
By: **Delegates Redmer, Ports, Klausmeier, Stull, Weir, Frush, Petzold,
Owings, Dewberry, Mitchell, D. Davis, Malone, Dembrow, and ~~Fulton~~
Fulton, and Hubbard**

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CHAPTER _____

1 AN ACT concerning

2 **Patient Prescription Access - Limited Physician Delegation to Physician**
3 **Assistants**

4 FOR the purpose of repealing certain provisions that ~~relate to patient services~~
5 ~~provided by a physician assistant and that~~ require a physician assistant to
6 obtain an approved job description from the Board of Physician Quality
7 Assurance in order to perform certain delegated medical acts; substituting
8 provisions that authorize a physician to delegate certain medical acts to a
9 physician assistant under a delegation agreement that has been approved by the
10 Board of Physician Quality Assurance; specifying the contents of a delegation
11 agreement and procedures for review, approval, disapproval, and modification of
12 a delegation agreement; authorizing a physician to delegate authority to a
13 physician assistant to write medication orders under an approved delegation
14 agreement under certain circumstances; authorizing the Board to adopt certain
15 regulations; prohibiting a certain physician assistant from writing medication
16 orders for certain controlled dangerous substances unless the physician
17 assistant has certain valid registrations; prohibiting a supervising physician
18 from delegating the prescribing and administering of controlled dangerous
19 substances, prescription drugs, or medical devices unless certain information is
20 included in the delegation agreement and certain other requirements are met;
21 prohibiting a physician from delegating to a physician assistant the prescribing
22 of certain controlled dangerous substances; providing that a physician assistant
23 is the agent of the supervising physician in the performance of certain
24 practice-related activities; requiring the Board of Physician Quality Assurance
25 to provide a certain list to the Board of Pharmacy; requiring a supervising
26 physician to provide certain notice to the Board of Physician Quality Assurance

1 when the supervising physician restricts or removes a delegation to write
2 medical orders or to prescribe controlled dangerous substances, prescription
3 drugs, or medical devices; requiring the Board of Physician Quality Assurance to
4 include certain information in its annual report; defining certain terms; and
5 generally relating to health occupations, physician assistants, and the authority
6 of physicians to delegate prescriptive authority to physician assistants.

7 BY repealing and reenacting, with amendments,
8 Article - Health Occupations
9 Section 15-101 and 15-301
10 Annotated Code of Maryland
11 (1994 Replacement Volume and 1998 Supplement)

12 BY repealing
13 Article - Health Occupations
14 Section 15-302
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1998 Supplement)

17 BY adding to
18 Article - Health Occupations
19 Section 15-302 ~~and 15-302.1~~ through 15-302.3
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1998 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,
28 established under § 14-201 of this article.

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

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

32 (e) "Controlled dangerous substances" has the meaning stated in Art. 27, §
33 277 of the Code.

34 (f) ¶"Correctional facility" includes a State or local correctional facility.

1 (g)} "Delegated medical acts" means activities that constitute the practice of
 2 medicine delegated by a physician under Title 14 of this article.

3 ~~(G)~~ (H) "DELEGATION AGREEMENT" MEANS A DOCUMENT THAT IS
 4 EXECUTED BY A SUPERVISING PHYSICIAN AND A PHYSICIAN ASSISTANT
 5 CONTAINING THE REQUIREMENTS OF ~~§§ 15-302 AND 15-302.1~~ § 15-302 OF THIS TITLE
 6 AND:

7 (1) § 15-302.1 OF THIS TITLE; OR

8 (2) § 15-302.2 OF THIS TITLE.

9 ~~(H)~~ (I) "Designated pharmacy" means a pharmacy that has an agreement
 10 to supply medications for a hospital, public health facility, correctional facility, or
 11 detention center if:

12 (1) The hospital, public health facility, correctional facility, or detention
 13 center does not have an on-site pharmacy; or

14 (2) The on-site pharmacy at the hospital, public health facility,
 15 correctional facility, or detention center is closed or does not have a particular
 16 medication in stock.

