

2015 Regular Session

SENATE BILL NO. 115

BY SENATOR MILLS

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

HEALTH CARE. Provides with respect to the practice of physician assistants. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 37:1360.21(A), (B), and (C), 1360.22(1), (5), (7), and (8),

3 1360.23(G), (H), and (I), 1360.24(A)(3), the introductory paragraph of 1360.29(A),

4 1360.31, and 1360.32, to enact R.S. 37:1360.29(A)(4) and 1360.38(A)(3) and (4),

5 and to repeal R.S. 37:1360.23(J), relative to physician assistants; to provide for

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

7 Louisiana State Board of Medical Examiners; to provide for licensure; to provide for

8 supervising physician qualifications and registration; to provide for services

9 performed by physician assistants; to provide for assumption of professional

10 liability; to provide for exemption; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 37:1360.21(A), (B), and (C), 1360.22(1), (5), (7), and (8),

13 1360.23(G), (H), and (I), 1360.24(A)(3), the introductory paragraph of 1360.29(A), 1360.31,

14 and 1360.32 are hereby amended and reenacted and R.S. 37:1360.29(A)(4) and

15 1360.38(A)(3) and (4) are hereby enacted to read as follows:

16 §1360.21. Legislative intent

17 A. Shortages of all skilled health personnel, particularly in rural **and urban**

1 medically underserved areas and in the field of primary care medicine, new
 2 scientific and technological developments, and new methods of organizing health
 3 services have made the question of new uses for allied health personnel the critical
 4 issue to be resolved if our supply of health manpower is to be used effectively and
 5 productively. In its concern with the growing shortage and geographic
 6 maldistribution of health care services in Louisiana, the rising cost of health care
 7 services in the state and nationally, and the need for primary health care by
 8 thousands of Louisiana citizens, the legislature intends to ~~establish in this Part a~~
 9 ~~framework for legal recognition and development of new categories of health~~
 10 ~~manpower to be known as physician assistants~~ modernize the laws governing
 11 physician assistant practice.

12 B. ~~Physician assistants are skilled members of the health care profession who~~
 13 ~~work under the supervision of licensed physicians. They are qualified to take patient~~
 14 ~~histories, perform physical examinations, and order and interpret certain diagnostic~~
 15 ~~tests. A physician assistant may implement treatment plans as delegated by the~~
 16 ~~supervising physician and explain them to patients~~ practice medicine as delegated
 17 by a physician.

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

* * *

§1360.22. Definitions

As used in this Part:

25 (1) "Approved program" means a program for the education and training of
 26 physician assistants which has been formally approved by the Committee on Allied
 27 Health Education and Accreditation, its predecessors, or its successors.

* * *

29 (5) "Physician assistant" ~~or "assistant"~~ means a person who is a graduate of

1 ~~a program accredited by the Committee on Allied Health Education and~~
 2 ~~Accreditation or its successors and who has successfully passed the national~~
 3 ~~certificate examination administered by the National Commission on the~~
 4 ~~Certification of Physicians' Assistants or its predecessors and who is approved and~~
 5 ~~licensed by the Louisiana State Board of Medical Examiners to perform medical~~
 6 ~~services under the supervision of a physician or group of physicians who are licensed~~
 7 ~~by and registered with the board to supervise such assistant means a health~~
 8 ~~professional who meets the qualification defined in this Part and is licensed~~
 9 ~~pursuant to this Part to practice medicine as delegated by a supervising~~
 10 ~~physician.~~

11 * * *

12 (7) "Supervising physician" means a physician who ~~has been approved by~~
 13 ~~the board to supervise a physician assistant supervises a physician assistant.~~

14 (8) "Supervision" means responsible direction and control, with the
 15 supervising physician assuming legal liability for the services rendered by the
 16 physician assistant in the course and scope of the physician assistant's employment.
 17 Such supervision shall not be construed in every case to require the physical
 18 presence of the supervising physician. However, the supervising physician and
 19 physician assistant must have the capability to be in contact with each other by either
 20 telephone or other telecommunications device. Supervision shall exist when the
 21 supervising physician responsible for the patient gives informed concurrence of the
 22 action of a physician assistant, whether given prior to or after the action, and when
 23 a medical treatment plan or action is made in accordance with written clinical
 24 practice guidelines or protocols set forth by the supervising physician. The level
 25 and method of supervision shall be at the physician and physician assistant
 26 level, shall be documented and reviewed annually, and shall reflect the acuity
 27 of the patient care and nature of the procedure.

