
By: Delegates Hammen, Redmer, Klausmeier, and Morhaim

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Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - Physician Assistants - Medication Orders**

3 FOR the purpose of authorizing a physician assistant to write medication orders under an
4 approved job description and in accordance with certain provisions of law;
5 prohibiting a physician from delegating the authority to write medication orders to
6 certain students; authorizing the Board of Physician Quality Assurance (Board) to
7 authorize a physician to delegate to a physician assistant the authority to write
8 medication orders under certain circumstances; requiring the Board to adopt
9 certain regulations; prohibiting a physician assistant who has been approved to write
10 medication orders from writing medication orders for certain controlled dangerous
11 substances unless the physician assistant meets certain requirements; requiring the
12 Board to provide a certain list to certain pharmacies and to the Board of Pharmacy;
13 requiring an applicant for a physician assistant license who graduates from a certain
14 training program after a certain date to have a bachelor's degree or its equivalent;
15 defining certain terms; providing for the effective date of this Act; and generally
16 relating to physician assistants and the authority to write medication orders.

17 BY repealing and reenacting, with amendments,
18 Article - Health Occupations
19 Section 15-101 and 15-301 through 15-303
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1996 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Health Occupations**

25 15-101.

26 (a) In this title the following words have the meanings indicated.

27 (b) "Board" means the State Board of Physician Quality Assurance, established
28 under § 14-201 of this article.

29 (c) "Certificate" means a certificate issued by the Board to a physician assistant
30 under this title.

2

1 (d) "Committee" means the Physician Assistant Advisory Committee.

2 (E) "CONTROLLED DANGEROUS SUBSTANCES" HAS THE MEANING STATED IN
3 ART. 27, § 277 OF THE CODE.

4 (F) "CORRECTIONAL FACILITY" INCLUDES A STATE OR LOCAL
5 CORRECTIONAL FACILITY.

6 [(e)] (G) "Delegated medical acts" means activities that constitute the practice of
7 medicine delegated by a physician under Title 14 of this article.

8 (H) "DESIGNATED PHARMACY" MEANS A PHARMACY THAT HAS AN
9 AGREEMENT TO SUPPLY MEDICATIONS FOR A HOSPITAL, PUBLIC HEALTH FACILITY,
10 CORRECTIONAL FACILITY, OR DETENTION CENTER IF:

11 (1) THE HOSPITAL, PUBLIC HEALTH FACILITY, CORRECTIONAL
12 FACILITY, OR DETENTION CENTER DOES NOT HAVE AN ON-SITE PHARMACY; OR

13 (2) THE ON-SITE PHARMACY AT THE HOSPITAL, PUBLIC HEALTH
14 FACILITY, CORRECTIONAL FACILITY, OR DETENTION CENTER IS CLOSED OR DOES
15 NOT HAVE A PARTICULAR MEDICATION IN STOCK.

16 (I) "HOSPITAL" MEANS:

17 (1) A HOSPITAL AS DEFINED UNDER § 19-301(E) OF THE HEALTH -
18 GENERAL ARTICLE;

19 (2) A COMPREHENSIVE CARE FACILITY THAT:

20 (I) MEETS THE REQUIREMENTS OF A HOSPITAL-BASED SKILLED
21 NURSING FACILITY UNDER FEDERAL LAW;

22 (II) OFFERS ACUTE CARE IN THE SAME BUILDING; AND

23 (III) HAS THE SAME PROTOCOLS AND DEGREE OF SUPERVISION OF
24 PHYSICIAN ASSISTANTS AS IT DOES IN ITS ACUTE CARE AREA; AND

25 (3) AN EMERGENCY ROOM THAT IS PHYSICALLY CONNECTED TO A
26 HOSPITAL.

27 [(f)] (J) "Job description" means a document executed by a physician assistant
28 and physician that has been approved under this title to permit the delegation of medical
29 acts to a certified physician assistant.

