
By: **Delegate Redmer**

Introduced and read first time: February 13, 1998

Assigned to: Judiciary

Reassigned: Environmental Matters, February 16, 1998

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 1998

CHAPTER _____

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 requiring a physician who is supervising a physician assistant to attest to
8 acceptance of responsibility for care given by the physician assistant; requiring
9 a physician to perform certain duties when supervising a physician assistant;
10 prohibiting a physician assistant who has been approved to write prescriptions
11 for certain controlled dangerous substances from doing so unless the physician
12 assistant meets certain requirements; requiring the Board to provide a certain
13 list to the Board of Pharmacy; prohibiting a person from coercing another
14 person into a delegated prescriptive authority arrangement; requiring the Board
15 of Physician Quality Assurance to include in a certain annual report information
16 on the implementation and effects of this Act; providing for the effective date of
17 this Act; and generally relating to the authority of physicians to delegate
18 prescriptive authority to physician assistants.

19 BY repealing and reenacting, without amendments,
20 Article - Health Occupations
21 Section 15-101(b) and (e)
22 Annotated Code of Maryland
23 (1994 Replacement Volume and 1997 Supplement)

24 BY repealing and reenacting, with amendments,

1 Article - Health Occupations
 2 Section 15-101(o), (p), (q), and (r), 15-301(a)(2) and (d), and 15-302(h), (i), (j),
 3 and (k)
 4 Annotated Code of Maryland
 5 (1994 Replacement Volume and 1997 Supplement)

6 BY adding to
 7 Article - Health Occupations
 8 Section 15-101(o) and 15-302(h), (i), (j), (k), (l), (m), (n), and (o)
 9 Annotated Code of Maryland
 10 (1994 Replacement Volume and 1997 Supplement)

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

13 **Article - Health Occupations**

14 15-101.

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

17 (e) "Controlled dangerous substances" has the meaning stated in Art. 27, §
 18 277 of the Code.

19 (O) "PRESCRIPTIVE AUTHORITY" MEANS THE AUTHORITY DELEGATED BY A
 20 PHYSICIAN TO A PHYSICIAN ASSISTANT TO PRESCRIBE, DISPENSE, AND ADMINISTER
 21 CONTROLLED DANGEROUS SUBSTANCES, ~~NONCONTROLLED SUBSTANCES,~~
 22 ~~NONPRESCRIPTION MEDICATION~~ PRESCRIPTION DRUGS AND MEDICATIONS,
 23 NONPRESCRIPTION DRUGS AND MEDICATIONS, AND MEDICAL DEVICES.

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

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

29 (2) Describe the delegated medical acts a physician assistant may
 30 execute; and

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

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

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

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

4 15-301.

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

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

7 and

8 2. Reviewing patient records to develop comprehensive
9 medical status reports;

10 (ii) Performing physical examinations and recording all pertinent
11 patient data;

12 (iii) Interpreting and evaluating patient data as authorized by the
13 supervising physician for the purpose of determining management and treatment of
14 patients;

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

17 (v) Providing instructions and guidance regarding medical care
18 matters to patients;

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

22 1. Recording patient progress notes;

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

25 3. Transcribing or executing specific orders at the direction
26 of the supervising physician; AND

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

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

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

33 2. EXERCISING PRESCRIPTIVE AUTHORITY UNDER AN
34 APPROVED JOB DESCRIPTION AND IN ACCORDANCE WITH § 15-302 OF THIS
35 SUBTITLE.

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

4 15-302.

5 (H) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (D) OF THIS
6 SECTION, THE BOARD MAY AUTHORIZE A PHYSICIAN TO DELEGATE PRESCRIPTIVE
7 AUTHORITY TO A PHYSICIAN ASSISTANT UNDER AN APPROVED JOB DESCRIPTION IF
8 THE PHYSICIAN ASSISTANT:

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

12 (2) STATES ON THE APPLICATION WHETHER CONTROLLED DANGEROUS
13 SUBSTANCES, ~~NONCONTROLLED SUBSTANCES, NONPRESCRIPTION MEDICATIONS~~
14 PRESCRIPTION DRUGS AND MEDICATIONS, NONPRESCRIPTION DRUGS AND
15 MEDICATIONS, OR MEDICAL DEVICES MAY BE PRESCRIBED, DISPENSED, OR
16 ADMINISTERED BY THE PHYSICIAN ASSISTANT;

17 (3) PROVIDES EVIDENCE OF:

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

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

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

23 (I) STATE AND FEDERAL LAWS GOVERNING THE PRESCRIBING OF
24 MEDICATIONS; AND

25 (II) THE ~~PROTOCOLS~~ POLICIES ESTABLISHED BY THE SUPERVISING
26 PHYSICIAN.

