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2002 Regular Session (2lr1323)

ENROLLED BILL

-- Environmental Matters/Education, Health, and Environmental Affairs --

Introduced by Delegates Redmer, Petzold, Ports, Morhaim, Klausmeier, and Hammen

assessed; authorizing the Board to assess a civil penalty for a violation of the

use of the civil penalties assessed; altering certain provisions pertaining to

providing that this Act may not be construed to prevent certain physician

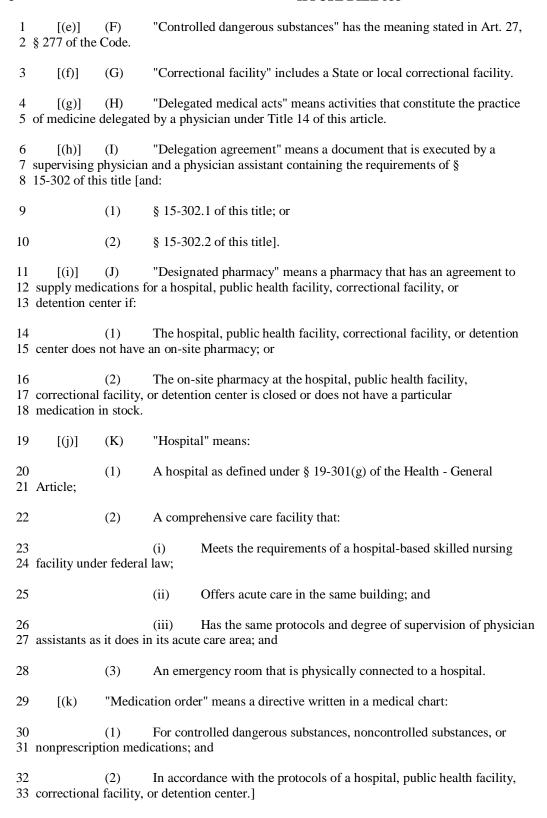
law regulating the delegation of duties to physician assistants; providing for the

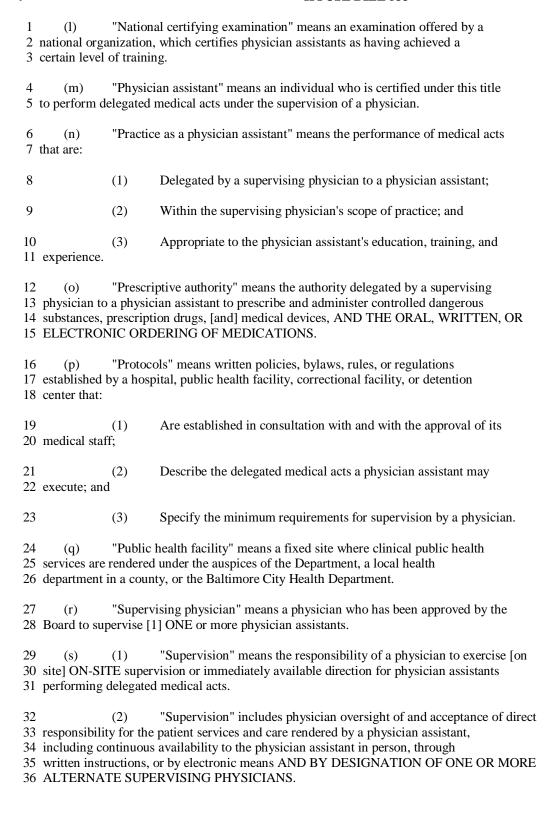
physician assistants and medication orders; adding certain clarifying language;