30 (K) "MEDICATION ORDER" MEANS A DIRECTIVE WRITTEN IN A MEDICAL
31 CHART:

32 (1) FOR CONTROLLED DANGEROUS SUBSTANCES, NONCONTROLLED
33 SUBSTANCES, OR NONPRESCRIPTION MEDICATIONS; AND

34 (2) IN ACCORDANCE WITH THE PROTOCOLS OF A HOSPITAL, PUBLIC
35 HEALTH FACILITY, CORRECTIONAL FACILITY, OR DETENTION CENTER.

3

1 [(g)] (L) "National certifying examination" means an examination offered by a
2 national organization, which certifies physician assistants as having achieved a certain
3 level of training.

4 [(h)] (M) "Physician assistant" means an individual who is certified under this title
5 to perform delegated medical acts under the supervision of a physician.

6 [(i)] (N) "Practice as a physician assistant" means the performance of medical
7 acts delegated to a physician assistant under this title.

8 (O) "PROTOCOLS" MEANS WRITTEN POLICIES, BYLAWS, RULES, OR
9 REGULATIONS ESTABLISHED BY A HOSPITAL, PUBLIC HEALTH FACILITY,
10 CORRECTIONAL FACILITY, OR DETENTION CENTER THAT:

11 (1) ARE ESTABLISHED IN CONSULTATION WITH AND WITH THE
12 APPROVAL OF ITS MEDICAL STAFF;

13 (2) DESCRIBE THE DELEGATED MEDICAL ACTS A PHYSICIAN ASSISTANT
14 MAY EXECUTE; AND

15 (3) SPECIFY THE MINIMUM REQUIREMENTS FOR SUPERVISION BY A
16 PHYSICIAN.

17 (P) "PUBLIC HEALTH FACILITY" MEANS A FIXED SITE WHERE CLINICAL
18 PUBLIC HEALTH SERVICES ARE RENDERED UNDER THE AUSPICES OF THE
19 DEPARTMENT OR THE BALTIMORE CITY HEALTH DEPARTMENT.

20 [(j)] (Q) "Supervising physician" means a physician who has been approved by
21 the Board to supervise 1 or more physician assistants.

22 [(k)] (R) "Supervision" means the responsibility of a physician to exercise on site
23 supervision or immediately available direction for physician assistants performing
24 delegated medical acts.

25 15-301.

26 (a) (1) A certificate issued to a physician assistant shall limit the physician
27 assistant's scope of practice to:

28 (i) Services within the training or experience of the physician
29 assistant;

30 (ii) Services customary to the practice of the supervising physician;

31 (iii) Services delegated by the supervising physician; and

32 (iv) The approved job description from the Board.

33 (2) Patient services provided by a physician assistant are limited to:

34 (i) 1. Taking complete, detailed, and accurate patient histories;

35 and

36 2. Reviewing patient records to develop comprehensive medical
37 status reports;

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1 (ii) Performing physical examinations and recording all pertinent
2 patient data;

3 (iii) Interpreting and evaluating patient data as authorized by the
4 supervising physician for the purpose of determining management and treatment of
5 patients;

6 (iv) Initiating requests for or performing diagnostic procedures as
7 indicated by pertinent data and as authorized by the supervising physician;

8 (v) Providing instructions and guidance regarding medical care
9 matters to patients;

10 (vi) Assisting the supervising physician in the delivery of services to
11 patients who require medical care in the home and in health care institutions, including:

12 1. Recording patient progress notes;

13 2. Issuing diagnostic orders that must be countersigned by the
14 supervising physician within 48 hours; and

15 3. Transcribing or executing specific orders at the direction of
16 the supervising physician; [and]

17 (VII) WRITING MEDICATION ORDERS UNDER AN APPROVED JOB
18 DESCRIPTION AND IN ACCORDANCE WITH § 15-302 OF THIS SUBTITLE; AND

19 [(vii)] (VIII) Other medical acts permitted to be delegated under an
20 approved job description.

21 (b) (1) Except as otherwise provided in this title, an individual shall be certified
22 by the Board before the individual may practice as a physician assistant.

23 (2) Nothing in this title may be construed to authorize a physician assistant
24 to practice independent of a supervising physician.