28 * * *

29 §1360.23. Powers and duties of the board

* * *

~~G. The board shall report to the legislature no later than February 1, 1994, and annually thereafter, as to:~~

~~(1) The number and types of programs which have been approved and a description of each.~~

~~(2) The number of physician assistants who have been approved and licensed under this Part and the number of physicians approved as supervising physicians under this Part.~~

~~(3) An evaluation of the programs and the acceptance of them by the community.~~

~~H.G. Approval may be given for a physician to be the primary supervising physician for up to two physician assistants; however, nothing in this Part shall prohibit a qualified supervising physician from acting as a supervising physician on a locum tenens basis for any physician assistants in addition to the two physician assistants for whom he is the primary supervising physician, provided that such physician shall not act as supervising physician for more than four physician assistants at any one time. In addition, a A physician, **approved by the board as a supervising physician**, practicing in a **private practice**, group practice, partnership, professional medical corporation, or employed by a hospital or other health care organization or entity may be the primary supervising physician for up to ~~two~~ **four** physician assistants. Physician assistants may be employed by a group practice or partnership of physicians or a professional medical corporation duly qualified under R.S. 12:901 et seq., as amended, or a hospital or other health care organization or entity, as long as such physician assistants are being supervised by a qualified supervising physician.~~

~~I.H. The board shall ensure that applicants for the program shall not be discriminated against due to race, color, creed, age, sex, disability, as defined in R.S. 51:2232(11), or national origin.~~

~~J.I. Notwithstanding any other provision of this Part to the contrary, any~~

1 person who before and on June 16, 1993, is currently practicing as a physician
2 assistant under supervision of a licensed physician shall be licensed as a physician
3 assistant.

4 §1360.24. Licensure

5 A. Except as otherwise provided for in this Part, an individual shall be
6 licensed by the board before the individual may practice as a physician assistant. The
7 board may grant a license to a physician assistant applicant who:

8 * * *

9 (3) Has successfully completed an education program for physician assistants
10 accredited by the Committee on Allied Health Education and Accreditation, its
11 predecessors, or its successors and who has passed the physician assistant national
12 certifying examination administered by the National Commission on Certification
13 of Physicians' Assistants.

14 * * *

15 §1360.29. Supervising physician qualifications and registration

16 A. A physician ~~applying to supervise~~ **supervising** assistant must:

17 * * *

18 **(4) Maintain a written agreement with the physician assistant in**
19 **compliance with R.S. 37:1360.22.8 that includes a statement that the physician**
20 **shall exercise supervision over the physician assistant in accordance with this**
21 **Part. The agreement shall be signed by the supervising physician and physician**
22 **assistant, updated annually, kept on file at the practice site, and available to the**
23 **board upon request.**

24 * * *

25 §1360.31. Services performed by physician assistants

26 A.~~(1)~~ A physician assistant performs medical services when such services
27 are rendered under the supervision of a supervising physician. ~~A physician assistant~~
28 ~~may have multiple supervising physicians in no more than five medical specialties~~
29 ~~or subspecialties, provided all of the physician assistant's supervising physicians are~~

1 ~~properly registered with the board in accordance with the provisions of this Part. A~~
2 ~~physician assistant may perform those duties and responsibilities that are delegated~~
3 ~~to him by his supervising physician. A physician assistant is considered to be and~~
4 ~~is deemed the agent of his supervising physician in the performance of all~~
5 ~~practice-related activities, including but not limited to assisting in surgery and the~~
6 ~~ordering **and interpretation** of diagnostic and other medical services. The level~~
7 ~~and method of supervision shall be at the physician and physician assistant~~
8 ~~level, shall be documented and reviewed annually, and shall reflect the acuity~~
9 ~~of the patient care and the nature of a procedure. A physician assistant shall not~~
10 ~~practice without supervision except in life-threatening emergencies and in~~
11 ~~emergency situations such as man-made and natural disaster relief efforts.~~

12 ~~(2) A physician assistant may inject local anesthetic agents subcutaneously,~~
13 ~~including digital blocks or apply topical anesthetic agents when delegated to do so~~
14 ~~by a supervising physician. However, nothing in this Part shall otherwise permit a~~
15 ~~physician assistant to administer local anesthetics perineurally, pericurally,~~
16 ~~epidurally, intrathecally, or intravenously unless such physician assistant is a~~
17 ~~certified registered nurse anesthetist and meets the requirements in R.S. 37:930.~~