27 (I) THE PHYSICIAN SUPERVISING THE PHYSICIAN ASSISTANT SHALL ATTEST
28 TO THE PHYSICIAN'S ACCEPTANCE OF RESPONSIBILITY FOR ANY CARE GIVEN BY THE
29 PHYSICIAN ASSISTANT AND TO HAVING ESTABLISHED MINIMUM CRITERIA FOR
30 PROTOCOLS POLICIES THAT:

31 (1) ALLOW A PHYSICIAN ASSISTANT TO EXERCISE PRESCRIPTIVE
32 AUTHORITY ONLY IN ACCORDANCE WITH THE EXPANDED JOB DESCRIPTION
33 APPROVED BY THE BOARD;

34 (2) REQUIRE A PHYSICIAN WHO HAS BEEN APPROVED BY THE BOARD TO
35 SUPERVISE A PHYSICIAN ASSISTANT, WITHIN A TIME PERIOD REASONABLE AND
36 APPROPRIATE TO THE PRACTICE SETTING AS SPECIFIED BY THE BOARD, TO REVIEW
37 ALL MEDICAL RECORDS CONTAINING A NOTATION OF MEDICATIONS PRESCRIBED OR

1 DISPENSED IN ACCORDANCE WITH THIS SECTION AND TO COUNTERSIGN THOSE
2 NOTATIONS;

3 (3) REQUIRE A PHYSICIAN ASSISTANT TO LEGIBLY SIGN EACH
4 PRESCRIPTION WITH THE NAME OF THE PHYSICIAN ASSISTANT, THE INITIALS "PA-C"
5 THE PHYSICIAN ASSISTANT'S STATE CERTIFICATE NUMBER, AND TO INCLUDE ON
6 THE PRESCRIPTION ANY OTHER NOTATION MANDATED BY THE BOARD, INCLUDING
7 THE SUPERVISING PHYSICIAN'S NAME, BUSINESS ADDRESS, AND BUSINESS
8 TELEPHONE NUMBER;

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

11 (5) REQUIRE A PHYSICIAN WHO HAS BEEN APPROVED BY THE BOARD TO
12 SUPERVISE A PHYSICIAN ASSISTANT TO NOTIFY THE BOARD IF THE PHYSICIAN
13 ASSISTANT'S PRESCRIPTIVE AUTHORITY HAS BEEN RESTRICTED OR REMOVED BY
14 THE SUPERVISING PHYSICIAN; ~~AND~~

15 (6) PROHIBIT THE PRIMARY SUPERVISING PHYSICIAN FROM ASSUMING
16 RESPONSIBILITY FOR MORE THAN TWO PHYSICIAN ASSISTANTS IN A
17 NONINSTITUTIONAL SETTING; AND

18 (7) REQUIRE A WRITTEN EMPLOYMENT CONTRACT OR A WRITTEN
19 PROFESSIONAL AGREEMENT WHICH DESCRIBES THE WORK RELATIONSHIP,
20 CERTIFIES THAT THE SUPERVISING PHYSICIAN RETAINS FINAL AUTHORITY AND
21 RESPONSIBILITY FOR ALL CARE GIVEN BY THE PHYSICIAN ASSISTANT, AND
22 CONTAINS OTHER INFORMATION REQUIRED BY THE BOARD.

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

25 (2) A PHYSICIAN ASSISTANT MAY WRITE PRESCRIPTIONS ONLY FOR
26 SCHEDULE II, SCHEDULE III, SCHEDULE IV, AND SCHEDULE V MEDICATIONS,
27 ~~NONCONTROLLED SUBSTANCES, NONPRESCRIPTION MEDICATIONS~~ PRESCRIPTION
28 DRUGS AND MEDICATIONS, NONPRESCRIPTION DRUGS AND MEDICATIONS, OR
29 MEDICAL DEVICES.

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

31 (I) THE SUPERVISING PHYSICIAN HAS THE LEGAL AUTHORITY TO
32 DISPENSE MEDICATIONS;

33 (II) ALL APPROPRIATE STATE AND FEDERAL REGULATIONS ARE
34 FOLLOWED; AND

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

1 (K) A PHYSICIAN ASSISTANT MAY NOT REQUEST, RECEIVE, AND SIGN FOR
2 PROFESSIONAL SAMPLES AND MAY NOT DISTRIBUTE PROFESSIONAL SAMPLES IN
3 ACCORDANCE WITH THIS SECTION.

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

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

11 (1) A VALID STATE CONTROLLED DANGEROUS SUBSTANCES
12 REGISTRATION; AND

13 (2) A FEDERAL DRUG ENFORCEMENT AGENCY REGISTRATION.

14 (N) (1) ON A QUARTERLY BASIS, THE BOARD SHALL PROVIDE A LIST OF
15 PHYSICIAN ASSISTANTS WITH PRESCRIPTIVE AUTHORITY TO THE BOARD OF
16 PHARMACY.

17 (2) THE LIST REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION
18 SHALL SPECIFY WHETHER EACH PHYSICIAN ASSISTANT IS AUTHORIZED TO WRITE
19 PRESCRIPTIONS FOR CONTROLLED DANGEROUS SUBSTANCES, ~~NONCONTROLLED~~
20 ~~SUBSTANCES, NONPRESCRIPTION MEDICATIONS~~ PRESCRIPTION DRUGS AND
21 MEDICATIONS, NONPRESCRIPTION DRUGS AND MEDICATIONS, OR MEDICAL
22 DEVICES.

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

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

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

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

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

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

33 (1) The delegated medical acts;

34 (2) The extent of supervision provided; or

35 (3) The practice setting.

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

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

6 (T) A PERSON MAY NOT COERCE ANOTHER PERSON TO ENTER INTO A
7 DELEGATED PRESCRIPTIVE AUTHORITY ARRANGEMENT UNDER THIS SECTION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of
9 Physician Quality Assurance shall include in the Board's annual report to the
10 Department of Health and Mental Hygiene and the Medical Chirurgical Faculty of
11 the State of Maryland information relating to the implementation and effects of this
12 Act.

13 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take
14 effect October 1, 1998.