
By: **Delegates Redmer, Petzold, and Guns**
Introduced and read first time: February 9, 2001
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Physician Assistants Act - Revisions**

3 FOR the purpose of clarifying the practice responsibilities of a physician assistant
4 and a supervising physician; repealing certain provisions pertaining to
5 physician assistants and medication orders; adding certain clarifying language;
6 defining a certain term; altering certain definitions; making stylistic changes;
7 and generally relating to the Maryland Physician Assistants Act.

8 BY repealing and reenacting, with amendments,
9 Article - Health Occupations
10 Section 15-101, 15-301, 15-302, and 15-302.3
11 Annotated Code of Maryland
12 (2000 Replacement Volume)

13 BY repealing
14 Article - Health Occupations
15 Section 15-302.1
16 Annotated Code of Maryland
17 (2000 Replacement Volume)

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

20 **Article - Health Occupations**

21 15-101.

22 (a) In this title the following words have the meanings indicated.

23 (B) "ALTERNATE SUPERVISING PHYSICIAN" MEANS ONE OR MORE
24 PHYSICIANS DESIGNATED BY THE SUPERVISING PHYSICIAN TO PROVIDE
25 SUPERVISION OF A PHYSICIAN ASSISTANT DURING THE ABSENCE OF THE
26 SUPERVISING PHYSICIAN AND IN ACCORDANCE WITH THE DELEGATION
27 AGREEMENT ON FILE WITH THE BOARD.

1 [(b)] (C) "Board" means the State Board of Physician Quality Assurance,
2 established under § 14-201 of this article.

3 [(c)] (D) "Certificate" means a certificate issued by the Board to a physician
4 assistant under this title.

5 [(d)] (E) "Committee" means the Physician Assistant Advisory Committee.

6 [(e)] (F) "Controlled dangerous substances" has the meaning stated in Art. 27,
7 § 277 of the Code.

8 [(f)] (G) "Correctional facility" includes a State or local correctional facility.

9 [(g)] (H) "Delegated medical acts" means activities that constitute the practice
10 of medicine delegated by a physician under Title 14 of this article.

11 [(h)] (I) "Delegation agreement" means a document that is executed by a
12 supervising physician and a physician assistant containing the requirements of §
13 15-302 of this title [and:

14 (1) § 15-302.1 of this title; or

15 (2) § 15-302.2 of this title].

16 [(i)] (J) "Designated pharmacy" means a pharmacy that has an agreement to
17 supply medications for a hospital, public health facility, correctional facility, or
18 detention center if:

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

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

24 [(j)] (K) "Hospital" means:

25 (1) A hospital as defined under § 19-301(g) of the Health - General
26 Article;

27 (2) A comprehensive care facility that:

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

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

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

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

1 [(k) "Medication order" means a directive written in a medical chart:

2 (1) For controlled dangerous substances, noncontrolled substances, or
3 nonprescription medications; and

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

6 (l) "National certifying examination" means an examination offered by a
7 national organization, which certifies physician assistants as having achieved a
8 certain level of training.

9 (m) "Physician assistant" means an individual who is certified under this title
10 to perform delegated medical acts under the supervision of a physician.

11 (n) "Practice as a physician assistant" means the performance of medical acts
12 that are:

13 (1) Delegated by a supervising physician to a physician assistant;

14 (2) Within the supervising physician's scope of practice; and

15 (3) Appropriate to the physician assistant's education, training, and
16 experience.

17 (o) "Prescriptive authority" means the authority delegated by a supervising
18 physician to a physician assistant to prescribe and administer controlled dangerous
19 substances, prescription drugs, [and] medical devices, AND THE ORAL, WRITTEN, OR
20 ELECTRONIC ORDERING OF MEDICATIONS.

21 (p) "Protocols" means written policies, bylaws, rules, or regulations
22 established by a hospital, public health facility, correctional facility, or detention
23 center that:

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

26 (2) Describe the delegated medical acts a physician assistant may
27 execute; and

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

29 (q) "Public health facility" means a fixed site where clinical public health
30 services are rendered under the auspices of the Department, a local health
31 department in a county, or the Baltimore City Health Department.

32 (r) "Supervising physician" means a physician who has been approved by the
33 Board to supervise 1 or more physician assistants.

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

4 (2) "Supervision" includes physician oversight of and acceptance of direct
5 responsibility for the patient services and care rendered by a physician assistant,
6 including continuous availability to the physician assistant in person, through
7 written instructions, or by electronic means AND BY DESIGNATION OF ONE OR MORE
8 ALTERNATE SUPERVISING PHYSICIANS.

9 15-301.

10 (a) Nothing in this title may be construed to authorize a physician assistant to
11 practice independent of a supervising physician.

12 (b) A certificate issued to a physician assistant shall limit the physician
13 assistant's scope of practice to medical acts:

14 (1) Delegated by the supervising physician;

15 (2) Appropriate to the education, training, and experience of the
16 physician assistant;

17 (3) Customary to the practice of the supervising physician; and

18 (4) Consistent with the delegation agreement submitted to the Board.