25 (3) Except as otherwise provided in this title, a physician may not supervise
26 a physician assistant in the performance of delegated medical acts without the approval of
27 the Board.

28 (4) Except as otherwise provided in this title or in a medical emergency, a
29 physician assistant may not perform any medical act for which:

30 (i) The individual has not been certified; and

31 (ii) The medical acts have not been delegated by a supervising
32 physician.

33 (c) [The] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE
34 following individuals may practice as a physician assistant without a certificate:

35 (1) A physician assistant student in a training program approved by the
36 Board, while performing the delegated medical acts at:

37 (i) Any office of a physician;

5

1 (ii) A hospital;

2 (iii) A clinic;

3 (iv) A related institution; or

4 (v) A similar facility; or

5 (2) A physician assistant employed in the service of the federal government
6 while performing duties incident to that employment.

7 (D) A PHYSICIAN MAY NOT DELEGATE THE AUTHORITY TO WRITE
8 MEDICATION ORDERS TO A PHYSICIAN ASSISTANT STUDENT IN A TRAINING
9 PROGRAM APPROVED BY THE BOARD.

10 [(d)] (E) (1) Except as prohibited by § 15-102(a) of this title, if a duty that is to
11 be delegated under this section is a part of the practice of a health occupation that is
12 regulated under this article by another board, any rule or regulation concerning that duty
13 shall be adopted jointly by the Board of Physician Quality Assurance and the board that
14 regulates the other health occupation.

15 (2) If the two boards cannot agree on a proposed rule or regulation, the
16 proposal shall be submitted to the Secretary for a final decision.

17 15-302.

18 (a) To perform delegated medical acts within the scope of this title, a physician
19 assistant shall obtain an approved job description from the Board.

20 (b) To apply for a job description, a physician assistant shall:

21 (1) Submit an application to the Board:

22 (i) Listing all medical acts to be delegated to the physician assistant
23 and the supervision to be performed;

24 (ii) Describing the setting in which the physician assistant shall
25 practice and the qualifications of the supervising physician;

26 (iii) Describing the specialized training provided to the physician
27 assistant and the supervision to be provided by the supervising physician; and

28 (iv) Providing other information deemed necessary by the Board or the
29 Committee;

30 (2) Submit to the Board the fee set by the Board; and

31 (3) Comply with all other requirements established by the Board.

32 (c) The Committee shall:

33 (1) Evaluate the qualifications of the physician assistant for delegated
34 medical acts to be performed under the job description; and

35 (2) Recommend to the Board the approval, rejection, or modification of any
36 application for a job description.

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1 (D) THE BOARD MAY AUTHORIZE A PHYSICIAN TO DELEGATE THE
2 AUTHORITY TO WRITE MEDICATION ORDERS UNDER AN APPROVED JOB
3 DESCRIPTION ONLY IF:

4 (1) THE PHYSICIAN ASSISTANT:

5 (I) COMPLETES AN APPLICATION FOR EXPANDED JOB DUTIES ON
6 A FORM PROVIDED BY THE BOARD REGARDLESS OF WHETHER THE PHYSICIAN
7 ASSISTANT ALREADY HAS A JOB DESCRIPTION ON FILE WITH THE BOARD;

8 (II) STATES ON THE APPLICATION WHETHER CONTROLLED
9 DANGEROUS SUBSTANCES, NONCONTROLLED SUBSTANCES, OR NONPRESCRIPTION
10 MEDICATIONS MAY BE ORDERED BY THE PHYSICIAN ASSISTANT;

11 (III) PROVIDES EVIDENCE OF:

12 1. CERTIFICATION BY THE NATIONAL COMMISSION ON THE
13 CERTIFICATION OF PHYSICIAN ASSISTANTS, INC. WITHIN THE PREVIOUS 2 YEARS; OR

14 2. SUCCESSFUL COMPLETION OF 8 CATEGORY 1 HOURS IN
15 PHARMACOLOGY EDUCATION WITHIN THE PREVIOUS 2 YEARS; AND

16 (IV) ATTESTS THAT THE PHYSICIAN ASSISTANT WILL COMPLY
17 WITH:

