

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 674  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Fulton” and substitute “Fulton, and Hubbard”.

AMENDMENT NO. 2

On page 1, strike beginning with “relate” in line 4 down through “that” in line 5; in line 12, after “agreement;” insert “authorizing a physician to delegate authority to a physician assistant to write medication orders under an approved delegation agreement under certain circumstances; authorizing the Board to adopt certain regulations; prohibiting a certain physician assistant from writing medication orders for certain controlled dangerous substances unless the physician assistant has certain valid registrations;”; and in line 22, after “delegation” insert “to write medical orders or”.

On page 2, in line 8, strike “and 15-302.1” and substitute “through 15-302.3”.

AMENDMENT NO. 3

On page 2, in lines 23, 24, and 29, in each instance, strike the bracket; in line 26, strike “(G)” and substitute “(H)”; in line 28, strike “§§ 15-302 AND 15-302.1” and substitute “§ 15-302 OF THIS TITLE AND:

(1) § 15-302.1 OF THIS TITLE; OR

(2) § 15-302.2”;

and in line 29, strike “(h)” and substitute “(I)”.

AMENDMENT NO. 4

On page 3, in line 4, strike “(i)l” and substitute “(J)”; in line 16, after “assistant.” insert a closing bracket; in line 22, strike the closing bracket and “(I)”; in lines 25 and 27, strike all of the

(Over)

brackets; and in the same lines, strike “(J)” and “(K)”, respectively.

On page 4, in line 1, strike “(L)” and substitute “(O)”; in line 5, strike “[o)” and substitute “(P)”; in line 13, strike “(p)” and substitute “(Q)”; in line 16, strike “(q)] (M)” and substitute “(R)”; in line 18, strike “(N)” and substitute “(S)”; in the same line, strike the third bracket; in line 20, strike the bracket and substitute “.

(2) “SUPERVISION” INCLUDES”;

and strike in their entirety lines 25 and 26.

AMENDMENT NO. 5

On page 5, in line 4, strike “[2)” and substitute “(C)”; in the same line, after “services” insert “THAT MAY BE”; in the same line, strike “are limited to”; in line 25, after “physician;” insert “AND”; strike in their entirety lines 26 through 29, inclusive, and substitute:

“(VII) 1. WRITING MEDICATION ORDERS UNDER AN APPROVED DELEGATION AGREEMENT AND IN ACCORDANCE WITH § 15-302.1 OF THIS SUBTITLE; OR

2. EXERCISING PRESCRIPTIVE AUTHORITY UNDER AN APPROVED DELEGATION AGREEMENT AND IN ACCORDANCE WITH § 15-302.2 OF THIS SUBTITLE.”;

and in line 30, strike “(C)” and substitute “(D)”.

On page 6, in lines 9, 13, 26, and 30, strike “(D)”, “(E)”, “(F)”, and “(G)”, respectively, and substitute “(E)”, “(F)”, “(G)”, and “(H)”, respectively; in line 26, strike the third bracket; in line 27, strike the bracket; strike beginning with “PRESCRIPTIONS” in line 27 down through “DEVICES” in line 28 and substitute “OR THE ABILITY TO EXERCISE PRESCRIPTIVE AUTHORITY”; and after line 36, insert:

“(I) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A PATIENT BEING TREATED REGULARLY FOR A LIFE THREATENING, CHRONIC, DEGENERATIVE, OR DISABLING CONDITION SHALL BE SEEN BY THE SUPERVISING PHYSICIAN AS FREQUENTLY AS THE PATIENT’S CONDITION REQUIRES, BUT NO LESS THAN WITHIN EVERY FIVE APPOINTMENTS OR WITHIN 180 DAYS, WHICHEVER OCCURS FIRST.”.

AMENDMENT NO. 6

On page 11, strike beginning with “ASSUMPTION” in line 31 down through “AND” in line 33 and substitute “THE PHYSICIAN’S ACCEPTANCE OF RESPONSIBILITY FOR ANY CARE GIVEN BY THE PHYSICIAN ASSISTANT;”

(7) AN ATTESTATION BY THE SUPERVISING PHYSICIAN THAT THE PHYSICIAN WILL RESPOND IN A TIMELY MANNER WHEN CONTACTED BY THE PHYSICIAN ASSISTANT; AND”;

and in line 34, strike “(7)” and substitute “(8)”.

On page 12, in line 33, strike “FOUR” and substitute “TWO”.

AMENDMENT NO. 7

On page 12, in line 1, after “(C)” insert “(1)”; and after line 4, insert:

“(2) THE BOARD SHALL SET THE APPLICATION FEE SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COST OF REVIEWING AND APPROVING DELEGATION AGREEMENTS AND ANY OTHER RELATED SERVICES PROVIDED.”.

