) Educating a patient on health promotion and disease prevention.
 - (d) Ordering and evaluating a diagnostic study and therapeutic procedure as authorized by his practice agreement.
 - (e) Performing therapeutic procedures as authorized by his practice agreement.
 - (f) Assisting in surgery.
 - (g) Prescribing, administering, procuring, and dispensing legend drugs and medical devices and durable medical equipment.
 - (h) Prescribing Schedule II through V drugs in accordance with registration with the federal Drug Enforcement Administration.
 - (i) Ordering, where appropriate, home health care or hospice services or treatment.
 - (j) Providing consultation upon request.
- (2) Obtain informed consent.
 - (3) Order, delegate, and assign therapeutic and diagnostic measures to licensed or unlicensed personnel.
 - (4) Certify the health or disability of a patient as required by any local, state, or federal program.
 - (5) Request, receive, and sign for a professional sample, and distribute a professional sample to a patient.
 - (6) Be reimbursed directly for healthcare services provided.
 - (7) Provide healthcare services as a volunteer for a charitable organization or at a public or private event, including a religious event, youth camp, community event, or similar event if all of the following conditions apply:
 - (a) He receives no compensation for such services.
 - (b) He provides healthcare services in a manner that is consistent with his education, training, experience, and competence.
 - (8) Provide healthcare services in emergency situations, including man-made and natural disaster relief efforts, or as appropriate during declarations of emergency by local, state, or federal officials.

With respect to professional liability, proposed law revises present law to stipulate that the legal responsibility for patient care activities of a PA, including care and treatment provided in healthcare facilities, shall be that of the PA.

Proposed law stipulates that a managed care organization with which the PA is a network provider shall not require a clinical supervisory relationship between a PA and another healthcare provider.

Proposed law provides that a PA may practice at any of the following locations and settings:

- (1) Any healthcare organization.
- (2) Any healthcare facility with a credentialing and privileging system.
- (3) Any private or group health care practice.
- (4) Any professional medical corporation.
- (5) Any healthcare facility or practice not included in (1) through (4) above which is approved by the board.

Proposed law requires that a practice agreement, as defined in proposed law, be created for each practicing PA based on his documented education, training, experiences, and demonstrated ability to perform. Provides that delineations of privileges are to be approved by the practice site and are intended to ensure patient safety and promote quality of care.

With respect to PA scope of practice, proposed law revises present law to provide that the scope of a PA's practice shall be defined by the practice agreement, which agreement shall conform to all of the following requirements:

- (1) The practice agreement shall be determined at the practice site and may include decisions made by the employer, group, hospital service, and the credentialing and privileging systems of a licensed facility.
- (2) The practice agreement shall be reviewed and updated annually.
- (3) The practice agreement shall be readily available for inspection by the La. State Board of Medical Examiners.

Proposed law requires that a PA consult with, or refer to, the appropriate member of the healthcare team:

- (1) As indicated by the condition of the patient and protocols of the practice site.
- (2) Based on the education, training, experience, and competencies of the PA.
- (3) The applicable standard of care.

Proposed law makes technical changes in present law as necessary to conform with proposed law.

(Amends R.S. 17:500(B)(1), 1201(A)(2), and 1206(A)(1) and R.S. 37:1360.21, 1360.22(1), (3), and (5), 1360.23(A), (B), and (D), 1360.24(A)(intro. para.) and (3)-(5) and (B), 1360.26, 1360.27(A)(intro. para.) and (B), 1360.30, 1360.32, 1360.33(intro. para.), (5), and (6), 1360.34(intro. para.), (4), and (5), 1360.35, 1360.36, 1360.37(C), and 1360.38; Adds R.S. 37:1360.22(10) and 1360.31.1; Repeals R.S. 37:1360.22(6)-(9), 1360.23(C), (F), (G), and (I), 1360.24(C) and (D), 1360.28, 1360.29, and 1360.31)