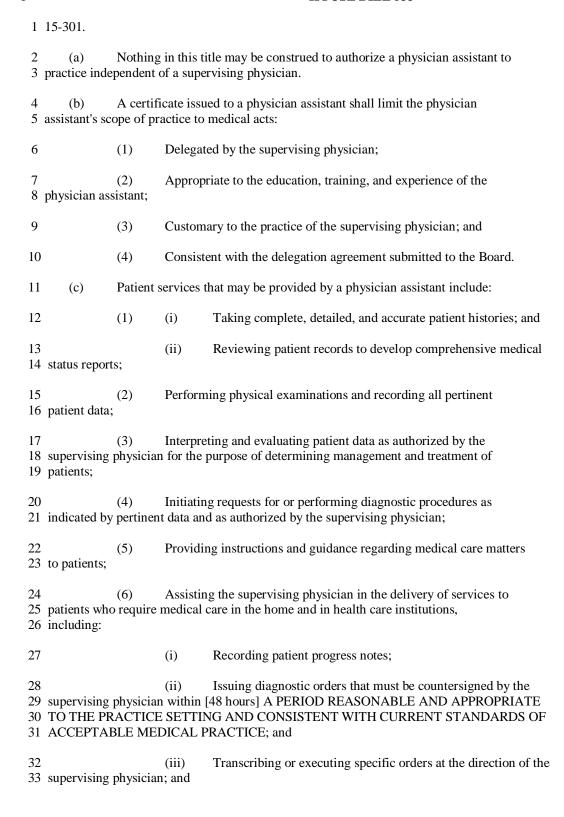
defining a certain term; altering certain definitions; making stylistic changes;

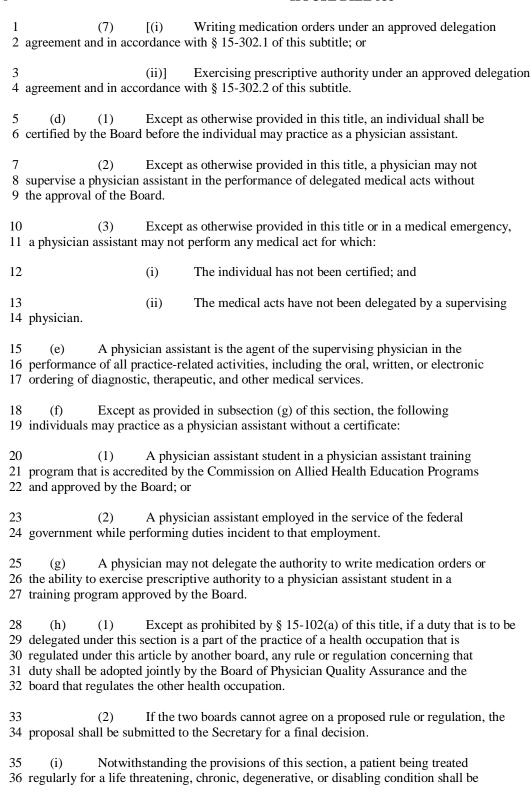
	Read and Examined by Proofreaders:	
		Proofreader.
	with the Great Seal and presented to the Governor, for his approval this day of at o'clock,M.	Proofreader.
		Speaker.
	CHAPTER	
1 Al	N ACT concerning	
2	Maryland Physician Assistants Act - Revisions	
3 FC 4 5 6 7 8 9	OR the purpose of clarifying the practice responsibilities of a physician assistant and a supervising physician; 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	

