
By: **Delegate Redmer**

Introduced and read first time: February 13, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - Physician Assistants - Physician Delegated**
3 **Prescriptive Authority**

4 FOR the purpose of authorizing the Board of Physician Quality Assurance to
5 authorize a physician to delegate to a physician assistant certain authority
6 under certain circumstances; requiring the Board to adopt certain regulations;
7 prohibiting a physician assistant who has been approved to write prescriptions
8 for certain controlled dangerous substances from doing so unless the physician
9 assistant meets certain requirements; requiring the Board to provide a certain
10 list to the Board of Pharmacy; providing for the effective date of this Act; and
11 generally relating to the authority of physicians to delegate prescriptive
12 authority to physician assistants.

13 BY repealing and reenacting, without amendments,
14 Article - Health Occupations
15 Section 15-101(b) and (e)
16 Annotated Code of Maryland
17 (1994 Replacement Volume and 1997 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Health Occupations
20 Section 15-101(o), (p), (q), and (r), 15-301(a)(2) and (d), and 15-302(h), (i), (j),
21 and (k)
22 Annotated Code of Maryland
23 (1994 Replacement Volume and 1997 Supplement)

24 BY adding to
25 Article - Health Occupations
26 Section 15-101(o) and 15-302(h), (i), (j), (k), (l), (m), (n), and (o)
27 Annotated Code of Maryland
28 (1994 Replacement Volume and 1997 Supplement)

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

3 **Article - Health Occupations**

4 15-101.

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

7 (e) "Controlled dangerous substances" has the meaning stated in Art. 27, §
8 277 of the Code.

9 (O) "PRESCRIPTIVE AUTHORITY" MEANS THE AUTHORITY DELEGATED BY A
10 PHYSICIAN TO A PHYSICIAN ASSISTANT TO PRESCRIBE, DISPENSE, AND ADMINISTER
11 CONTROLLED DANGEROUS SUBSTANCES, NONCONTROLLED SUBSTANCES,
12 NONPRESCRIPTION MEDICATION, AND MEDICAL DEVICES.

13 [(o)] (P) "Protocols" means written policies, bylaws, rules, or regulations
14 established by a hospital, public health facility, correctional facility, or detention
15 center that:

16 (1) Are established in consultation with and with the approval of its
17 medical staff;

18 (2) Describe the delegated medical acts a physician assistant may
19 execute; and

20 (3) Specify the minimum requirements for supervision by a physician.

21 [(p)] (Q) "Public health facility" means a fixed site where clinical public
22 health services are rendered under the auspices of the Department, a local health
23 department in a county, or the Baltimore City Health Department.

24 [(q)] (R) "Supervising physician" means a physician who has been approved
25 by the Board to supervise 1 or more physician assistants.

26 [(r)] (S) "Supervision" means the responsibility of a physician to exercise on
27 site supervision or immediately available direction for physician assistants
28 performing delegated medical acts.

29 15-301.

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

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

32 and

33 2. Reviewing patient records to develop comprehensive

34 medical status reports;

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,
12 including:

13 1. Recording patient progress notes;

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

16 3. Transcribing or executing specific orders at the direction
17 of the supervising physician; AND

18 [(vii) Writing medication orders under an approved job description
19 and in accordance with § 15-302 of this subtitle; and

20 (viii)] (VII) Other medical acts permitted to be delegated under an
21 approved job description INCLUDING:

22 1. WRITING MEDICATION ORDERS UNDER AN APPROVED JOB
23 DESCRIPTION AND IN ACCORDANCE WITH § 15-302 OF THIS SUBTITLE; OR

24 2. EXERCISING PRESCRIPTIVE AUTHORITY UNDER AN
25 APPROVED JOB DESCRIPTION AND IN ACCORDANCE WITH § 15-302 OF THIS
26 SUBTITLE.

27 (d) A physician may not delegate EITHER the authority to write medication
28 orders OR THE AUTHORITY TO EXERCISE PRESCRIPTIVE AUTHORITY to a physician
29 assistant student in a training program approved by the Board.

30 15-302.