17 ~~(i)}~~ (J) "Hospital" means:

18 (1) A hospital as defined under § 19-301(f) of the Health - General
 19 Article;

20 (2) A comprehensive care facility that:

21 (i) Meets the requirements of a hospital-based skilled nursing
 22 facility under federal law;

23 (ii) Offers acute care in the same building; and

24 (iii) Has the same protocols and degree of supervision of physician
 25 assistants as it does in its acute care area; and

26 (3) An emergency room that is physically connected to a hospital.

27 [(j) "Job description" means a document executed by a physician assistant and
 28 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 chart:

31 (1) For controlled dangerous substances, noncontrolled substances, or
 32 nonprescription medications; and

33 (2) In accordance with the protocols of a hospital, public health facility,
 34 correctional facility, or detention center.

1 (l) } ~~(H)~~ "National certifying examination" means an examination offered by a
 2 national organization, which certifies physician assistants as having achieved a
 3 certain level of training.

4 {(m)} ~~(I)~~ "Physician assistant" means an individual who is certified under this
 5 title to perform delegated medical acts under the supervision of a physician.

6 {(n)} ~~(K)~~ "Practice as a physician assistant" means the performance of medical
 7 acts THAT ARE:

8 (1) [delegated] DELEGATED BY A SUPERVISING PHYSICIAN to a
 9 physician assistant [under this title];

10 (2) WITHIN THE SUPERVISING PHYSICIAN'S SCOPE OF PRACTICE; AND

11 (3) APPROPRIATE TO THE PHYSICIAN ASSISTANT'S EDUCATION,
 12 TRAINING, AND EXPERIENCE.

13 ~~(L)~~ (O) "PRESCRIPTIVE AUTHORITY" MEANS THE AUTHORITY DELEGATED
 14 BY A SUPERVISING PHYSICIAN TO A PHYSICIAN ASSISTANT TO PRESCRIBE AND
 15 ADMINISTER CONTROLLED DANGEROUS SUBSTANCES, PRESCRIPTION DRUGS, AND
 16 MEDICAL DEVICES.

17 ~~(M)~~ (P) "Protocols" means written policies, bylaws, rules, or regulations
 18 established by a hospital, public health facility, correctional facility, or detention
 19 center that:

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

22 (2) Describe the delegated medical acts a physician assistant may
 23 execute; and

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

25 ~~(N)~~ (Q) "Public health facility" means a fixed site where clinical public health
 26 services are rendered under the auspices of the Department, a local health
 27 department in a county, or the Baltimore City Health Department.

28 ~~(O)~~ ~~(M)~~ (R) "Supervising physician" means a physician who has been
 29 approved by the Board to supervise 1 or more physician assistants.

30 [(r)] ~~(N)~~ (S) (1) "Supervision" means {the responsibility of a physician to
 31 exercise on site supervision or immediately available direction for physician
 32 assistants performing delegated medical acts}.

33 (2) "SUPERVISION" INCLUDES PHYSICIAN OVERSIGHT OF AND
 34 ACCEPTANCE OF DIRECT RESPONSIBILITY FOR THE PATIENT SERVICES AND CARE
 35 RENDERED BY A PHYSICIAN ASSISTANT, INCLUDING CONTINUOUS AVAILABILITY TO

1 THE PHYSICIAN ASSISTANT IN PERSON, THROUGH WRITTEN INSTRUCTIONS, OR BY
2 ELECTRONIC MEANS.

3 ~~(2) "SUPERVISION" MAY NOT BE CONSTRUED TO REQUIRE ON-SITE~~
4 ~~SUPERVISION AT ALL TIMES.~~

5 15-301.

6 (a) NOTHING IN THIS TITLE MAY BE CONSTRUED TO AUTHORIZE A PHYSICIAN
7 ASSISTANT TO PRACTICE INDEPENDENT OF A SUPERVISING PHYSICIAN.

8 [(1)] (B) A certificate issued to a physician assistant shall limit the
9 physician assistant's scope of practice to MEDICAL ACTS:

10 (1) DELEGATED BY THE SUPERVISING PHYSICIAN;

11 [(i)] (2) [Services within the training or] APPROPRIATE TO THE
12 EDUCATION, TRAINING, AND experience of the physician assistant;

13 [(ii)] (3) [Services customary] CUSTOMARY to the practice of the
14 supervising physician;

15 [(iii)] Services delegated by the supervising physician;] and

16 [(iv)] (4) [The approved job description from] CONSISTENT WITH
17 THE DELEGATION AGREEMENT SUBMITTED TO the Board.