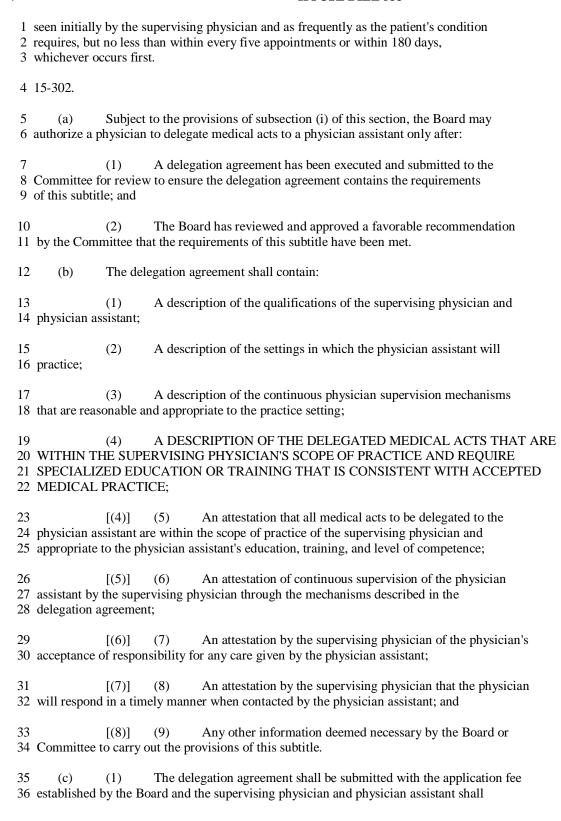
- 1 assistants from performing certain medical acts involving general anesthesia
- 2 under certain circumstances; requiring certain organizations to submit a certain
- 3 report to certain committees of the General Assembly on or before a certain date;
- 4 and generally relating to the Maryland Physician Assistants Act.
- 5 BY repealing and reenacting, with amendments,
- 6 Article Health Occupations
- 7 Section 15-101, 15-301, 15-302, 15-302.3, and 15-403
- 8 Annotated Code of Maryland
- 9 (2000 Replacement Volume and 2001 Supplement)
- 10 BY repealing
- 11 Article Health Occupations
- 12 Section 15-302.1
- 13 Annotated Code of Maryland
- 14 (2000 Replacement Volume and 2001 Supplement)
- 15 BY adding to
- 16 Article Health Occupations
- 17 Section 15-310(e)
- 18 Annotated Code of Maryland
- 19 (2000 Replacement Volume and 2001 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 15-101.
- 24 (a) In this title the following words have the meanings indicated.
- 25 (B) "ALTERNATE SUPERVISING PHYSICIAN" MEANS ONE OR MORE
- 26 PHYSICIANS DESIGNATED BY THE SUPERVISING PHYSICIAN TO PROVIDE
- 27 SUPERVISION OF A PHYSICIAN ASSISTANT DURING THE ABSENCE OF THE
- 28 SUPERVISING PHYSICIAN AND IN ACCORDANCE WITH THE DELEGATION
- 29 AGREEMENT ON FILE WITH THE BOARD.
- 30 [(b)] (C) "Board" means the State Board of Physician Quality Assurance,
- 31 established under § 14-201 of this article.
- 32 [(c)] (D) "Certificate" means a certificate issued by the Board to a physician
- 33 assistant under this title.
- 34 [(d)] (E) "Committee" means the Physician Assistant Advisory Committee.

