

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1068

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “physician;” insert “adding to the list of items required to be included in a delegation agreement between the physician assistant and supervising physician; altering the actions that the State Board of Physician Quality Assurance may take after reviewing a delegation agreement; altering the manner in which a physician may supervise a physician assistant; exempting individual members of the Board from civil liability for certain actions; authorizing the Board to assess a certain fee and providing for the use of the fees assessed; authorizing the Board to assess a civil penalty for a violation of the law regulating the delegation of duties to physician assistants; providing for the use of the civil penalties assessed;”; in line 10, strike “and”; in the same line, after “15-302.3” insert “, and 15-403”; and after line 17, insert:

“BY adding to

Article - Health Occupations

Section 15-310(e)

Annotated Code of Maryland

(2000 Replacement Volume)”.

AMENDMENT NO. 2

On page 6, after line 24, insert:

“(4) A DESCRIPTION OF THE DELEGATED MEDICAL ACTS THAT ARE WITHIN THE SUPERVISING PHYSICIAN’S SCOPE OF PRACTICE AND REQUIRE SPECIALIZED EDUCATION OR TRAINING THAT IS CONSISTENT WITH ACCEPTED MEDICAL PRACTICE;”;

(Over)

and in lines 25, 28, 31, 33, and 35, strike “(4)”, “(5)”, “(6)”, “(7)”, and “(8)”, respectively, and substitute “(5)”, “(6)”, “(7)”, “(8)”, and “(9)”, respectively.

AMENDMENT NO. 3

On page 7, strike beginning with the first “or” in line 16 down through “in” in line 20 and substitute “THE DELEGATION AGREEMENT; OR

(2) (I) IF THE PHYSICIAN ASSISTANT DOES NOT MEET THE APPLICABLE EDUCATION, TRAINING, AND EXPERIENCE REQUIREMENTS TO PERFORM THE SPECIFIED DELEGATED ACTS, MAY MODIFY OR DISAPPROVE THE DELEGATION AGREEMENT; AND

(II) IF THE BOARD TAKES AN ACTION UNDER ITEM (I) OF THIS ITEM:

1. SHALL NOTIFY THE SUPERVISING PHYSICIAN AND THE PHYSICIAN ASSISTANT IN WRITING OF THE PARTICULAR ELEMENTS OF THE PROPOSED DELEGATION AGREEMENT THAT WERE THE CAUSE FOR THE MODIFICATION OR DISAPPROVAL; AND

2. MAY NOT RESTRICT THE SUBMISSION OF AN AMENDMENT TO”;

in line 33, after “TIME,” insert “EXCEPT”; and in line 34, strike “nonhospital setting EXCEPT IN A” and substitute “HOSPITAL,”.

AMENDMENT NO. 4

On page 7, after line 37, insert:

“(K) A PHYSICIAN MAY SUPERVISE A PHYSICIAN ASSISTANT:

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

(2) AS AN ALTERNATE SUPERVISING PHYSICIAN IF:

(I) THE ALTERNATE SUPERVISING PHYSICIAN SUPERVISES IN ACCORDANCE WITH A DELEGATION AGREEMENT FILED WITH THE BOARD;

(II) THE ALTERNATE SUPERVISING PHYSICIAN SUPERVISES NO MORE THAN FOUR PHYSICIAN ASSISTANTS AT ANY ONE TIME, EXCEPT IN A HOSPITAL, CORRECTIONAL FACILITY, DETENTION CENTER, OR PUBLIC HEALTH FACILITY; AND

(III) THE PHYSICIAN ASSISTANT PERFORMS ONLY THOSE MEDICAL ACTS THAT:

1. HAVE BEEN DELEGATED UNDER THE DELEGATION AGREEMENT FILED WITH THE BOARD; AND

2. ARE WITHIN THE SCOPE OF PRACTICE OF THE ALTERNATE SUPERVISING PHYSICIAN.

(L) INDIVIDUAL MEMBERS OF THE BOARD ARE NOT CIVILLY LIABLE FOR ACTIONS REGARDING THE APPROVAL, MODIFICATION, OR DISAPPROVAL OF A DELEGATION AGREEMENT DESCRIBED IN THIS SECTION.”.

AMENDMENT NO. 5

On page 11, after line 4, insert:

“15-310.

(E) (1) (I) THE BOARD SHALL ASSESS EACH APPLICANT FOR A CERTIFICATE OR THE RENEWAL OF A CERTIFICATE TO PRACTICE AS A PHYSICIAN ASSISTANT A FEE SET BY THE BOARD.

(II) THE FEE SHALL BE SUFFICIENT TO FUND THE ACTIVITIES OF THE FACULTY IN CONDUCTING A PHYSICIAN ASSISTANT REHABILITATION PROGRAM.

(III) THE FEE SHALL BE SET BY THE SECRETARY EACH YEAR

(Over)

AFTER THE SUBMISSION BY THE FACULTY TO THE BOARD OF THE ANNUAL BUDGET FOR THE PHYSICIAN ASSISTANT REHABILITATION PROGRAM.

(2) AS PROVIDED UNDER § 2-1220 OF THE STATE GOVERNMENT ARTICLE, THE LEGISLATIVE AUDITOR, EVERY 2 YEARS, SHALL AUDIT THE ACCOUNTS AND TRANSACTIONS OF THE FACULTY IN CONDUCTING THE PHYSICIAN ASSISTANT REHABILITATION PROGRAM.

15-403.

(A) A person who violates § 15-401 or § 15-402 of this subtitle:

(1) Is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 5 years or both; and

(2) Shall lose certification as a physician assistant under this title.

(B) (1) IN ADDITION TO THE PENALTIES UNDER SUBSECTION (A) OF THIS SECTION, A PERSON WHO VIOLATES § 15-401 OF THIS SUBTITLE MAY BE SUBJECT TO A CIVIL PENALTY ASSESSED BY THE BOARD IN AN AMOUNT NOT EXCEEDING \$5,000.

(2) THE BOARD SHALL PAY ANY CIVIL PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE STATE BOARD OF PHYSICIAN QUALITY ASSURANCE FUND.”.