18 ~~(2)~~ (C) Patient services THAT MAY BE provided by a physician assistant
19 ~~are limited to:~~

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

22 2. Reviewing patient records to develop comprehensive
23 medical status reports;

24 (ii) Performing physical examinations and recording all pertinent
25 patient data;

26 (iii) Interpreting and evaluating patient data as authorized by the
27 supervising physician for the purpose of determining management and treatment of
28 patients;

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

31 (v) Providing instructions and guidance regarding medical care
32 matters to patients;

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

- 4 1. Recording patient progress notes;
 5 2. Issuing diagnostic orders that must be countersigned by
 6 the supervising physician within 48 hours; and
 7 3. Transcribing or executing specific orders at the direction
 8 of the supervising physician; AND

9 ~~(vii) Writing medication orders under an approved job description~~
 10 ~~and in accordance with § 15-302 of this subtitle; and~~

11 ~~(viii) Other medical acts permitted to be delegated under an~~
 12 ~~approved job description.]~~

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

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

19 [(b)] ~~(C)~~ (D) (1) Except as otherwise provided in this title, an individual
 20 shall be certified by the Board before the individual may practice as a physician
 21 assistant.

22 [(2)] (2) Nothing in this title may be construed to authorize a physician
 23 assistant to practice independent of a supervising physician.]

24 [(3)] (2) Except as otherwise provided in this title, a physician may not
 25 supervise a physician assistant in the performance of delegated medical acts without
 26 the approval of the Board.

27 [(4)] (3) Except as otherwise provided in this title or in a medical
 28 emergency, a physician assistant may not perform any medical act for which:

- 29 (i) The individual has not been certified; and
 30 (ii) The medical acts have not been delegated by a supervising
 31 physician.

32 ~~(D)~~ (E) A PHYSICIAN ASSISTANT IS THE AGENT OF THE SUPERVISING
 33 PHYSICIAN IN THE PERFORMANCE OF ALL PRACTICE-RELATED ACTIVITIES,
 34 INCLUDING THE ORAL, WRITTEN, OR ELECTRONIC ORDERING OF DIAGNOSTIC,
 35 THERAPEUTIC, AND OTHER MEDICAL SERVICES.

1 [(c)] ~~(E)~~ (F) Except as provided in subsection [(d)] (F) of this section, the
2 following individuals may practice as a physician assistant without a certificate:

3 (1) A physician assistant student in a PHYSICIAN ASSISTANT training
4 program THAT IS ACCREDITED BY THE COMMISSION ON ALLIED HEALTH EDUCATION
5 PROGRAMS AND approved by the Board[, while performing the delegated medical acts
6 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
13 government while performing duties incident to that employment.

14 [(d)] ~~(F)~~ (G) A physician may not delegate the authority to write medication
15 orders} ~~PRESCRIPTIONS FOR CONTROLLED DANGEROUS SUBSTANCES,~~
16 ~~PRESCRIPTION DRUGS, OR MEDICAL DEVICES OR THE ABILITY TO EXERCISE~~
17 ~~PRESCRIPTIVE AUTHORITY~~ to a physician assistant student in a training program
18 approved by the Board.

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

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

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

31 [15-302.

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

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

35 (1) Submit an application to the Board:

- 1 (i) Listing all medical acts to be delegated to the physician
2 assistant and the supervision to be performed;
- 3 (ii) Describing the setting in which the physician assistant shall
4 practice and the qualifications of the supervising physician;
- 5 (iii) Describing the specialized training provided to the physician
6 assistant and the supervision to be provided by the supervising physician; and
- 7 (iv) Providing other information deemed necessary by the Board or
8 the Committee;
- 9 (2) Submit to the Board the fee set by the Board; and
- 10 (3) Comply with all other requirements established by the Board.
- 11 (c) The Committee shall:
- 12 (1) Evaluate the qualifications of the physician assistant for delegated
13 medical acts to be performed under the job description; and
- 14 (2) Recommend to the Board the approval, rejection, or modification of
15 any application for a job description.
- 16 (d) The Board may authorize a physician to delegate the authority to write
17 medication orders under an approved job description only if:
- 18 (1) The physician assistant:
- 19 (i) Completes an application for expanded job duties on a form
20 provided by the Board regardless of whether the physician assistant already has a job
21 description on file with the Board;
- 22 (ii) States on the application whether controlled dangerous
23 substances, noncontrolled substances, or nonprescription medications may be ordered
24 by the physician assistant;
- 25 (iii) Provides evidence of:
- 26 1. Certification by the National Commission on the
27 Certification of Physician Assistants, Inc. within the previous 2 years; or
- 28 2. Successful completion of 8 category 1 hours in
29 pharmacology education within the previous 2 years; and
- 30 (iv) Attests that the physician assistant will comply with:
- 31 1. State and federal laws governing the prescribing of
32 medications; and