18 B. The practice of a physician assistant shall include the performance of
19 medical services within the scope of his education, training, and experience, which
20 are delegated by the supervising physician. ~~Medical services rendered by a~~
21 ~~physician assistant may include but are not limited to:~~

22 ~~(1) Obtaining patient histories and performing physical examinations.~~

23 ~~(2) Ordering or performing diagnostic procedures as delegated by the~~
24 ~~supervising physician.~~

25 ~~(3) Developing and implementing a treatment plan in accordance with~~
26 ~~written clinical practice guidelines and protocols set forth by the supervising~~
27 ~~physician.~~

28 ~~(4) Monitoring the effectiveness of therapeutic intervention.~~

29 ~~(5) Suturing wounds as delegated by the supervising physician.~~

1 ~~(6) Offering counseling and education to meet patient needs.~~

2 ~~(7) Making appropriate referrals.~~

3 ~~(8) C.(1) Prescribing certain drugs and medical devices to the extent~~
 4 ~~delegated by the supervising physician, provided the physician assistant has~~
 5 ~~completed a minimum of one year of clinical rotations during his training and has~~
 6 ~~practiced for a minimum of one year under a supervising physician. A physician~~
 7 ~~assistant may prescribe, order, and administer drugs to the extent delegated by~~
 8 ~~the supervising physician. Drugs which may be prescribed, ordered, and~~
 9 ~~administered are those listed in Schedules II, III, IV, and V of R.S. 40:964 and~~
 10 ~~legend drugs, which are defined as any drug or drug product bearing on the label of~~
 11 ~~the manufacturer or distributor, as required by the Food and Drug Administration,~~
 12 ~~the statement "Caution: Federal law prohibits dispensing without a prescription".~~
 13 ~~A physician assistant authorized to prescribe controlled substances shall~~
 14 ~~register with the United States Drug Enforcement Administration.~~

15 (2) A graduate physician assistant shall have at least five hundred
 16 clinical hours of training prior to application for prescriptive authority.

17 (3) A physician assistant may request, receive, and sign for sample drugs
 18 and may distribute sample drugs to a patient.

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

23 §1360.32. Assumption of professional liability

24 When a physician assistant is ~~employed~~ supervised by a physician or group
 25 practice of physicians or a professional medical corporation or a hospital or other
 26 health care organization or entity, the physician assistant shall be supervised by and
 27 be the legal responsibility of the ~~employing~~ supervising physician or group practice
 28 or professional medical corporation or other hospital or other health care
 29 organization or entity and the supervising physician. The legal responsibility for the

1 physician assistant's patient care activities, including care and treatment that is
2 provided in health care facilities, shall remain that of the supervising physician,
3 group practice of physicians, or a professional medical corporation or a hospital or
4 other health care organization or entity.

5 * * *

6 §1360.38. Exemptions

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

8 * * *

9 **(3) A physician assistant student enrolled in a physician assistant**
10 **educational program accredited by the Accreditation Review Commission on**
11 **Education for the Physician Assistant.**

12 **(4) A physician assistant employed by the federal government while**
13 **performing duties incidental to that employment.**

14 * * *

15 Section 2. R.S. 37:1360.23(J) is hereby repealed.

16 Section 3. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Christopher D. Adams.

SB 115 Original DIGEST 2015 Regular Session Mills

Present law provides legislative intent regarding the shortage of all skilled health personnel,
particularly in rural areas.

Proposed law amends present law to include to the shortage areas of skilled health personnel
the urban medically underserved areas of Louisiana.

Present law provides legislative intent regarding physician assistants and working under the
supervision of a supervising physician.

Proposed law amends present law's legislative intent to provide physician assistants practice
medicine as delegated by a physician.

Present law defines "approved program" to mean a program approved by the Committee on Allied Health Education and Accreditation or its successors.

Proposed law amends present law definition of "approved program" to include the predecessor entity of the Committee on Allied Health Education and Accreditation.

Present law defines "supervising physician" to mean a physician who has been approved by the Louisiana State Board of Medical Examiners (LSBME) to supervise a physician assistant.

Proposed law redefines "supervising physician" to mean a physician who supervises a physician assistant.

Present law defines "supervision".

Proposed law adds to the present law definition of "supervision" that the level and method of supervision shall be at the physician and physician assistant level, shall be documented and reviewed annually, and shall reflect the acuity of the patient care and nature of the procedure.