18 1. STATE AND FEDERAL LAWS GOVERNING THE
19 PRESCRIBING OF MEDICATIONS; AND

20 2. THE PROTOCOLS ESTABLISHED BY THE EMPLOYER OF
21 THE PHYSICIAN ASSISTANT;

22 (2) THE HOSPITAL, PUBLIC HEALTH FACILITY, CORRECTIONAL
23 FACILITY, OR DETENTION CENTER THAT EMPLOYS THE PHYSICIAN ASSISTANT:

24 (I) EXAMINES THE PHYSICIAN ASSISTANT'S QUALIFICATIONS TO
25 WRITE MEDICATION ORDERS AS PART OF AN ESTABLISHED CREDENTIALING
26 PROCESS; AND

27 (II) ATTESTS TO HAVING ESTABLISHED MINIMUM CRITERIA FOR
28 PROTOCOLS THAT:

29 1. ALLOW A PHYSICIAN ASSISTANT TO WRITE MEDICATION
30 ORDERS ONLY IN ACCORDANCE WITH CLINICAL PRIVILEGES AND AN EXPANDED
31 JOB DESCRIPTION APPROVED BY THE BOARD;

32 2. REQUIRE A PHYSICIAN WHO HAS BEEN APPROVED BY
33 THE BOARD TO SUPERVISE A PHYSICIAN ASSISTANT TO COUNTERSIGN ALL
34 MEDICATION ORDERS IN ACCORDANCE WITH THIS SECTION;

35 3. PROHIBIT A PHYSICIAN ASSISTANT FROM USING
36 PRE-SIGNED PRESCRIPTIONS;

37 4. PROHIBIT A PHYSICIAN ASSISTANT FROM DISPENSING
38 MEDICATIONS;

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1 5. REQUIRE A PHYSICIAN ASSISTANT TO LEGIBLY SIGN
2 EACH MEDICATION ORDER OR SET OF MEDICATION ORDERS WITH THE NAME OF
3 THE PHYSICIAN ASSISTANT, THE INITIALS "PA-C", AND ANY OTHER NOTATION
4 MANDATED BY THE HOSPITAL, PUBLIC HEALTH FACILITY, CORRECTIONAL
5 FACILITY, OR DETENTION CENTER;

6 6. ALLOW A PHYSICIAN ASSISTANT'S MEDICATION ORDERS
7 TO BE TRANSMITTED BY FACSIMILE OR OTHER NONVERBAL ELECTRONIC
8 COMMUNICATION ONLY TO A PHARMACY WITHIN THE HOSPITAL, PUBLIC HEALTH
9 FACILITY, CORRECTIONAL FACILITY, OR DETENTION CENTER OR TO THE
10 DESIGNATED PHARMACY OF THE HOSPITAL, PUBLIC HEALTH FACILITY,
11 CORRECTIONAL FACILITY, OR DETENTION CENTER;

12 7. PROHIBIT A PHYSICIAN ASSISTANT FROM VERBALLY
13 TRANSMITTING A MEDICATION ORDER OVER THE TELEPHONE FROM OUTSIDE THE
14 HOSPITAL, PUBLIC HEALTH FACILITY, CORRECTIONAL FACILITY, OR DETENTION
15 CENTER; AND

16 8. REQUIRE A PHYSICIAN WHO HAS BEEN APPROVED BY
17 THE BOARD TO SUPERVISE A PHYSICIAN ASSISTANT TO NOTIFY THE BOARD IF THE
18 PHYSICIAN ASSISTANT'S AUTHORITY TO WRITE MEDICATION ORDERS HAS BEEN
19 RESTRICTED, REMOVED BY THE SUPERVISING PHYSICIAN, REVOKED BY
20 DISCIPLINARY MEASURES OF A HOSPITAL, PUBLIC HEALTH FACILITY,
21 CORRECTIONAL FACILITY, OR DETENTION CENTER, OR IF THE PHYSICIAN
22 ASSISTANT NO LONGER PROVIDES CARE IN A SETTING WHERE MEDICATION ORDER
23 WRITING HAS BEEN AUTHORIZED;