1 (3) In a hospital, correctional facility, or detention center, the authority
2 of a physician assistant to write medication orders complies with the following
3 limitations:

4 (i) A physician assistant may write medication orders only for
5 Schedule II, Schedule III, Schedule IV, and Schedule V Medications, noncontrolled
6 substances, and nonprescription medications; and

7 (ii) Medication orders must be administered on-site;

8 (4) In a public health facility, the authority of a physician assistant to
9 write medication orders complies with the following limitations:

10 (i) A physician assistant may not write medication orders for
11 controlled dangerous substances; and

12 (ii) A physician assistant may write a medication order for the
13 treatment of:

14 1. Human Immunodeficiency Virus (HIV) or an infectious
15 disease other than a sexually transmitted disease only after a patient is evaluated by
16 a physician and if the medication order is written in accordance with protocols
17 established by the Department; and

18 2. A sexually transmitted disease only after the physician
19 assistant determines, based on diagnostic parameters, that a patient has a sexually
20 transmitted disease and if the medication order is written in accordance with
21 protocols;

22 (5) In a hospital, correctional facility, or detention center, each
23 medication order is countersigned by a supervising physician within 48 hours;

24 (6) In a public health facility, each medication order is countersigned by
25 a supervising physician within 72 hours;

26 (7) The supervising physician:

27 (i) Attests that the physician assistant has been credentialed by
28 the hospital, public health facility, correctional facility, or detention center to write
29 medication orders for controlled dangerous substances, noncontrolled substances, or
30 nonprescription medications; and

31 (ii) Notifies the Board if the physician assistant's authority to write
32 medication orders has been restricted or removed by the supervising physician,
33 revoked by disciplinary measures of a hospital, public health facility, correctional
34 facility, or detention center, or if the physician assistant no longer provides care in a
35 setting where medication order writing has been authorized; and

1 (8) In an emergency room, a physician assistant discusses a patient's
2 treatment plan, including medication orders, with a supervising physician prior to
3 patient discharge.

4 (e) The Board shall adopt regulations to carry out the provisions of this
5 section.

6 (f) A physician assistant who has been approved by the Board to write
7 medication orders may not write medication orders for controlled dangerous
8 substances in accordance with this section unless the physician assistant has a valid:

9 (1) State controlled dangerous substances registration; and

10 (2) Federal Drug Enforcement Agency (DEA) registration unless the
11 registration is waived by the DEA.

12 (g) (1) On a quarterly basis, the Board shall provide a list of physician
13 assistants authorized to write medication orders to:

14 (i) Each pharmacy located in or designated by a hospital, public
15 health facility, correctional facility, or detention center; and

16 (ii) The Board of Pharmacy.

17 (2) The list required under paragraph (1) of this subsection shall specify
18 whether each physician assistant is authorized to write medication orders for
19 controlled dangerous substances, noncontrolled substances, or nonprescription
20 medications.

21 (h) The Committee may conduct a personal interview of the physician
22 assistant and the supervisory physician.

23 (i) On review of the Committee's recommendation, the Board:

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

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

27 (j) The physician assistant shall file and obtain the Board's approval of an
28 expanded job description before any substantial change occurs in:

29 (1) The delegated medical acts;

30 (2) The extent of supervision provided; or

31 (3) The practice setting.

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

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

3 15-302.

