

2020 Regular Session

HOUSE BILL NO. 702

BY REPRESENTATIVE BAGLEY

HEALTH SERVICES: Provides with respect to the practice of physician assistants

1 AN ACT

2 To amend and reenact R.S. 37:961(4), 1360.21(B) and (D), 1360.22(4), (5), and (8),
3 1360.23(A), (C), (D), and (G), 1360.28(A) and (B)(introductory paragraph) and (3),
4 1360.29(A)(introductory paragraph), (2) through (4), and (B), 1360.30(B),
5 1360.31(A), (B), (C)(1), (2)(a)(iii) and (iv), (4), and (D), and 1360.32 and to repeal
6 R.S. 37:1360.22(7), 1360.23(I), and 1360.24(C) and (D), relative to physician
7 assistants; to provide definitions; to provide for collaboration between a physician
8 and physician assistant; to provide for physician's assistant professional liability; to
9 provide for physician's assistant scope of care; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 37:961(4), 1360.21(B) and (D), 1360.22(4), (5), and (8), 1360.23(A),
12 (C), (D), and (G), 1360.28(A) and (B)(introductory paragraph) and (3),
13 1360.29(A)(introductory paragraph), (2) through (4), and (B), 1360.30 (B), 1360.31(A), (B),
14 (C)(1), (2)(a)(iii) and (iv), (4), and (D), and 1360.32 are hereby amended and reenacted to
15 read as follows:

16 §961. Definitions

17 As used in this Part:

18 * * *

19 (4) The "practice of practical nursing" means the performance for
20 compensation of any acts, not requiring the education, training, and preparation

1 required in professional nursing, in the care, treatment, or observation of persons
 2 who are ill, injured, or infirm and for the maintenance of the health of others and the
 3 promotion of health care, including the administration of medications and treatments
 4 or in on-job training or supervising licensed practical nurses, subordinate personnel,
 5 or instructing patients consistent with the licensed practical nurse's education and
 6 preparation, under the direction of a licensed physician, optometrist, or dentist acting
 7 individually or in his capacity as a member of the medical staff, ~~or~~ registered nurse,
 8 or physician assistant. The licensed practical nurse may perform any of the foregoing
 9 duties, and with appropriate training may perform additional specified acts which are
 10 authorized by the Louisiana State Board of Practical Nurse Examiners when directed
 11 to do so by the licensed physician, optometrist, or dentist acting individually or in
 12 his capacity as a member of the medical staff, ~~or~~ registered nurse, or physician
 13 assistant.

14 * * *

15 §1360.21. Legislative intent

16 * * *

17 B. Physician assistants are ~~health care~~ healthcare professionals qualified by
 18 academic and clinical education and licensed by the Louisiana State Board of
 19 Medical Examiners to provide ~~health care~~ healthcare services ~~at the direction and~~
 20 ~~under the supervision of~~ in collaboration with a physician or a group of physicians
 21 approved by the board ~~as a supervising physician~~.

22 * * *

23 D. It is the intent of this Part to encourage and permit ~~the utilization of~~
 24 ~~physician assistants by physicians~~ to collaborate with physician assistants, and assist
 25 ~~in~~ with the development of the physician assistant profession, and allow for
 26 innovative developments of programs for the education of physician assistants. It
 27 is also the purpose of this Part to provide for a system of licensing physician
 28 assistants and regulating their relationship with ~~supervising~~ physicians so that a high
 29 quality of service is assured.

1 §1360.22. Definitions

2 As used in this Part:

3 * * *

4 (4) "Physician" or "collaborating physician" means a person who is licensed
5 to practice medicine in this state and who has been approved by the board to
6 collaborate with a physician assistant or group of physicians.