31 (H) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (D) OF THIS
32 SECTION, THE BOARD MAY AUTHORIZE A PHYSICIAN TO DELEGATE PRESCRIPTIVE
33 AUTHORITY TO A PHYSICIAN ASSISTANT UNDER AN APPROVED JOB DESCRIPTION IF
34 THE PHYSICIAN ASSISTANT:

1 (1) COMPLETES AN APPLICATION FOR EXPANDED JOB DUTIES ON A
2 FORM PROVIDED BY THE BOARD REGARDLESS OF WHETHER THE PHYSICIAN
3 ASSISTANT HAS A JOB DESCRIPTION ON FILE WITH THE BOARD;

4 (2) STATES ON THE APPLICATION WHETHER CONTROLLED DANGEROUS
5 SUBSTANCES, NONCONTROLLED SUBSTANCES, NONPRESCRIPTION MEDICATIONS,
6 OR MEDICAL DEVICES MAY BE PRESCRIBED, DISPENSED, OR ADMINISTERED BY THE
7 PHYSICIAN ASSISTANT;

8 (3) PROVIDES EVIDENCE OF:

9 (I) CURRENT CERTIFICATION BY THE NATIONAL COMMISSION ON
10 THE CERTIFICATION OF PHYSICIAN ASSISTANTS, INC.; AND

11 (II) SUCCESSFUL COMPLETION OF 8 CATEGORY 1 HOURS IN
12 PHARMACOLOGY EDUCATION WITHIN THE PREVIOUS 2 YEARS; AND

13 (4) ATTESTS THAT THE PHYSICIAN ASSISTANT WILL COMPLY WITH:

14 (I) STATE AND FEDERAL LAWS GOVERNING THE PRESCRIBING OF
15 MEDICATIONS; AND

16 (II) THE PROTOCOLS ESTABLISHED BY THE SUPERVISING
17 PHYSICIAN.

18 (I) THE PHYSICIAN SUPERVISING THE PHYSICIAN ASSISTANT SHALL ATTEST
19 TO HAVING ESTABLISHED MINIMUM CRITERIA FOR PROTOCOLS THAT:

20 (1) ALLOW A PHYSICIAN ASSISTANT TO EXERCISE PRESCRIPTIVE
21 AUTHORITY ONLY IN ACCORDANCE WITH THE EXPANDED JOB DESCRIPTION
22 APPROVED BY THE BOARD;

23 (2) REQUIRE A PHYSICIAN WHO HAS BEEN APPROVED BY THE BOARD TO
24 SUPERVISE A PHYSICIAN ASSISTANT TO REVIEW ALL MEDICAL RECORDS
25 CONTAINING A NOTATION OF MEDICATIONS PRESCRIBED OR DISPENSED IN
26 ACCORDANCE WITH THIS SECTION;

27 (3) REQUIRE A PHYSICIAN ASSISTANT TO LEGIBLY SIGN EACH
28 PRESCRIPTION WITH THE NAME OF THE PHYSICIAN ASSISTANT, THE INITIALS "PA-C"
29 THE PHYSICIAN ASSISTANT'S STATE CERTIFICATE NUMBER, AND ANY OTHER
30 NOTATION MANDATED BY THE BOARD;

31 (4) ALLOW A PHYSICIAN ASSISTANT'S PRESCRIPTIONS TO BE
32 TRANSMITTED VERBALLY OR BY ELECTRONIC MEANS, INCLUDING FACSIMILE;

33 (5) REQUIRE A PHYSICIAN WHO HAS BEEN APPROVED BY THE BOARD TO
34 SUPERVISE A PHYSICIAN ASSISTANT TO NOTIFY THE BOARD IF THE PHYSICIAN
35 ASSISTANT'S PRESCRIPTIVE AUTHORITY HAS BEEN RESTRICTED OR REMOVED BY
36 THE SUPERVISING PHYSICIAN; AND

1 (6) PROHIBIT THE PRIMARY SUPERVISING PHYSICIAN FROM ASSUMING
2 RESPONSIBILITY FOR MORE THAN TWO PHYSICIAN ASSISTANTS IN A
3 NONINSTITUTIONAL SETTING.