4 (A) SUBJECT TO THE PROVISIONS OF SUBSECTION (I) OF THIS SECTION, THE
5 BOARD MAY AUTHORIZE A PHYSICIAN TO DELEGATE MEDICAL ACTS TO A PHYSICIAN
6 ASSISTANT ONLY AFTER:

7 (1) A DELEGATION AGREEMENT HAS BEEN EXECUTED AND SUBMITTED
8 TO THE COMMITTEE FOR REVIEW TO ENSURE THE DELEGATION AGREEMENT
9 CONTAINS THE REQUIREMENTS OF THIS SUBTITLE; AND

10 (2) THE BOARD HAS REVIEWED AND APPROVED A FAVORABLE
11 RECOMMENDATION BY THE COMMITTEE THAT THE REQUIREMENTS OF THIS
12 SUBTITLE HAVE BEEN MET.

13 (B) THE DELEGATION AGREEMENT SHALL CONTAIN:

14 (1) A DESCRIPTION OF THE QUALIFICATIONS OF THE SUPERVISING
15 PHYSICIAN AND PHYSICIAN ASSISTANT;

16 (2) A DESCRIPTION OF THE SETTINGS IN WHICH THE PHYSICIAN
17 ASSISTANT WILL PRACTICE;

18 (3) A DESCRIPTION OF THE CONTINUOUS PHYSICIAN SUPERVISION
19 MECHANISMS THAT ARE REASONABLE AND APPROPRIATE TO THE PRACTICE
20 SETTING;

21 (4) AN ATTESTATION THAT ALL MEDICAL ACTS TO BE DELEGATED TO
22 THE PHYSICIAN ASSISTANT ARE WITHIN THE SCOPE OF PRACTICE OF THE
23 SUPERVISING PHYSICIAN AND APPROPRIATE TO THE PHYSICIAN ASSISTANT'S
24 EDUCATION, TRAINING, AND LEVEL OF COMPETENCE;

25 (5) AN ATTESTATION OF CONTINUOUS SUPERVISION OF THE PHYSICIAN
26 ASSISTANT BY THE SUPERVISING PHYSICIAN THROUGH THE MECHANISMS
27 DESCRIBED IN THE DELEGATION AGREEMENT;

28 (6) AN ATTESTATION BY THE SUPERVISING PHYSICIAN OF ~~ASSUMPTION~~
29 ~~OF PROFESSIONAL AND LEGAL LIABILITY FOR THE PHYSICIAN ASSISTANT'S PATIENT~~
30 ~~CARE ACTIVITIES; AND THE PHYSICIAN'S ACCEPTANCE OF RESPONSIBILITY FOR ANY~~
31 ~~CARE GIVEN BY THE PHYSICIAN ASSISTANT;~~

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

35 (8) ANY OTHER INFORMATION DEEMED NECESSARY BY THE
36 BOARD OR COMMITTEE TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

1 (C) (1) THE DELEGATION AGREEMENT SHALL BE SUBMITTED WITH THE
2 APPLICATION FEE ESTABLISHED BY THE BOARD AND THE SUPERVISING PHYSICIAN
3 AND PHYSICIAN ASSISTANT SHALL COMPLY WITH ALL OTHER REQUIREMENTS
4 ESTABLISHED BY THE BOARD IN ACCORDANCE WITH THIS TITLE.

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

8 (D) THE COMMITTEE SHALL REVIEW THE DELEGATION AGREEMENT AND
9 RECOMMEND TO THE BOARD THAT THE DELEGATION AGREEMENT BE APPROVED,
10 REJECTED, OR MODIFIED TO ENSURE CONFORMANCE WITH THE REQUIREMENTS OF
11 THIS TITLE.

12 (E) THE COMMITTEE MAY CONDUCT A PERSONAL INTERVIEW OF THE
13 SUPERVISING PHYSICIAN AND THE PHYSICIAN ASSISTANT.

14 (F) ON REVIEW OF THE COMMITTEE'S RECOMMENDATION REGARDING A
15 SUPERVISING PHYSICIAN'S REQUEST TO DELEGATE MEDICAL ACTS AS DESCRIBED IN
16 A DELEGATION AGREEMENT, THE BOARD:

17 (1) MAY APPROVE OR, FOR GOOD CAUSE, MODIFY OR DISAPPROVE THE
18 COMMITTEE'S RECOMMENDATION; AND

19 (2) SHALL NOTIFY THE SUPERVISING PHYSICIAN AND PHYSICIAN
20 ASSISTANT IN WRITING OF THE REASONS FOR A BOARD DECISION TO MODIFY OR
21 DISAPPROVE THE PHYSICIAN'S REQUEST TO DELEGATE MEDICAL ACTS AS
22 DESCRIBED IN THE DELEGATION AGREEMENT.