24 (3) IN A HOSPITAL, CORRECTIONAL FACILITY, OR DETENTION CENTER,
25 THE AUTHORITY OF A PHYSICIAN ASSISTANT TO WRITE MEDICATION ORDERS
26 COMPLIES WITH THE FOLLOWING LIMITATIONS:

27 (I) A PHYSICIAN ASSISTANT MAY WRITE MEDICATION ORDERS
28 ONLY FOR SCHEDULE II, SCHEDULE III, SCHEDULE IV, AND SCHEDULE V
29 MEDICATIONS, NONCONTROLLED SUBSTANCES, AND NONPRESCRIPTION
30 MEDICATIONS; AND

31 (II) MEDICATION ORDERS MUST BE ADMINISTERED ON-SITE;

32 (4) IN A PUBLIC HEALTH FACILITY, THE AUTHORITY OF A PHYSICIAN
33 ASSISTANT TO WRITE MEDICATION ORDERS COMPLIES WITH THE FOLLOWING
34 LIMITATIONS:

35 (I) A PHYSICIAN ASSISTANT MAY NOT WRITE MEDICATION
36 ORDERS FOR CONTROLLED DANGEROUS SUBSTANCES; AND

37 (II) A PHYSICIAN ASSISTANT MAY WRITE A MEDICATION ORDER
38 FOR THE TREATMENT OF:

39 1. HUMAN IMMUNODEFICIENCY VIRUS (HIV) OR AN
40 INFECTIOUS DISEASE OTHER THAN A SEXUALLY TRANSMITTED DISEASE ONLY
41 AFTER A PATIENT IS EVALUATED BY A PHYSICIAN AND IF THE MEDICATION ORDER

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1 IS WRITTEN IN ACCORDANCE WITH PROTOCOLS ESTABLISHED BY THE
2 DEPARTMENT; AND

3 2. A SEXUALLY TRANSMITTED DISEASE ONLY AFTER THE
4 PHYSICIAN ASSISTANT DETERMINES, BASED ON DIAGNOSTIC PARAMETERS, THAT A
5 PATIENT HAS A SEXUALLY TRANSMITTED DISEASE AND IF THE MEDICATION ORDER
6 IS WRITTEN IN ACCORDANCE WITH PROTOCOLS;

7 (5) IN A HOSPITAL, CORRECTIONAL FACILITY, OR DETENTION CENTER,
8 EACH MEDICATION ORDER IS COUNTERSIGNED BY A SUPERVISING PHYSICIAN
9 WITHIN 48 HOURS;

10 (6) IN A PUBLIC HEALTH FACILITY, EACH MEDICATION ORDER IS
11 COUNTERSIGNED BY A SUPERVISING PHYSICIAN WITHIN 72 HOURS;

12 (7) THE SUPERVISING PHYSICIAN:

13 (I) ATTESTS THAT THE PHYSICIAN ASSISTANT HAS BEEN
14 CREDENTIALLED BY THE HOSPITAL, PUBLIC HEALTH FACILITY, CORRECTIONAL
15 FACILITY, OR DETENTION CENTER TO WRITE MEDICATION ORDERS FOR
16 CONTROLLED DANGEROUS SUBSTANCES, NONCONTROLLED SUBSTANCES, OR
17 NONPRESCRIPTION MEDICATIONS; AND

18 (II) NOTIFIES THE BOARD IF THE PHYSICIAN ASSISTANT'S
19 AUTHORITY TO WRITE MEDICATION ORDERS HAS BEEN RESTRICTED OR REMOVED
20 BY THE SUPERVISING PHYSICIAN, REVOKED BY DISCIPLINARY MEASURES OF A
21 HOSPITAL, PUBLIC HEALTH FACILITY, CORRECTIONAL FACILITY, OR DETENTION
22 CENTER, OR IF THE PHYSICIAN ASSISTANT NO LONGER PROVIDES CARE IN A
23 SETTING WHERE MEDICATION ORDER WRITING HAS BEEN AUTHORIZED; AND

24 (8) IN AN EMERGENCY ROOM, A PHYSICIAN ASSISTANT DISCUSSES A
25 PATIENT'S TREATMENT PLAN, INCLUDING MEDICATION ORDERS, WITH A
26 SUPERVISING PHYSICIAN PRIOR TO PATIENT DISCHARGE.

