

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

Revised

House Bill 1068 (Delegate Redmer, *et al.*)

Environmental Matters

Economic and Environmental Affairs

Maryland Physician Assistants Act - Revisions

This bill provides that a physician assistant's authority to write medication orders is included under the physician assistant's prescriptive authority by expanding the definition of "prescriptive authority" to include the oral, written, or electronic ordering of medications (medication orders). The bill requires a delegation agreement to include a description of delegated medical acts. The Board of Physician Quality Assurance (BPQA) can modify or disapprove the delegation agreement if it does not comply with current law. The bill also repeals current law relating to a physician assistant's authority to write medication orders.

The bill authorizes the BPQA to impose up to a \$5,000 civil penalty on an uncertified individual who practices as a physician assistant without certification.

The bill also authorizes the BPQA to charge each certificate holder a fee sufficient to fund the physician assistant rehabilitation program. The Legislative Auditor must audit the accounts and transactions of the rehabilitation program every two years.

Fiscal Summary

State Effect: BPQA special fund revenues and expenditures could each increase by \$30,000 in FY 2002. Future year estimates reflect biennial fees assessments and 2% increases in certificate holders. Any additional hearings could be handled with existing BPQA and Office of Administrative Hearings resources. Biennial audits performed by the Office of Legislative Audits could be handled with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill authorizes a physician who supervises a physician assistant to designate one or more alternate supervising physicians who may have supervisory authority over the physician assistant. In addition, the bill authorizes the Board of Physician Quality Assurance (BPQA) to approve a delegation agreement in which a physician may delegate medical acts to more than two physician assistants at a time if the physician and physician assistants work in a correctional facility, detention center, or public health facility.

Current Law: A physician can delegate medical acts within the physician's lawful scope of practice to a physician assistant. To do so, the physician and physician assistant must submit a delegation agreement to the BPQA for approval. A physician may delegate: (1) the authority to write medication orders, which are directives written in medical charts in hospitals, prisons, and public health clinics; and (2) prescriptive authority, which is the authority to prescribe and administer controlled dangerous substances, prescription drugs, and medical devices. A physician may not delegate medical acts to more than two physician assistants in a nonhospital setting.

State Fiscal Effect:

Rehabilitation Committee Fees

BPQA special fund revenues from the fee provision would increase by an estimated \$30,000 in fiscal 2002. The BPQA must assess each certificate holder a biennial fee sufficient to cover the costs of the rehabilitation committee. MedChi, the Maryland State Medical Society, provides rehabilitation committee services for licensed physicians, and would provide services for physician assistants under the bill's requirements. The BPQA would assess a biennial fee of \$25 on 1,200 certificate holders and transfer these funds to MedChi in fiscal 2002. The BPQA would assess the biennial fee on an additional 110 certificate holders up for certificate renewal in fiscal 2003. Future year revenue estimates reflect a 2% annual increase in the number of certificate holders.

Penalty Provisions

The BPQA would have the authority to fine individuals who practice as a physician assistant without certification. The BPQA anticipates fining only one individual annually at the maximum fine of \$5,000. Future year revenues are assumed to remain constant.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of Administrative Hearings, Department of Health and Mental Hygiene (Board of Physician Quality Assurance), Department of Legislative Services

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