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By: **Senator Dorman**  
Introduced and read first time: February 2, 2001  
Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Physician Assistants - Delegation Agreements - Anesthesia Administration**

3 FOR the purpose of prohibiting the authorization by the Board of Physician Quality  
4 Assurance of physicians to delegate certain medical acts under certain  
5 agreements.

6 BY repealing and reenacting, with amendments,  
7 Article - Health Occupations  
8 Section 15-302  
9 Annotated Code of Maryland  
10 (2000 Replacement Volume)

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

13 **Article - Health Occupations**

14 15-302.

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

17 (1) A delegation agreement has been executed and submitted to the  
18 Committee for review to ensure the delegation agreement contains the requirements  
19 of this subtitle; and

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

22 (b) The delegation agreement shall contain:

23 (1) A description of the qualifications of the supervising physician and  
24 physician assistant;

25 (2) A description of the settings in which the physician assistant will  
26 practice;

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

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

6 (5) An attestation of continuous supervision of the physician assistant by  
7 the supervising physician through the mechanisms described in the delegation  
8 agreement;

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

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

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

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

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

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

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

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

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

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

35 (g) If the Board determines that a supervising physician or physician  
36 assistant is practicing in a manner inconsistent with the requirements of this title or  
37 Title 14 of this article, the Board on its own initiative or on the recommendation of the

1 Committee may demand modification of the practice, withdraw the approval of the  
2 delegation agreement, or take other disciplinary action under § 14-404 or § 15-314 of  
3 this article.

4 (h) (1) A delegation agreement approved under this subtitle may be  
5 reviewed as a component of the certificate renewal process established under §  
6 15-307 of this subtitle.

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

9 (i) The Board may not authorize a physician to delegate medical acts under a  
10 delegation agreement:

11 (1) [to] TO more than two physician assistants in a nonhospital setting;  
12 OR

13 (2) THAT INCLUDES ANY ACTIVITY ASSOCIATED WITH ANESTHESIA  
14 ADMINISTRATION.

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

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