
By: Delegates Hammen, Redmer, Klausmeier, and Morhaim

Introduced and read first time: February 19, 1997

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 1997

CHAPTER ____

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:

2

1 **Article - Health Occupations**

2 15-101.

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

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

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

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

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

11 (F) "CORRECTIONAL FACILITY" INCLUDES A STATE OR LOCAL
12 CORRECTIONAL FACILITY.

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

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

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

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

23 (I) "HOSPITAL" MEANS:

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

26 (2) A COMPREHENSIVE CARE FACILITY THAT:

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

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

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

32 (3) AN EMERGENCY ROOM THAT IS PHYSICALLY CONNECTED TO A
33 HOSPITAL.

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

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1 (K) "MEDICATION ORDER" MEANS A DIRECTIVE WRITTEN IN A MEDICAL
2 CHART:

3 (1) FOR CONTROLLED DANGEROUS SUBSTANCES, NONCONTROLLED
4 SUBSTANCES, OR NONPRESCRIPTION MEDICATIONS; AND

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

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

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

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

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

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

19 (2) DESCRIBE THE DELEGATED MEDICAL ACTS A PHYSICIAN ASSISTANT
20 MAY EXECUTE; AND

21 (3) SPECIFY THE MINIMUM REQUIREMENTS FOR SUPERVISION BY A
22 PHYSICIAN.

23 (P) "PUBLIC HEALTH FACILITY" MEANS A FIXED SITE WHERE CLINICAL
24 PUBLIC HEALTH SERVICES ARE RENDERED UNDER THE AUSPICES OF THE
25 DEPARTMENT ~~OR, A LOCAL HEALTH DEPARTMENT IN A COUNTY, OR THE~~
26 BALTIMORE CITY HEALTH DEPARTMENT.

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

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

32 15-301.

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

35 (i) Services within the training or experience of the physician
36 assistant;

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

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

4

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

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

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

4 and

5 2. Reviewing patient records to develop comprehensive medical
6 status reports;

7 (ii) Performing physical examinations and recording all pertinent
8 patient data;

9 (iii) Interpreting and evaluating patient data as authorized by the
10 supervising physician for the purpose of determining management and treatment of
11 patients;

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

14 (v) Providing instructions and guidance regarding medical care
15 matters to patients;

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

18 1. Recording patient progress notes;

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

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

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

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

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

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

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

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

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

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1 (ii) The medical acts have not been delegated by a supervising
2 physician.

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

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

7 (i) Any office of a physician;

8 (ii) A hospital;

9 (iii) A clinic;

10 (iv) A related institution; or

11 (v) A similar facility; or

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

14 (D) A PHYSICIAN MAY NOT DELEGATE THE AUTHORITY TO WRITE
15 MEDICATION ORDERS TO A PHYSICIAN ASSISTANT STUDENT IN A TRAINING
16 PROGRAM APPROVED BY THE BOARD.

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

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

24 15-302.

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

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

28 (1) Submit an application to the Board:

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

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

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

35 (iv) Providing other information deemed necessary by the Board or the
36 Committee;

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

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

3 (c) The Committee shall:

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

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

8 (D) THE BOARD MAY AUTHORIZE A PHYSICIAN TO DELEGATE THE
9 AUTHORITY TO WRITE MEDICATION ORDERS UNDER AN APPROVED JOB
10 DESCRIPTION ONLY IF:

11 (1) THE PHYSICIAN ASSISTANT:

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

15 (II) STATES ON THE APPLICATION WHETHER CONTROLLED
16 DANGEROUS SUBSTANCES, NONCONTROLLED SUBSTANCES, OR NONPRESCRIPTION
17 MEDICATIONS MAY BE ORDERED BY THE PHYSICIAN ASSISTANT;

18 (III) PROVIDES EVIDENCE OF:

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

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

23 (IV) ATTESTS THAT THE PHYSICIAN ASSISTANT WILL COMPLY
24 WITH:

25 1. STATE AND FEDERAL LAWS GOVERNING THE
26 PRESCRIBING OF MEDICATIONS; AND

27 2. THE PROTOCOLS ESTABLISHED BY THE ~~EMPLOYER OF~~
28 ~~THE PHYSICIAN ASSISTANT~~ HOSPITAL, PUBLIC HEALTH FACILITY, CORRECTIONAL
29 FACILITY, OR DETENTION CENTER WHERE THE PHYSICIAN ASSISTANT IS
30 REQUESTING PERMISSION TO WRITE MEDICATION ORDERS;

31 (2) THE HOSPITAL, PUBLIC HEALTH FACILITY, CORRECTIONAL
32 FACILITY, OR DETENTION CENTER ~~THAT EMPLOYS THE PHYSICIAN ASSISTANT~~
33 WHERE THE PHYSICIAN ASSISTANT IS REQUESTING PERMISSION TO WRITE
34 MEDICATION ORDERS;

35 (I) EXAMINES THE PHYSICIAN ASSISTANT'S QUALIFICATIONS TO
36 WRITE MEDICATION ORDERS AS PART OF AN ESTABLISHED CREDENTIALING
37 PROCESS; AND

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1 (II) ATTESTS TO HAVING ESTABLISHED MINIMUM CRITERIA FOR
2 PROTOCOLS THAT:

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

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

9 3. PROHIBIT A PHYSICIAN ASSISTANT FROM USING
10 PRE-SIGNED PRESCRIPTIONS;

11 4. PROHIBIT A PHYSICIAN ASSISTANT FROM DISPENSING
12 MEDICATIONS;

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

18 6. ALLOW A PHYSICIAN ASSISTANT'S MEDICATION ORDERS
19 TO BE TRANSMITTED BY FACSIMILE OR OTHER NONVERBAL ELECTRONIC
20 COMMUNICATION ONLY TO A PHARMACY WITHIN THE HOSPITAL, PUBLIC HEALTH
21 FACILITY, CORRECTIONAL FACILITY, OR DETENTION CENTER OR TO THE
22 DESIGNATED PHARMACY OF THE HOSPITAL, PUBLIC HEALTH FACILITY,
23 CORRECTIONAL FACILITY, OR DETENTION CENTER;

24 7. PROHIBIT A PHYSICIAN ASSISTANT FROM VERBALLY
25 TRANSMITTING A MEDICATION ORDER OVER THE TELEPHONE FROM OUTSIDE THE
26 HOSPITAL, PUBLIC HEALTH FACILITY, CORRECTIONAL FACILITY, OR DETENTION
27 CENTER; AND

28 8. REQUIRE A PHYSICIAN WHO HAS BEEN APPROVED BY
29 THE BOARD TO SUPERVISE A PHYSICIAN ASSISTANT TO NOTIFY THE BOARD IF THE
30 PHYSICIAN ASSISTANT'S AUTHORITY TO WRITE MEDICATION ORDERS HAS BEEN
31 RESTRICTED, REMOVED BY THE SUPERVISING PHYSICIAN, REVOKED BY
32 DISCIPLINARY MEASURES OF A HOSPITAL, PUBLIC HEALTH FACILITY,
33 CORRECTIONAL FACILITY, OR DETENTION CENTER, OR IF THE PHYSICIAN
34 ASSISTANT NO LONGER PROVIDES CARE IN A SETTING WHERE MEDICATION ORDER
35 WRITING HAS BEEN AUTHORIZED;

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

39 (I) A PHYSICIAN ASSISTANT MAY WRITE MEDICATION ORDERS
40 ONLY FOR SCHEDULE II, SCHEDULE III, SCHEDULE IV, AND SCHEDULE V
41 MEDICATIONS, NONCONTROLLED SUBSTANCES, AND NONPRESCRIPTION
42 MEDICATIONS; AND

8

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

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

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

7 (II) A PHYSICIAN ASSISTANT MAY WRITE A MEDICATION ORDER
8 FOR THE TREATMENT OF:

9 1. HUMAN IMMUNODEFICIENCY VIRUS (HIV) OR AN
10 INFECTIOUS DISEASE OTHER THAN A SEXUALLY TRANSMITTED DISEASE ONLY
11 AFTER A PATIENT IS EVALUATED BY A PHYSICIAN AND IF THE MEDICATION ORDER
12 IS WRITTEN IN ACCORDANCE WITH PROTOCOLS ESTABLISHED BY THE
13 DEPARTMENT; AND

14 2. A SEXUALLY TRANSMITTED DISEASE ONLY AFTER THE
15 PHYSICIAN ASSISTANT DETERMINES, BASED ON DIAGNOSTIC PARAMETERS, THAT A
16 PATIENT HAS A SEXUALLY TRANSMITTED DISEASE AND IF THE MEDICATION ORDER
17 IS WRITTEN IN ACCORDANCE WITH PROTOCOLS;

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

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

23 (7) THE SUPERVISING PHYSICIAN:

24 (I) ATTESTS THAT THE PHYSICIAN ASSISTANT HAS BEEN
25 CREDENTIALLED BY THE HOSPITAL, PUBLIC HEALTH FACILITY, CORRECTIONAL
26 FACILITY, OR DETENTION CENTER TO WRITE MEDICATION ORDERS FOR
27 CONTROLLED DANGEROUS SUBSTANCES, NONCONTROLLED SUBSTANCES, OR
28 NONPRESCRIPTION MEDICATIONS; AND

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

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

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

9

1 (F) A PHYSICIAN ASSISTANT WHO HAS BEEN APPROVED BY THE BOARD TO
2 WRITE MEDICATION ORDERS MAY NOT WRITE MEDICATION ORDERS FOR
3 CONTROLLED DANGEROUS SUBSTANCES IN ACCORDANCE WITH THIS SECTION
4 UNLESS THE PHYSICIAN ASSISTANT HAS A VALID:

5 (1) STATE CONTROLLED DANGEROUS SUBSTANCES REGISTRATION;
6 AND

7 (2) FEDERAL DRUG ENFORCEMENT AGENCY (DEA) REGISTRATION
8 UNLESS THE REGISTRATION IS WAIVED BY THE DEA.

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

11 (I) EACH PHARMACY LOCATED IN OR DESIGNATED BY A
12 HOSPITAL, PUBLIC HEALTH FACILITY, CORRECTIONAL FACILITY, OR DETENTION
13 CENTER; AND

14 (II) THE BOARD OF PHARMACY.

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

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

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

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

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

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

27 (1) The delegated medical acts;

28 (2) The extent of supervision provided; or

29 (3) The practice setting.

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

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

33 15-303.

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

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

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

10

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

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

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

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

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

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

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

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