Present law provides the LSBME shall submit annual reports to the legislature regarding physician assistants in Louisiana.

Proposed law removes the reporting requirement.

Present law provides for a limit on the number of physician assistants a primary supervising physician may oversee. The limit is two physician assistants to one primary supervising physician.

Proposed law amends present law supervising limit from two to four physician assistants per primary supervising physician and clarifies that the physician must be approved by the board as a supervising physician.

Present law provides for the licensure of a physician assistant and the required education program accredited by the Committee on Allied Health Education and Accreditation or its successors.

Proposed law amends present law to include the predecessors to the Committee on Allied Health Education and Accreditation.

Proposed law adds to the supervising physician qualifications and registration to include the physician supervising the physician assistant shall maintain a written agreement with the physician assistant in compliance with R.S. 37:1360.22(8) that includes a statement that the physician shall exercise supervision over the physician assistant in accordance with present law. The agreement shall be signed by the supervising physician and physician assistant, updated annually, kept on file at the practice site, and available to the LSBME upon request.

Present law provides a physician assistant may have multiple supervising physicians in no more than five medical specialties or subspecialties, provided all of the physician assistant's supervising physicians are properly registered with the LSBME in accordance with the provisions of present law.

Proposed law removes this provision of present law.

Present law provides a physician assistant is considered to be and is deemed the agent of his supervising physician in the performance of all practice-related activities, including but not limited to assisting in surgery and the ordering of diagnostic and other medical services.

Proposed law amends present law to include "interpretation" of diagnostic and other medical services. Further, proposed law requires the level and method of supervision shall be at the physician and physician assistant level, shall be documented and reviewed annually, and shall reflect the acuity of the patient care and the nature of a procedure.

Present law provides for the injection of local anesthetic agents subcutaneously when delegated by supervising physician. Furthermore, present law prohibits a physician assistant from administering local anesthetics perineurally, pericurally, epidurally, intrathecally, or intravenously unless such physician assistant is a certified registered nurse anesthetist.

Proposed law removes this provision of present law.

Present law provides a list of medical services that may be rendered by a physician assistant to include but not be limited to:

- (1) Obtaining patient histories and performing physical examinations.
- (2) Ordering or performing diagnostic procedures as delegated by the supervising physician.
- (3) Developing and implementing a treatment plan in accordance with written clinical practice guidelines and protocols set forth by the supervising physician.
- (4) Monitoring the effectiveness of therapeutic intervention.
- (5) Suturing wounds as delegated by the supervising physician.
- (6) Offering counseling and education to meet patient needs.
- (7) Making appropriate referrals.
- (8) Prescribing certain drugs and medical devices to the extent delegated by the supervising physician, provided the physician assistant has completed a minimum of one year of clinical rotations during his training and has practiced for a minimum of one year under a supervising physician. Drugs prescribed may be those listed in Schedules III, IV, and V.

Proposed law removes this provision of present law.

Proposed law provides a physician assistant may prescribe, order, and administer drugs to the extent delegated by the supervising physician. Further, proposed law includes Schedule II drugs to the type of drugs that a physician assistant may prescribe, order, and administer.

Proposed law provides a physician assistant authorized to prescribe controlled substances shall register with the United States Drug Enforcement Administration.

Proposed law provides a graduate physician assistant shall have at least five hundred clinical hours of training prior to application for prescriptive authority.

Proposed law provides a physician assistant may request, receive, and sign for sample drugs and may distribute sample drugs to a patient.

Present law provides when a physician assistant is employed by a physician or group practice of physicians or a professional medical corporation or a hospital or other health care organization or entity, the physician assistant shall be supervised by and be the legal responsibility of the employing physician or group practice or professional medical corporation or other hospital or other health care organization or entity and the supervising physician.

Proposed law amends present law by replacing "employed" and "employing" with "supervised" and "supervising".

Proposed law adds to the exemptions of present law to include a physician assistant student enrolled in a physician assistant educational program accredited by the Accreditation Review Commission on Education for the Physician Assistant and a physician assistant employed by the federal government while performing duties incidental to that employment.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 37:1360.21(A), (B), and (C), 1360.22(1), (5), (7), and (8), 1360.23(G), (H), and (I), 1360.24(A)(3), 1360.29(A)(intro para), 1360.31, and 1360.32; adds R.S. 37:1360.29(A)(4) and 1360.38(A)(3) and (4); repeals R.S. 37:1360.23(J))