19 (c) Patient services that may be provided by a physician assistant include:

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

21 (ii) Reviewing patient records to develop comprehensive medical
22 status reports;

23 (2) Performing physical examinations and recording all pertinent
24 patient data;

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

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

30 (5) Providing instructions and guidance regarding medical care matters
31 to patients;

32 (6) Assisting the supervising physician in the delivery of services to
33 patients who require medical care in the home and in health care institutions,
34 including:

- 1 (i) Recording patient progress notes;
- 2 (ii) Issuing diagnostic orders [that must be countersigned by the
3 supervising physician within 48 hours]; and
- 4 (iii) Transcribing or executing specific orders at the direction of the
5 supervising physician; and
- 6 (7) [(i) Writing medication orders under an approved delegation
7 agreement and in accordance with § 15-302.1 of this subtitle; or
- 8 (ii)] Exercising prescriptive authority under an approved delegation
9 agreement and in accordance with § 15-302.2 of this subtitle.
- 10 (d) (1) Except as otherwise provided in this title, an individual shall be
11 certified by the Board before the individual may practice as a physician assistant.
- 12 (2) Except as otherwise provided in this title, a physician may not
13 supervise a physician assistant in the performance of delegated medical acts without
14 the approval of the Board.
- 15 (3) Except as otherwise provided in this title or in a medical emergency,
16 a physician assistant may not perform any medical act for which:
- 17 (i) The individual has not been certified; and
- 18 (ii) The medical acts have not been delegated by a supervising
19 physician.
- 20 (e) A physician assistant is the agent of the supervising physician in the
21 performance of all practice-related activities, including the oral, written, or electronic
22 ordering of diagnostic, therapeutic, and other medical services.
- 23 (f) Except as provided in subsection (g) of this section, the following
24 individuals may practice as a physician assistant without a certificate:
- 25 (1) A physician assistant student in a physician assistant training
26 program that is accredited by the Commission on Allied Health Education Programs
27 and approved by the Board; or
- 28 (2) A physician assistant employed in the service of the federal
29 government while performing duties incident to that employment.
- 30 (g) A physician may not delegate the authority to write medication orders or
31 the ability to exercise prescriptive authority to a physician assistant student in a
32 training program approved by the Board.
- 33 (h) (1) Except as prohibited by § 15-102(a) of this title, if a duty that is to be
34 delegated under this section is a part of the practice of a health occupation that is
35 regulated under this article by another board, any rule or regulation concerning that

1 duty shall be adopted jointly by the Board of Physician Quality Assurance and the
2 board that regulates the other health occupation.

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

5 (i) Notwithstanding the provisions of this section, a patient being treated
6 regularly for a life threatening, chronic, degenerative, or disabling condition shall be
7 seen initially by the supervising physician and as frequently as the patient's condition
8 requires, but no less than within every five appointments or within 180 days,
9 whichever occurs first.

10 15-302.

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

13 (1) A delegation agreement has been executed and submitted to the
14 Committee for review to ensure the delegation agreement contains the requirements
15 of this subtitle; and

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

18 (b) The delegation agreement shall contain:

19 (1) A description of the qualifications of the supervising physician and
20 physician assistant;

21 (2) A description of the settings in which the physician assistant will
22 practice;

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

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

28 (5) An attestation of continuous supervision of the physician assistant by
29 the supervising physician through the mechanisms described in the delegation
30 agreement;

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

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

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

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

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

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

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

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

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

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

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

27 (h) (1) A delegation agreement approved under this subtitle may be
28 reviewed as a component of the certificate renewal process established under §
29 15-307 of this subtitle.

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

32 (i) The Board may not authorize a physician to delegate medical acts under a
33 delegation agreement to more than two physician assistants AT ANY ONE TIME, in a
34 nonhospital setting EXCEPT IN A CORRECTIONAL FACILITY, DETENTION CENTER, OR
35 PUBLIC HEALTH FACILITY.

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

1 [15-302.1.

2 (a) A physician may delegate the authority to write medication orders under
3 an approved delegation agreement if:

4 (1) The supervising physician and the physician assistant include in the
5 delegation agreement:

6 (i) A statement of whether controlled dangerous substances,
7 noncontrolled substances, or nonprescription medications may be ordered by the
8 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 with:

15 1. State and federal laws governing the prescribing of
16 medications; and

17 2. The protocols established by the hospital, public health
18 facility, correctional facility, or detention center where the physician assistant is
19 requesting permission to write medication orders;

20 (2) The hospital, public health facility, correctional facility, or detention
21 center where the physician assistant is requesting permission to write medication
22 orders:

23 (i) Examines the physician assistant's qualifications to write
24 medication orders as part of an established credentialing process; and

25 (ii) Attests to having established minimum criteria for protocols
26 that:

27 1. Allow a physician assistant to write medication orders
28 only in accordance with clinical privileges and the delegation agreement approved by
29 the Board;

30 2. Require a physician who has been approved by the Board
31 to supervise a physician assistant to countersign all medication orders in accordance
32 with this section;

33 3. Prohibit a physician assistant from using presigned
34 prescriptions;

1 (c) If a supervising physician who has delegated authority to [write
2 medication orders or to] exercise prescriptive authority to a physician assistant
3 subsequently restricts or removes the delegation, the supervising physician shall
4 notify the Board of the restriction or removal within 5 business days.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2001.