27 (E) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE
28 PROVISIONS OF THIS SECTION.

29 (F) A PHYSICIAN ASSISTANT WHO HAS BEEN APPROVED BY THE BOARD TO
30 WRITE MEDICATION ORDERS MAY NOT WRITE MEDICATION ORDERS FOR
31 CONTROLLED DANGEROUS SUBSTANCES IN ACCORDANCE WITH THIS SECTION
32 UNLESS THE PHYSICIAN ASSISTANT HAS A VALID:

33 (1) STATE CONTROLLED DANGEROUS SUBSTANCES REGISTRATION;
34 AND

35 (2) FEDERAL DRUG ENFORCEMENT AGENCY (DEA) REGISTRATION
36 UNLESS THE REGISTRATION IS WAIVED BY THE DEA.

37 (G) (1) ON A QUARTERLY BASIS, THE BOARD SHALL PROVIDE A LIST OF
38 PHYSICIAN ASSISTANTS AUTHORIZED TO WRITE MEDICATION ORDERS TO:

9

1 (I) EACH PHARMACY LOCATED IN OR DESIGNATED BY A
2 HOSPITAL, PUBLIC HEALTH FACILITY, CORRECTIONAL FACILITY, OR DETENTION
3 CENTER; AND

4 (II) THE BOARD OF PHARMACY.

5 (2) THE LIST REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION
6 SHALL SPECIFY WHETHER EACH PHYSICIAN ASSISTANT IS AUTHORIZED TO WRITE
7 MEDICATION ORDERS FOR CONTROLLED DANGEROUS SUBSTANCES,
8 NONCONTROLLED SUBSTANCES, OR NONPRESCRIPTION MEDICATIONS.

9 [(d)] (H) The Committee may conduct a personal interview of the physician
10 assistant and the supervisory physician.

11 [(e)] (I) On review of the Committee's recommendation, the Board:

12 (1) May approve, modify, or deny a request for certification; and

13 (2) Shall notify the physician assistant in writing of the reasons for the
14 Board's decision.

15 [(f)] (J) The physician assistant shall file and obtain the Board's approval of an
16 [amended] EXPANDED job description before any substantial change occurs in:

17 (1) The delegated medical acts;

18 (2) The extent of supervision provided; or

19 (3) The practice setting.

20 [(g)] (K) (1) A job description approved under this title shall be reviewed as a
21 component of the certificate renewal process established under § 15-307 of this title.

22 (2) Expiration of a certificate shall result in expiration of a job description.

23 15-303.

24 (A) [(1)] To qualify for a certificate, an applicant shall be:

25 [(i)] (1) Of good moral character;

26 [(ii)] (2) Fluent in the English language;

27 [(iii)] (3) At least 18 years old; and

28 [(iv)] (4) A graduate of a physician assistant training program approved by
29 the Board.

30 (B) [(2)] Except as otherwise provided in this title, the applicant shall pass a
31 national certifying examination approved by the Board.

32 (C) AN APPLICANT WHO GRADUATES FROM A PHYSICIAN ASSISTANT
33 TRAINING PROGRAM AFTER OCTOBER 1, 2003 SHALL HAVE A BACHELOR'S DEGREE
34 OR ITS EQUIVALENT.

10

1 (D) [(3)] The Board shall adopt regulations governing the issuance of temporary
2 certificates to applicants who:

3 [(i)] (1) Have met all other requirements of this section; but

4 [(ii)] (2) Have not yet passed the national certifying examination.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 1997.