7 (5) "Physician assistant" means a health professional qualified by academic
8 and clinical education and licensed by the Louisiana State Board of Medical
9 Examiners to provide ~~health care~~ healthcare services ~~at the direction and under the~~
10 ~~supervision of~~ in collaboration with a physician or a group of physicians approved
11 by the board ~~as a supervising physician.~~

12 * * *

13 (8) "Supervision Collaboration" means ~~responsible direction and control,~~
14 ~~with the supervising physician assuming legal liability for the services rendered by~~
15 ~~the physician assistant in the course and scope of the physician assistant's~~
16 ~~employment~~ the physician assistant shall consult with the collaborating physician,
17 or refer to the appropriate physician or healthcare professional, when necessary, in
18 consideration of the patient's condition, the education, competencies and experience
19 of the physician assistant, and the applicable standard of care. The degree of
20 collaboration shall be determined by the practice and shall include decisions made
21 by a physician, group of physicians, or other healthcare delivery organization. Such
22 supervision collaboration shall not be construed ~~in every case~~ to require the physical
23 presence of the ~~supervising~~ physician. However, the supervising physician and
24 physician assistant must have the capability to be in contact with each other ~~by either~~
25 ~~telephone or other telecommunications device~~ at all times. ~~Supervision shall exist~~
26 ~~when the supervising physician responsible for the patient gives informed~~
27 ~~concurrence of the action of a physician assistant, whether given prior to or after the~~
28 ~~action, and when a medical treatment plan or action is made in accordance with~~
29 ~~written clinical practice guidelines or protocols set forth by the supervising~~

1 medical corporation duly qualified under R.S. 12:901 et seq., as amended, or a
2 hospital or other ~~health-care~~ healthcare organization or entity, as long as such
3 physician assistants are ~~being supervised by a qualified supervising~~ collaborating
4 with a board-approved physician.

5 * * *

6 §1360.28. ~~Supervision of~~ Collaboration with physician assistants

7 A. ~~Supervision of a~~ Collaboration with a physician assistant shall be
8 continuous but shall not be construed as necessarily requiring the physical presence
9 of the ~~supervising~~ physician at the time and place that the services are rendered.

10 B. It is the obligation and responsibility of each ~~supervising~~ physician and
11 physician assistant to ensure:

12 * * *

13 (3) That the relationship of, and access to, the ~~supervising~~ physician is
14 defined.

15 * * *

16 §1360.29. ~~Supervising physician~~ Physician qualifications and registration

17 A. A physician ~~supervising~~ collaborating with a physician assistant shall:

18 * * *

19 (2) Notify the board of his intent to ~~supervise~~ collaborate with a physician
20 assistant.

21 (3) Submit a statement to the board that he will ~~exercise supervision over~~
22 collaborate with the physician assistant in accordance with any rules and regulations
23 adopted by the board and that he will retain professional and legal responsibility for
24 the care rendered by the physician assistant.

25 (4) Maintain a written agreement with the physician assistant in compliance
26 with the provisions of R.S. 37:1360.22 relative to collaboration ~~R.S. 37:1360.22(8)~~
27 that includes a statement that the physician shall ~~exercise supervision over~~
28 collaborate with the physician assistant in accordance with this Part. The agreement

1 shall be signed by the supervising physician and physician assistant, updated
2 annually, kept on file at the practice site, and available to the board upon request.

3 B. Physicians seeking to ~~supervise~~ collaborate with a physician assistant
4 shall be required to appear before the board upon their first application and
5 notification to the board of their intention to ~~supervise~~ collaborate with a physician
6 assistant when the board finds discrepancies in the physician's application or when
7 the physician is currently or has been previously subject to adverse licensure,
8 certification, or registration actions.

9 §1360.30. Notification of intent to practice

10 * * *

11 B. A physician assistant shall notify the board of any changes in or additions
12 relative to his supervising collaborating physicians within fifteen days of the date of
13 such change or addition.

14 §1360.31. Services performed by physician assistants

15 A.(1) A physician assistant performs medical services when such services
16 are rendered ~~under the supervision of a supervising~~ in collaboration with a physician.
17 A physician assistant may ~~perform those duties and responsibilities that are delegated~~
18 ~~to him by his supervising physician~~ provide any medical or surgical services that are
19 within the physician assistant's skills, education, training, and experience, and meet
20 established standards of care. ~~A physician assistant is considered to be and is~~
21 ~~deemed the agent of his supervising physician in the performance of all~~
22 ~~practice-related activities, including but not limited to assisting in surgery and the~~
23 ~~ordering and interpretation of diagnostic and other medical services.~~ The level and
24 method of supervision collaboration shall be at the physician and physician assistant
25 level; and shall be documented and reviewed annually; ~~and shall reflect the acuity~~
26 ~~of the patient care and the nature of a procedure.~~ A physician assistant shall not
27 practice without supervision collaboration except in life-threatening emergencies and
28 in emergency situations such as man-made and natural disaster relief efforts.

