
By: **Delegates Guns and Petzold**
Introduced and read first time: February 21, 2000
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Physician Assistants - Delegation Agreements**

3 FOR the purpose of allowing the Board to designate by regulation the routine duties
4 of a physician assistant; requiring proof of advanced training for other than
5 routine duties; authorizing a supervising physician to delegate certain medical
6 acts to a certain number of physician assistants in a correctional or public
7 health facility; authorizing a delegation agreement for an alternate supervising
8 physician under certain circumstances; and generally relating to delegation
9 agreements and physician assistants.

10 BY adding to
11 Article - Health Occupations
12 Section 15-205(c)
13 Annotated Code of Maryland
14 (1994 Replacement Volume and 1999 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Health Occupations
17 Section 15-302
18 Annotated Code of Maryland
19 (1994 Replacement Volume and 1999 Supplement)

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

22 **Article - Health Occupations**

23 15-205.

24 (C) (1) THE BOARD, BY REGULATION, MAY DESIGNATE ROUTINE AREAS OF
25 PRACTICE, INCLUDING SURGERY AND ANESTHESIA.

26 (2) THE BOARD MAY REQUIRE SPECIALIZED, ADVANCED, OR MORE
27 EXTENSIVE TRAINING, OR CLOSER SUPERVISION, AS A PRECONDITION TO THE
28 DELEGATION OF DUTIES IN THESE AREAS.

1 15-302.

2 (a) Subject to the provisions of subsection (i) of this section, the Board may
3 authorize a physician to delegate medical acts to a physician assistant only after:

4 (1) A delegation agreement has been executed and submitted to the
5 Committee for review to ensure the delegation agreement contains the requirements
6 of this subtitle; and

7 (2) The Board has reviewed and approved a favorable recommendation
8 by the Committee that the requirements of this subtitle have been met.

9 (b) The delegation agreement shall contain:

10 (1) A description of the qualifications of the supervising physician and
11 physician assistant;

12 (2) A description of the settings in which the physician assistant will
13 practice;

14 (3) A description of the continuous physician supervision mechanisms
15 that are reasonable and appropriate to the practice setting;

16 (4) An attestation that all medical acts to be delegated to the physician
17 assistant are within the scope of practice of the supervising physician and appropriate
18 to the physician assistant's education, training, and level of competence;

19 (5) An attestation of continuous supervision of the physician assistant by
20 the supervising physician through the mechanisms described in the delegation
21 agreement;

22 (6) An attestation by the supervising physician of the physician's
23 acceptance of responsibility for any care given by the physician assistant;

24 (7) An attestation by the supervising physician that the physician will
25 respond in a timely manner when contacted by the physician assistant; and

26 (8) Any other information deemed necessary by the Board or Committee
27 to carry out the provisions of this subtitle.

28 (c) (1) The delegation agreement shall be submitted with the application fee
29 established by the Board and the supervising physician and physician assistant shall
30 comply with all other requirements established by the Board in accordance with this
31 title.

32 (2) The Board shall set the application fee so as to produce funds to
33 approximate the cost of reviewing and approving delegation agreements and any
34 other related services provided.

1 (d) The Committee shall review the delegation agreement and recommend to
2 the Board that the delegation agreement be approved, rejected, or modified to ensure
3 conformance with the requirements of this title.

4 (e) The Committee may conduct a personal interview of the supervising
5 physician and the physician assistant.

6 (f) On review of the Committee's recommendation regarding a supervising
7 physician's request to delegate medical acts as described in a delegation agreement,
8 the Board:

9 (1) May approve or, for good cause, modify or disapprove the Committee's
10 recommendation; and

11 (2) Shall notify the supervising physician and physician assistant in
12 writing of the reasons for a Board decision to modify or disapprove the physician's
13 request to delegate medical acts as described in the delegation agreement.

14 (g) If the Board determines that a supervising physician or physician
15 assistant is practicing in a manner inconsistent with the requirements of this title or
16 Title 14 of this article, the Board on its own initiative or on the recommendation of the
17 Committee may demand modification of the practice, withdraw the approval of the
18 delegation agreement, or take other disciplinary action under § 14-404 or § 15-314 of
19 this article.