4 (J)(1) THE AUTHORITY OF A PHYSICIAN ASSISTANT TO EXERCISE PRESCRIPTIVE
5 AUTHORITY SHALL BE SUBJECT TO THE FOLLOWING LIMITATIONS.

6 (2) A PHYSICIAN ASSISTANT MAY WRITE PRESCRIPTIONS ONLY FOR
7 SCHEDULE II, SCHEDULE III, SCHEDULE IV, AND SCHEDULE V MEDICATIONS,
8 NONCONTROLLED SUBSTANCES, NONPRESCRIPTION MEDICATIONS, OR MEDICAL
9 DEVICES.

10 (3) A PHYSICIAN ASSISTANT MAY NOT DISPENSE MEDICATIONS UNLESS:

11 (I) THE SUPERVISING PHYSICIAN HAS THE LEGAL AUTHORITY TO
12 DISPENSE MEDICATIONS;

13 (II) ALL APPROPRIATE STATE AND FEDERAL REGULATIONS ARE
14 FOLLOWED; AND

15 (III) PHARMACY SERVICES ARE NOT REASONABLY AVAILABLE OR
16 AN EMERGENCY SITUATION EXISTS AND DISPENSING MEDICATION IS IN THE BEST
17 INTEREST OF THE PATIENT.

18 (K) A PHYSICIAN ASSISTANT MAY REQUEST, RECEIVE, AND SIGN FOR
19 PROFESSIONAL SAMPLES AND MAY DISTRIBUTE PROFESSIONAL SAMPLES IN
20 ACCORDANCE WITH THIS SECTION.

21 (L) A PHYSICIAN ASSISTANT SHALL PLACE A COPY OR MAKE A LEGIBLY
22 WRITTEN OR PRINTED NOTATION IN THE MEDICAL RECORD OF ALL MEDICATIONS
23 PRESCRIBED OR DISPENSED IN ACCORDANCE WITH THIS SECTION.

24 (M) A PHYSICIAN ASSISTANT WHO HAS BEEN APPROVED BY THE BOARD TO
25 EXERCISE PRESCRIPTIVE AUTHORITY MAY NOT WRITE PRESCRIPTIONS FOR
26 CONTROLLED DANGEROUS SUBSTANCES IN ACCORDANCE WITH THIS SECTION
27 UNLESS THE PHYSICIAN ASSISTANT HAS:

28 (1) A VALID STATE CONTROLLED DANGEROUS SUBSTANCES
29 REGISTRATION; AND

30 (2) A FEDERAL DRUG ENFORCEMENT AGENCY REGISTRATION.

31 (N)(1) ON A QUARTERLY BASIS, THE BOARD SHALL PROVIDE A LIST OF
32 PHYSICIAN ASSISTANTS WITH PRESCRIPTIVE AUTHORITY TO THE BOARD OF
33 PHARMACY.

34 (2) THE LIST REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION
35 SHALL SPECIFY WHETHER EACH PHYSICIAN ASSISTANT IS AUTHORIZED TO WRITE
36 PRESCRIPTIONS FOR CONTROLLED DANGEROUS SUBSTANCES, NONCONTROLLED
37 SUBSTANCES, NONPRESCRIPTION MEDICATIONS, OR MEDICAL DEVICES.

1 (O) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS
2 OF SUBSECTIONS (H) THROUGH (N) OF THIS SECTION.

3 [(h)] (P) The Committee may conduct a personal interview of the physician
4 assistant and the supervisory physician.

5 [(i)] (Q) On review of the Committee's recommendation, the Board:

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

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

9 [(j)] (R) The physician assistant shall file and obtain the Board's approval
10 of an expanded job description before any substantial change occurs in:

11 (1) The delegated medical acts;

12 (2) The extent of supervision provided; or

13 (3) The practice setting.

14 [(k)] (S) (1) A job description approved under this title shall be reviewed
15 as a component of the certificate renewal process established under § 15-307 of this
16 title.

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1998.