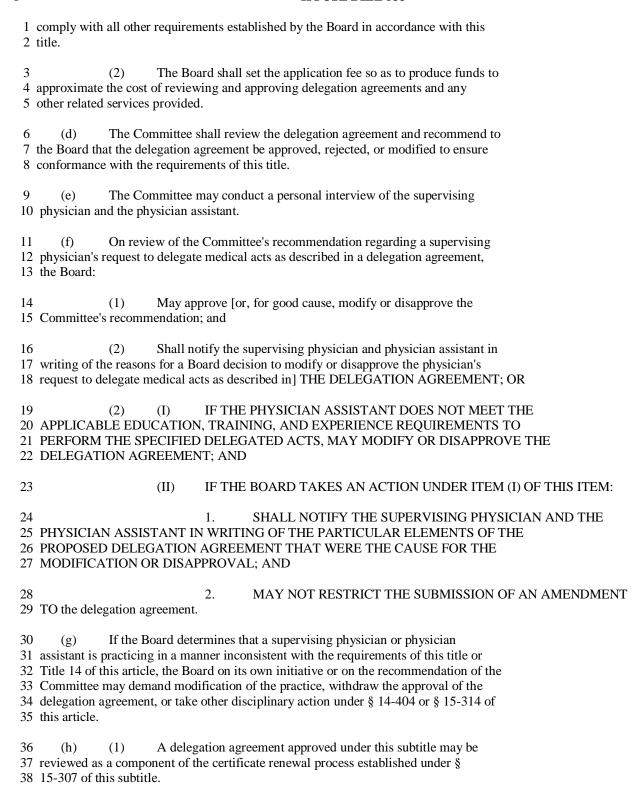












1 2	(2) certificate expires.	A delega	ation agre	eement shall expire when a physician assistant's			
5 6	(i) The Board may not authorize a physician to delegate medical acts under a delegation agreement to more than two physician assistants AT ANY ONE TIME, EXCEPT in a [nonhospital setting] HOSPITAL, CORRECTIONAL FACILITY, DETENTION CENTER, OR PUBLIC HEALTH FACILITY OR IN THE FOLLOWING NONHOSPITAL SETTINGS:						
8	<u>(1)</u>	A CORI	RECTION	NAL FACILITY;			
9	<u>(2)</u>	A DETI	ENTION	CENTER; OR			
10	<u>(3)</u>	A PUBI	IC HEA	LTH FACILITY.			
11 12	(j) A perso agreement under this		t coerce a	another person to enter into a delegation			
13	(K) A PHYS	SICIAN I	MAY SU	PERVISE A PHYSICIAN ASSISTANT:			
14 15	(1) THE BOARD UND			CE WITH A DELEGATION AGREEMENT APPROVED BY LE; OR			
16	(2)	AS AN	ALTERN	NATE SUPERVISING PHYSICIAN IF:			
17 18	ACCORDANCE WI	(I) TH A DE		LTERNATE SUPERVISING PHYSICIAN SUPERVISES IN ION AGREEMENT FILED WITH THE BOARD;			
21			CIAN AS	LTERNATE SUPERVISING PHYSICIAN SUPERVISES NO SSISTANTS AT ANY ONE TIME, EXCEPT IN A LITY, DETENTION CENTER, OR PUBLIC HEALTH			
	SUPERVISION, IN NOT EXCEED:	(III) THE AB		TERNATE SUPERVISING PHYSICIAN'S PERIOD OF OF THE PRIMARY SUPERVISING PHYSICIAN, DOES			
26 27	AGREEMENT; ANI	<u>D</u>	<u>1.</u>	THE PERIOD OF TIME SPECIFIED IN THE DELEGATION			
28 29	AND		<u>2.</u>	A PERIOD OF 45 CONSECUTIVE DAYS AT ANY ONE TIME;			
30 31	MEDICAL ACTS T	(III) HAT:	<u>(IV)</u>	THE PHYSICIAN ASSISTANT PERFORMS ONLY THOSE			
32 33	AGREEMENT FILE	ED WITH		HAVE BEEN DELEGATED UNDER THE DELEGATION DARD; AND			
34 35	ALTERNATE SUPE	ERVISIN		ARE WITHIN THE SCOPE OF PRACTICE OF THE			

2 ACTIONS REGARDING THE APPROVAL, MODIFICATION, OR DISAPPROVAL OF A DELEGATION AGREEMENT DESCRIBED IN THIS SECTION.						
4 [15-302.1.						
(a) A physician may delegate the authority to write medication orders under an approved delegation agreement if:						
(1) The supervising physician and the physician assistant include in the delegation agreement:						
9 (i) A statement of whether controlled dangerous substances, 10 noncontrolled substances, or nonprescription medications may be ordered by the 11 physician assistant;						
12 (ii)	Evidence of:					
	1. Certification by the National Commission on the stants, Inc. within the previous 2 years; or					
1516 pharmacology education within	2. Successful completion of 8 category 1 hours in the previous 2 years; and					
17 (iii)	Attestation that the physician assistant will comply with:					
18 19 medications; and	1. State and federal laws governing the prescribing of					
21 facility, correctional facility, or	2. The protocols established by the hospital, public health facility, correctional facility, or detention center where the physician assistant is requesting permission to write medication orders;					
	center where the physician assistant is requesting permission to write medication					
	Examines the physician assistant's qualifications to write established credentialing process; and					
28 (ii) 29 that:	Attests to having established minimum criteria for protocols					
	1. Allow a physician assistant to write medication orders all privileges and the delegation agreement approved by					
	2. Require a physician who has been approved by the Board ant to countersign all medication orders in accordance					