20 (h) (1) A delegation agreement approved under this subtitle may be
21 reviewed as a component of the certificate renewal process established under §
22 15-307 of this subtitle.

23 (2) A delegation agreement shall expire when a physician assistant's
24 certificate expires.

25 (i) The Board may not authorize a physician to delegate medical acts under a
26 delegation agreement to more than two physician assistants in a nonhospital setting,
27 EXCEPT IN A CORRECTIONAL FACILITY OR PUBLIC HEALTH FACILITY.

28 (j) A person may not coerce another person to enter into a delegation
29 agreement under this subtitle.

30 (K) IN A NONHOSPITAL SETTING, A PHYSICIAN MAY NOT SUPERVISE A
31 PHYSICIAN ASSISTANT EXCEPT:

32 (1) IN ACCORDANCE WITH A DELEGATION AGREEMENT APPROVED BY
33 THE BOARD UNDER THIS SUBTITLE; OR

34 (2) AS AN ALTERNATE SUPERVISING PHYSICIAN, IN ACCORDANCE WITH
35 THE FOLLOWING RESTRICTIONS:

36 (I) AN ALTERNATE SUPERVISING PHYSICIAN MAY SUPERVISE A
37 PHYSICIAN ASSISTANT IN THE PERFORMANCE OF MEDICAL ACTS UNDER ANOTHER

1 PHYSICIAN'S DELEGATION AGREEMENT FOR A MAXIMUM OF 30 DAYS PER CALENDAR
2 YEAR;

3 (II) THE ALTERNATE SUPERVISING PHYSICIAN SUPERVISES,
4 THROUGH DELEGATION AGREEMENTS AND ALTERNATE SUPERVISORY AGREEMENTS
5 COMBINED, NO MORE THAN FOUR PHYSICIAN ASSISTANTS AT ANY ONE TIME;

6 (III) THE PHYSICIAN ASSISTANT MAY PERFORM ONLY THOSE
7 MEDICAL ACTS THAT WERE DELEGATED UNDER THE DELEGATION AGREEMENT AND
8 THAT ARE WITHIN THE SCOPE OF PRACTICE OF THE ALTERNATE SUPERVISING
9 PHYSICIAN;

10 (IV) THE PHYSICIAN WHO SIGNS THE DELEGATION AGREEMENT
11 REGISTERS WITH THE BOARD THE NAME, LICENSE NUMBER, SCOPE OF PRACTICE,
12 AND OTHER RELEVANT INFORMATION REQUIRED BY THE BOARD ABOUT THE
13 ALTERNATE SUPERVISING PHYSICIAN;

14 (V) THE ALTERNATE SUPERVISING PHYSICIAN SUPERVISES IN
15 ACCORDANCE WITH A WRITTEN DOCUMENT THAT:

16 1. IS SIGNED BY THE PHYSICIAN WHO HAS SIGNED THE
17 DELEGATION AGREEMENT WITH THE PHYSICIAN ASSISTANT;

18 2. IS KEPT ON FILE AND AVAILABLE FOR THE BOARD'S
19 INSPECTION AT THE PLACE OF BUSINESS WHERE THE PHYSICIAN ASSISTANT
20 PERFORMS THE MEDICAL ACTS; AND

21 3. STATES THE DATES AND TIMES WHEN THE ALTERNATE
22 SUPERVISING PHYSICIAN IS RESPONSIBLE FOR SUPERVISING THE PHYSICIAN
23 ASSISTANT'S MEDICAL ACTS; AND

24 (VI) THE ALTERNATE SUPERVISING PHYSICIAN FILES IN WRITING
25 WITH THE BOARD ATTESTATIONS THAT THE ALTERNATE SUPERVISING PHYSICIAN:

26 1. WILL PROVIDE CONTINUOUS SUPERVISION OF THE
27 PHYSICIAN ASSISTANT;

28 2. ACCEPTS RESPONSIBILITY FOR ANY CARE GIVEN BY THE
29 PHYSICIAN ASSISTANT; AND

30 3. WILL RESPOND IN A TIMELY MANNER WHEN CONTACTED
31 BY THE PHYSICIAN ASSISTANT.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2000.