1 (4) A physician assistant may provide medication-assisted treatment (MAT),
2 as authorized by the United States Department of Health and Human Services,
3 Substance Abuse and Mental Health Services Administration and in accordance with
4 rules promulgated by the board. At a minimum, rules promulgated by the board shall
5 include a requirement that in order for the ~~PA~~ physician assistant to provide MAT,
6 his ~~supervising~~ collaborating physician shall also be authorized and in compliance
7 with all federal and state laws and rules authorizing the provision of MAT. For
8 purposes of this Subparagraph, "MAT" means the use of medications with
9 counseling and behavioral therapies to treat substance use disorders and prevent
10 opioid overdose.

11 D. The activities listed above may be performed in any setting authorized by
12 the ~~supervising~~ physician including but not limited to clinics, hospitals, ambulatory
13 surgical centers, patient homes, nursing homes, other institutional settings, and
14 health manpower shortage areas.

15 §1360.32. ~~Assumption of~~ Physician assistant professional liability

16 A. When a physician assistant is supervised by a physician or group practice
17 of physicians or a professional medical corporation or a hospital or other health care
18 organization or entity, the physician assistant shall be supervised by and be the legal
19 responsibility of the supervising physician or group practice or professional medical
20 corporation or other hospital or other health care organization or entity and the
21 supervising physician. The legal responsibility for the physician assistant's patient
22 care activities, including care and treatment that is provided in ~~health care~~ healthcare
23 facilities, shall remain be that of the ~~supervising physician, group practice of~~
24 physicians, or a professional medical corporation or a hospital or other health care
25 organization or entity physician assistant.

26 B. A physician assistant shall not represent that he is qualified to provide a
27 medical or surgical care service that he knows or reasonably believes is not within
28 his scope of care or is prohibited by law.

1 Section 2. R.S. 37:1360:22(7), 1360.23(I), and 1360.24(C) and (D) are hereby
2 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 702 Original

2020 Regular Session

Bagley

Abstract: Provides for physician assistants who oversee the duties of a licensed practical nurse and for physician assistants to collaborate with physicians.

Present law provides that a licensed practical nurse shall administer their job duties under the direction of a licensed physician, optometrist, or dentist acting individually or in his capacity as a member of the medical staff or registered nurse.

Proposed law retains present law and adds physician assistant as an individual who may provide direction to a licensed practical nurse to perform their necessary duties.

Present law provides that physician assistants are healthcare professionals licensed by the La. State Board of Medical Examiners (board) to provide healthcare services at the direction and supervision of a physician or a group of physicians approved by the board as a supervising physician.

Proposed law modifies present law and adds that physician assistants provide health services in a collaboration with a physician or a group of physicians approved by the board.

Present law provides that present law's intent is to encourage and permit the utilization of physician assistants by physicians and assist in the development of the physician assistant profession and allow for innovative developments of programs for the education of physician assistants. Further provides that present law is created to provide a system of licensing physician assistants and regulate their relationship with supervising physicians to ensure high quality service is delivered to patients.

Proposed law deletes references to supervising physicians; otherwise retains present law and adds that physicians shall collaborate with physician assistants to help with the development of the physician assistant profession and assuring a high quality of service is delivered to patients.

Present law defines physician as a person who is licensed to practice medicine in this state.

Proposed law changes present law and defines physician or collaborating physician as a person who is licensed to practice medicine in this state and who has been approved by the board to collaborate with a physician assistant or group of physicians.

Present law defines physician assistant as a health professional qualified by academic and clinical education and licensed by the board to provide healthcare services at the direction and supervision of a physician or group of physicians who are approved by the board as a supervising physician.

Proposed law modifies present law to provide that the physician assistant shall furnish healthcare services in a collaboration with a physician or group of physicians approved by the board.