1 2	prescriptions;	3.	Prohibit a physician assistant from using presigned				
3	medications;	4.	Prohibit a physician assistant from dispensing				
7	5. Require a physician assistant to legibly sign each medication order or set of medication orders with the name of the physician assistant, the initials "PA-C", and any other notation mandated by the hospital, public health facility, correctional facility, or detention center;						
11 12	6. Allow a physician assistant's medication orders to be transmitted by facsimile or other nonverbal electronic communication only to a pharmacy within the hospital, public health facility, correctional facility, or detention center or to the pharmacy designated by the hospital, public health facility, correctional facility, or detention center;						
16 17	7. Prohibit a physician assistant from verbally transmitting a medication order over the telephone from outside the hospital, public health facility, correctional facility, or detention center, which shall not be construed to prohibit verbal orders by a physician assistant within a hospital, public health facility, correctional facility, or detention center; and						
21 22 23	8. Require a physician who has been approved by the Board to supervise a physician assistant to notify the Board if the physician assistant's authority to write medication orders has been restricted, removed by the supervising physician, revoked by disciplinary measures of a hospital, public health facility, correctional facility, or detention center, or if the physician assistant no longer provides care in a setting where medication order writing has been authorized;						
			rrectional facility, or detention center, the authority ation orders complies with the following				
		III, Schedule IV	cian assistant may write medication orders only for , and Schedule V medications, noncontrolled ations; and				
31	((ii) Medica	tion orders must be administered on-site;				
32 33			h facility, the authority of a physician assistant to the following limitations:				
34 35	controlled dangerous s		cian assistant may not write medication orders for				
36 37	treatment of:	ii) A phys	cian assistant may write a medication order for the				

3	1. Human immunodeficiency virus (HIV) or an infectious disease other than a sexually transmitted disease only after a patient is evaluated by a physician and if the medication order is written in accordance with protocols established by the Department; and					
7	2. A sexually transmitted disease only after the physician assistant determines, based on diagnostic parameters, that a patient has a sexually transmitted disease and if the medication order is written in accordance with protocols;					
9 10	(5) In a hospital, correctional facility, or detention center, each medication order is countersigned by a supervising physician within 48 hours;					
11 12	(6) In a public health facility, each medication order is countersigned by a supervising physician within 72 hours;					
13	(7) The supervising physician:					
16	(i) Attests that the physician assistant has been credentialed by the hospital, public health facility, correctional facility, or detention center to write medication orders for controlled dangerous substances, noncontrolled substances, or nonprescription medications; and					
20 21	(ii) Notifies the Board if the physician assistant's authority to write medication orders has been restricted or removed by the supervising physician, revoked by disciplinary measures of a hospital, public health facility, correctional facility, or detention center, or if the physician assistant no longer provides care in a setting where medication order writing has been authorized; and					
	In an emergency room, a physician assistant discusses a patient's treatment plan, including medication orders, with a supervising physician prior to patient discharge.					
26 27	(b) The Board shall adopt regulations to carry out the provisions of this section.					
	8 (c) A physician assistant who has been approved by the Board to write 9 medication orders may not write medication orders for controlled dangerous 0 substances in accordance with this section unless the physician assistant has a valid:					
31	(1) State controlled dangerous substances registration; and					
32 33	(2) Federal Drug Enforcement Agency (DEA) registration unless the registration is waived by the DEA.]					
34	15-302.3.					
	(a) On a quarterly basis, the Board shall provide to the Board of Pharmacy a list of physician assistants whose delegation agreements include the delegation of authority to [write medication orders or to] exercise prescriptive authority.					