23 (G) IF THE BOARD DETERMINES THAT A SUPERVISING PHYSICIAN OR
24 PHYSICIAN ASSISTANT IS PRACTICING IN A MANNER INCONSISTENT WITH THE
25 REQUIREMENTS OF THIS TITLE OR TITLE 14 OF THIS ARTICLE, THE BOARD ON ITS
26 OWN INITIATIVE OR ON THE RECOMMENDATION OF THE COMMITTEE MAY DEMAND
27 MODIFICATION OF THE PRACTICE, WITHDRAW THE APPROVAL OF THE DELEGATION
28 AGREEMENT, OR TAKE OTHER DISCIPLINARY ACTION UNDER § 14-404 OR § 15-314 OF
29 THIS ARTICLE.

30 (H) (1) A DELEGATION AGREEMENT APPROVED UNDER THIS SUBTITLE MAY
31 BE REVIEWED AS A COMPONENT OF THE CERTIFICATE RENEWAL PROCESS
32 ESTABLISHED UNDER § 15-307 OF THIS SUBTITLE.

33 (2) A DELEGATION AGREEMENT SHALL EXPIRE WHEN A PHYSICIAN
34 ASSISTANT'S CERTIFICATE EXPIRES.

35 (I) THE BOARD MAY NOT AUTHORIZE A PHYSICIAN TO DELEGATE MEDICAL
36 ACTS UNDER A DELEGATION AGREEMENT TO MORE THAN ~~FOUR~~ TWO PHYSICIAN
37 ASSISTANTS IN A NONHOSPITAL SETTING.

38 (J) A PERSON MAY NOT COERCE ANOTHER PERSON TO ENTER INTO A
39 DELEGATION AGREEMENT UNDER THIS SUBTITLE.

1 15-302.1.

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

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

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

9 (II) EVIDENCE OF:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (7) THE SUPERVISING PHYSICIAN:

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

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

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

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

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

1 (1) STATE CONTROLLED DANGEROUS SUBSTANCES REGISTRATION; AND

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

4 15-302.2.

5 (A) A SUPERVISING PHYSICIAN MAY NOT DELEGATE PRESCRIBING AND
6 ADMINISTERING OF CONTROLLED DANGEROUS SUBSTANCES, PRESCRIPTION DRUGS,
7 OR MEDICAL DEVICES UNLESS THE SUPERVISING PHYSICIAN AND PHYSICIAN
8 ASSISTANT INCLUDE IN THE DELEGATION AGREEMENT:

9 (1) A NOTICE OF INTENT TO DELEGATE PRESCRIBING OF CONTROLLED
10 DANGEROUS SUBSTANCES, PRESCRIPTION DRUGS, OR MEDICAL DEVICES;

11 (2) AN ATTESTATION THAT ALL PRESCRIBING ACTIVITIES OF THE
12 PHYSICIAN ASSISTANT WILL COMPLY WITH APPLICABLE FEDERAL AND STATE
13 REGULATIONS;

14 (3) AN ATTESTATION THAT ALL MEDICAL CHARTS OR RECORDS:

15 (I) WILL CONTAIN A NOTATION OF ANY PRESCRIPTIONS WRITTEN
16 BY A PHYSICIAN ASSISTANT IN ACCORDANCE WITH THIS SECTION; AND

17 (II) WILL BE REVIEWED AND COSIGNED BY THE SUPERVISING
18 PHYSICIAN WITHIN A PERIOD REASONABLE AND APPROPRIATE TO THE PRACTICE
19 SETTING AND CONSISTENT WITH CURRENT STANDARDS OF ACCEPTABLE MEDICAL
20 PRACTICE;

21 (4) AN ATTESTATION THAT ALL PRESCRIPTIONS WRITTEN UNDER THIS
22 SECTION WILL INCLUDE THE PHYSICIAN ASSISTANT'S NAME AND THE SUPERVISING
23 PHYSICIAN'S NAME, BUSINESS ADDRESS, AND BUSINESS TELEPHONE NUMBER
24 LEGIBLY WRITTEN OR PRINTED;