Present law defines supervision to mean responsible direction and control with the supervising physician assuming legal liability for the services rendered by the physician assistant in the course and scope of the physician's employment. Further provides that the supervising physician and physician assistant shall be in contact with each other to provide informed concurrence of the action of a physician assistant. The level of supervision shall be at the physician and physician assistant level and shall be documented and reviewed annually to reflect the acuity of the patient care and nature of the procedure.

Proposed law deletes present law and defines collaboration to mean the physician assistant shall consult with the collaborating physician, or refer to the appropriate physician or healthcare profession in consideration of the patient's condition, the education, competencies and experience of the physician assistant, and the appropriate standard of care. Further provides that the physician and physician assistant shall be in contact with each other at all times. Proposed law also provides that the collaboration between the physician and physician assistant shall be documented and reviewed annually.

Present law provides for the powers and duties of the board to make rules and regulations pertaining to the approval and regulation of physician assistants and the approval and regulation of physicians applying to become supervising physicians.

Proposed law retains present law and adds that the board shall regulate those physicians applying to collaborate with physician assistants.

Present law provides that the board shall have the authority to approve or reject an application by a licensed physician or physicians to act as a supervising physician. Further provides that the board shall make and enforce orders, rules, and regulations for physician assistant licenses and for the revocation or suspension of approving supervising physicians.

Proposed law changes present law and adds that the board shall have authority to approve or reject an application by a licensed physician or physicians to collaborate with a physician and enforce orders, rules, and regulation of approving a physician assistant license and for the revocation and suspension of physicians.

Present law provides that a supervising physician may be the primarily supervising physician for up to eight physician assistants. Further provides that a physician assistant may be employed by a group practice, partnership of physicians, or a professional medical corporation authorized by present law as long as physician assistants are supervised by a physician.

Proposed law deletes references to supervising physicians; otherwise retains present law and adds that a physician may collaborate with a physician assistant and may do so for up to eight physician assistants. Further provides that the physician assistants shall be collaborating with a board approved collaborating physician.

Present law provides that supervision of a physician assistant shall be continuous but does not require the physical presence of the physician at all times.

Proposed law retains present law and changes supervision of a physician to collaboration with a physician assistant.

Present law provides for qualifications and registration by the board to be a supervising physician of a physician assistant.

Proposed law changes present law and adds that the qualifications and registration by the board are required to collaborate with a physician assistant.

Present law provides that a physician assistant shall notify the board of any change in or additions to his supervising physicians within 15 days of the date of such change or addition.

Proposed law changes present law and adds that any change or additions shall be those of the collaborating physicians.

Present law provides that a physician assistant performs medical services and may prescribe, order, and administer drugs under the supervision of a supervising physician. Further provides that the level of supervision shall be at the physician and physician assistant level. Proposed law also provides that the physician assistant may provide medication-assisted treatment authorized by the United States Department of Health and Human Services and the supervising physician shall authorize in compliance with federal law.

Proposed law deletes references to supervising physicians; otherwise retains present law and adds that the physician assistant shall perform such medical services pursuant to present law in collaboration with the physician. Further provides that the collaborating physician shall authorize the physician assistant to provide medication-assisted treatment in compliance with federal law.

Present law provides that a physician supervised by a physician or healthcare organization, shall be supervised by and be the legal responsibility of the supervising physician or healthcare organization.

Proposed law deletes present law and provides that the legal responsibility for the physician assistants patient care activities, including care and treatment that is provided in healthcare facilities, shall be that of the physician assistant. Further provides that a physician assistant shall not represent that he is qualified to provide medical or surgical care that he knows or reasonable believes is not with his scope of care or prohibited by law.

(Amends R.S. 37:961(4), 1360.21(B) and (D), 1360.22(4), (5), and (8), 1360.23(A), (C), (D), and (G), 1360.28(A) and (B)(intro. para.) and (3), 1360.29(A)(intro. para.), (2)-(4), and (B), 1360.30(B), 1360.31(A), (B), (C)(1), (2)(a)(iii) and (iv), (4) and (D), and 1360.32; Repeals R.S. 37:1360.22(7), 1360.23(I), and 1360.24(C) and (D))