- 13 **HOUSE BILL 533** 1 (b) The list required under subsection (a) of this section shall specify whether 2 each physician assistant has been delegated the authority to prescribe controlled 3 dangerous substances, prescription drugs, or medical devices. 4 If a supervising physician who has delegated authority to [write 5 medication orders or to] exercise prescriptive authority to a physician assistant 6 subsequently restricts or removes the delegation, the supervising physician shall 7 notify the Board of the restriction or removal within 5 business days. 8 15-310. 9 (E) THE BOARD SHALL ASSESS EACH APPLICANT FOR A (1) (I) 10 CERTIFICATE OR THE RENEWAL OF A CERTIFICATE TO PRACTICE AS A PHYSICIAN 11 ASSISTANT, A FEE SET BY THE BOARD. 12 THE FEE SHALL BE SUFFICIENT TO FUND THE ACTIVITIES OF 13 THE FACULTY IN CONDUCTING A PHYSICIAN ASSISTANT REHABILITATION PROGRAM. 14 (III)THE FEE SHALL BE SET BY THE SECRETARY EACH YEAR AFTER 15 THE SUBMISSION BY THE FACULTY TO THE BOARD OF THE ANNUAL BUDGET FOR 16 THE PHYSICIAN ASSISTANT REHABILITATION PROGRAM. 17 AS PROVIDED UNDER § 2-1220 OF THE STATE GOVERNMENT ARTICLE, 18 THE LEGISLATIVE AUDITOR, EVERY 2 YEARS, SHALL AUDIT THE ACCOUNTS AND 19 TRANSACTIONS OF THE FACULTY IN CONDUCTING THE PHYSICIAN ASSISTANT 20 REHABILITATION PROGRAM. 21 15-403. 22 (A) A person who violates § 15-401 or § 15-402 of this subtitle: 23 Is guilty of a misdemeanor and on conviction is subject to a fine not (1) 24 exceeding \$5,000 or imprisonment not exceeding 5 years or both; and 25 Shall lose certification as a physician assistant under this title. (2) IN ADDITION TO THE PENALTIES UNDER SUBSECTION (A) OF THIS 26 (B) (1) 27 SECTION, A PERSON WHO VIOLATES § 15-401 OF THIS SUBTITLE MAY BE SUBJECT TO
- 28 A CIVIL PENALTY ASSESSED BY THE BOARD IN AN AMOUNT NOT EXCEEDING \$5,000.
- 29 THE BOARD SHALL PAY ANY CIVIL PENALTY COLLECTED UNDER (2)
- 30 THIS SUBSECTION INTO THE STATE BOARD OF PHYSICIAN QUALITY ASSURANCE
- 31 FUND.
- 32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
- 33 construed to prevent a physician assistant who, on or before January 1, 2002, was a
- 34 participant in a board-approved delegation agreement that included delegation of
- 35 medical acts involving general anesthesia from performing the terms of that
- 36 agreement or modifications of that agreement or from performing medical acts
- 37 involving general anesthesia under any future delegation agreement.

- 1 SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of
- 2 Physician Quality Assurance, the Maryland State Board of Nursing, the faculty of the
- 3 University of Maryland School of Nursing, the Maryland Association of Nurse
- 4 Anesthetists, the Maryland Society of Anesthesiologists, and the Maryland Academy
- 5 of Physician Assistants, shall meet in order to discuss a process by which physician
- 6 assistants can administer general anesthesia. The State Board of Physician Quality
- 7 Assurance shall report to the Senate Education, Health, and Environmental Affairs
- 8 Committee and the House Environmental Matters Committee on or before April 1,
- 9 2003, in accordance with § 2 1246 of the State Government Article, on the topics
- 2005, in accordance with § 2 12-10 of the State Overhient rather, of the top
- 10 discussed and progress made towards resolution of the issues related to the
- 11 administration of general anesthesia by physician assistants propose regulations or
- 12 <u>legislation</u>, with regard to the approval of delegation agreements by the Board of
- 13 Physician Quality Assurance pertaining to the administration of anesthesia. This
- 14 proposal shall include specifications regarding the education and training required
- 15 before a physician assistant may administer anesthesia, both within the scope, and
- 16 beyond the scope, of routine duties. The State Board of Physician Quality Assurance
- 17 shall report to the Senate Education, Health, and Environmental Affairs Committee
- 18 and the House Environmental Matters Committee on or before December 1, 2002, in
- 19 accordance with § 2-1246 of the State Government Article, on the topics discussed and
- 20 progress made towards resolution of the issues related to the administration of
- 21 anesthesia by physician assistants.
- 22 SECTION-2. 4. AND BE IT FURTHER ENACTED, That this Act shall take
- 23 effect October 1, 2002.