25 (5) EVIDENCE DEMONSTRATING:

26 (I) PASSAGE OF THE PHYSICIAN ASSISTANT NATIONAL
27 CERTIFICATION EXAM ADMINISTERED BY THE NATIONAL COMMISSION ON THE
28 CERTIFICATION OF PHYSICIAN ASSISTANTS WITHIN THE PREVIOUS 2 YEARS; OR

29 (II) SUCCESSFUL COMPLETION OF 8 CATEGORY 1 HOURS OF
30 PHARMACOLOGY EDUCATION WITHIN THE PREVIOUS 2 YEARS; AND

31 (6) EVIDENCE DEMONSTRATING:

32 (I) A BACHELOR'S DEGREE OR ITS EQUIVALENT;

33 (II) 2 YEARS OF WORK EXPERIENCE AS A PHYSICIAN ASSISTANT; OR

34 (III) PRIOR APPROVAL BY THE BOARD OF A JOB DESCRIPTION,
35 INCLUDING APPROVAL FOR WRITING PRESCRIPTIONS FOR CONTROLLED

1 ~~DANGEROUS SUBSTANCES, PRESCRIPTION DRUGS, AND MEDICAL DEVICES~~
 2 MEDICATION ORDERS.

3 (B) (1) A SUPERVISING PHYSICIAN MAY NOT DELEGATE THE PRESCRIBING
 4 OF SUBSTANCES THAT ARE IDENTIFIED AS SCHEDULE I CONTROLLED DANGEROUS
 5 SUBSTANCES UNDER ARTICLE 27, § 279 OF THE CODE.

6 (2) A SUPERVISING PHYSICIAN MAY NOT DELEGATE THE PRESCRIBING
 7 OF CONTROLLED DANGEROUS SUBSTANCES TO A PHYSICIAN ASSISTANT UNLESS
 8 THE PHYSICIAN ASSISTANT HAS A VALID:

9 (I) STATE CONTROLLED DANGEROUS SUBSTANCE REGISTRATION;
 10 AND

11 (II) FEDERAL DRUG ENFORCEMENT AGENCY (DEA) REGISTRATION.

12 15-302.3.

13 ~~(C)~~ ~~(A)~~ (A) ON A QUARTERLY BASIS, THE BOARD SHALL PROVIDE TO THE
 14 BOARD OF PHARMACY A LIST OF PHYSICIAN ASSISTANTS WHOSE DELEGATION
 15 AGREEMENTS INCLUDE THE DELEGATION OF ~~PRESCRIBING CONTROLLED~~
 16 ~~DANGEROUS SUBSTANCES, PRESCRIPTION DRUGS, OR MEDICAL DEVICES~~
 17 AUTHORITY TO WRITE MEDICATION ORDERS OR TO EXERCISE PRESCRIPTIVE
 18 AUTHORITY.

19 ~~(B)~~ (B) THE LIST REQUIRED UNDER PARAGRAPH (1) OF THIS
 20 SUBSECTION SHALL SPECIFY WHETHER EACH PHYSICIAN ASSISTANT HAS BEEN
 21 DELEGATED THE AUTHORITY TO PRESCRIBE CONTROLLED DANGEROUS
 22 SUBSTANCES, PRESCRIPTION DRUGS, OR MEDICAL DEVICES.

23 ~~(C)~~ (C) IF A SUPERVISING PHYSICIAN WHO HAS DELEGATED
 24 ~~PRESCRIBING OR ADMINISTERING OF CONTROLLED DANGEROUS SUBSTANCES,~~
 25 ~~PRESCRIPTION DRUGS, OR MEDICAL DEVICES~~ AUTHORITY TO WRITE MEDICATION
 26 ORDERS OR TO EXERCISE PRESCRIPTIVE AUTHORITY TO A PHYSICIAN ASSISTANT
 27 SUBSEQUENTLY RESTRICTS OR REMOVES THE DELEGATION, THE SUPERVISING
 28 PHYSICIAN SHALL NOTIFY THE BOARD OF THE RESTRICTION OR REMOVAL WITHIN 5
 29 BUSINESS DAYS.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of
 31 Physician Quality Assurance shall include in the Board's annual report information
 32 relating to the implementation and effects of this Act.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 34 ~~October~~ June 1, 1999.