AMENDMENT NO. 8

On page 13, after line 1, insert:

“(A) A PHYSICIAN MAY DELEGATE THE AUTHORITY TO WRITE MEDICATION ORDERS UNDER AN APPROVED DELEGATION AGREEMENT IF:

(1) THE SUPERVISING PHYSICIAN AND THE PHYSICIAN ASSISTANT INCLUDE IN THE DELEGATION AGREEMENT:

(I) A STATEMENT OF WHETHER CONTROLLED DANGEROUS SUBSTANCES, NONCONTROLLED SUBSTANCES, OR NONPRESCRIPTION MEDICATIONS MAY BE ORDERED BY THE PHYSICIAN ASSISTANT;

(Over)

(II) EVIDENCE OF:

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

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

(III) ATTESTATION THAT THE PHYSICIAN ASSISTANT WILL  
COMPLY WITH:

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

2. THE PROTOCOLS ESTABLISHED BY THE HOSPITAL,  
PUBLIC HEALTH FACILITY, CORRECTIONAL FACILITY, OR DETENTION CENTER  
WHERE THE PHYSICIAN ASSISTANT IS REQUESTING PERMISSION TO WRITE  
MEDICATION ORDERS;

(2) THE HOSPITAL, PUBLIC HEALTH FACILITY, CORRECTIONAL  
FACILITY, OR DETENTION CENTER WHERE THE PHYSICIAN ASSISTANT IS  
REQUESTING PERMISSION TO WRITE MEDICATION ORDERS:

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

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

1. ALLOW A PHYSICIAN ASSISTANT TO WRITE MEDICATION  
ORDERS ONLY IN ACCORDANCE WITH CLINICAL PRIVILEGES AND THE DELEGATION  
AGREEMENT APPROVED BY THE BOARD;

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

3. PROHIBIT A PHYSICIAN ASSISTANT FROM USING PRESIGNED PRESCRIPTIONS;

4. PROHIBIT A PHYSICIAN ASSISTANT FROM DISPENSING MEDICATIONS;

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

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

7. PROHIBIT A PHYSICIAN ASSISTANT FROM VERBALLY TRANSMITTING A MEDICATION ORDER OVER THE TELEPHONE FROM OUTSIDE THE HOSPITAL, PUBLIC HEALTH FACILITY, CORRECTIONAL FACILITY, OR DETENTION CENTER, WHICH SHALL NOT BE CONSTRUED TO PROHIBIT VERBAL ORDERS BY A PHYSICIAN ASSISTANT WITHIN A HOSPITAL, PUBLIC HEALTH FACILITY, CORRECTIONAL FACILITY, OR DETENTION CENTER; AND

8. REQUIRE A PHYSICIAN WHO HAS BEEN APPROVED BY THE BOARD TO SUPERVISE A PHYSICIAN ASSISTANT TO NOTIFY THE BOARD IF THE

(Over)

PHYSICIAN ASSISTANT'S AUTHORITY TO WRITE MEDICATION ORDERS HAS BEEN RESTRICTED, REMOVED BY THE SUPERVISING PHYSICIAN, REVOKED BY DISCIPLINARY MEASURES OF A HOSPITAL, PUBLIC HEALTH FACILITY, CORRECTIONAL FACILITY, OR DETENTION CENTER, OR IF THE PHYSICIAN ASSISTANT NO LONGER PROVIDES CARE IN A SETTING WHERE MEDICATION ORDER WRITING HAS BEEN AUTHORIZED;

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

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

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

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

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

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

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

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

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

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

(7) THE SUPERVISING PHYSICIAN:

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

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

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

(B) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(Over)

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

(1) STATE CONTROLLED DANGEROUS SUBSTANCES REGISTRATION;  
AND

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

15-302.2.”.

AMENDMENT NO. 9

On page 13, in line 31, after “(III)” insert “PRIOR”; and strike beginning with “PRESCRIPTIONS” in line 32 down through “DEVICES” in line 33 and substitute “MEDICATION ORDERS”.

AMENDMENT NO. 10

On page 14, after line 6, insert “15-302.3.”; in lines 7, 11, and 15, strike “(C) (1)”, “(2)”, and “(3)”, respectively, and substitute “(A)”, “(B)”, and “(C)”, respectively; strike beginning with “PRESCRIBING” in line 9 down through “DEVICES” in line 10 and substitute “AUTHORITY TO WRITE MEDICATION ORDERS OR TO EXERCISE PRESCRIPTIVE AUTHORITY”; strike beginning with “PRESCRIBING” in line 15 down through “DEVICES” in line 17 and substitute “AUTHORITY TO WRITE MEDICATION ORDERS OR TO EXERCISE PRESCRIPTIVE AUTHORITY”; and in line 24, strike “October” and substitute “June”.