
By: **Senator Hollinger**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - Physician Assistants - Delegation Agreements**

3 FOR the purpose of repealing the requirement for certain signatures of certain
4 physicians on certain diagnostic orders under certain circumstances; providing a
5 certain exception to the requirement that the State Board of Physicians may
6 authorize certain physicians to delegate certain acts to certain physician
7 assistants only after certain conditions have been met; requiring certain
8 delegation agreements to include certain attestations from certain physicians
9 regarding certain processes; authorizing certain physician assistants to practice
10 in accordance with certain pending delegation agreements; providing for the
11 termination of that authority under certain circumstances; repealing the
12 requirement for certain delegation agreements to include an attestation that
13 certain medical charts or records will be reviewed and cosigned by certain
14 physicians; defining a certain term; and generally relating to delegation
15 agreements between physicians and physician assistants.

16 BY renumbering

17 Article - Health Occupations
18 Section 15-302(b)(8) and (9), respectively
19 to be Section 15-302(b)(9) and (10), respectively
20 Annotated Code of Maryland
21 (2005 Replacement Volume)

22 BY repealing and reenacting, without amendments,

23 Article - Health Occupations
24 Section 15-101(c) and (e)
25 Annotated Code of Maryland
26 (2005 Replacement Volume)

27 BY repealing and reenacting, with amendments,

28 Article - Health Occupations
29 Section 15-301(c)(6), 15-302(a), and 15-302.2(a)(3)
30 Annotated Code of Maryland

1 (2005 Replacement Volume)

2 BY adding to

3 Article - Health Occupations

4 Section 15-302(b)(8) and 15-302.1

5 Annotated Code of Maryland

6 (2005 Replacement Volume)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

8 MARYLAND, That Section(s) 15-302(b)(8) and (9), respectively, of Article - Health

9 Occupations of the Annotated Code of Maryland be renumbered to be Section(s)

10 15-302(b)(9) and (10), respectively.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland

12 read as follows:

13 **Article - Health Occupations**

14 15-101.

15 (c) "Board" means the State Board of Physicians, established under § 14-201
16 of this article.

17 (e) "Committee" means the Physician Assistant Advisory Committee.

18 15-301.

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

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

23 (i) Recording patient progress notes;

24 (ii) Issuing diagnostic orders [that must be countersigned by the
25 supervising physician within a period reasonable and appropriate to the practice
26 setting and consistent with current standards of acceptable medical practice]; and

27 (iii) Transcribing or executing specific orders at the direction of the
28 supervising physician; and

29 15-302.

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

32 (1) A delegation agreement has been executed and submitted to the
33 Committee for review to ensure the delegation agreement contains the requirements
34 of this subtitle; and

1 (2) [The] EXCEPT AS PROVIDED IN § 15-302.1 OF THIS SUBTITLE, THE
2 Board has reviewed and approved a favorable recommendation by the Committee
3 that the requirements of this subtitle have been met.

4 (b) The delegation agreement shall contain:

5 (8) AN ATTESTATION BY THE SUPERVISING PHYSICIAN THAT A
6 DOCUMENTED PROCESS IS IN PLACE BY WHICH THE PHYSICIAN ASSISTANT'S
7 PRACTICE IS REVIEWED APPROPRIATE TO THE PRACTICE SETTING AND CONSISTENT
8 WITH CURRENT STANDARDS OF ACCEPTABLE MEDICAL PRACTICE;

9 15-302.1.

10 (A) IN THIS SECTION, "PENDING" MEANS THAT A DELEGATION AGREEMENT
11 HAS BEEN EXECUTED AND SUBMITTED TO THE COMMITTEE FOR REVIEW, BUT:

12 (1) THE COMMITTEE HAS NOT MADE A RECOMMENDATION TO THE
13 BOARD; OR

14 (2) THE BOARD HAS NOT MADE A FINAL DECISION REGARDING THE
15 DELEGATION AGREEMENT.

16 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF A DELEGATION
17 AGREEMENT IS PENDING, ON ACKNOWLEDGMENT BY THE COMMITTEE STAFF OF
18 THE PENDING DELEGATION AGREEMENT, A PHYSICIAN ASSISTANT MAY PRACTICE IN
19 ACCORDANCE WITH THE PENDING DELEGATION AGREEMENT IF:

20 (1) THE SUPERVISING PHYSICIAN HAS BEEN PREVIOUSLY APPROVED TO
21 SUPERVISE ONE OR MORE PHYSICIAN ASSISTANTS IN THE PROPOSED PRACTICE
22 SETTING FOR THE SAME SCOPE OF PRACTICE; AND

23 (2) THE PHYSICIAN ASSISTANT HAS BEEN PREVIOUSLY APPROVED FOR
24 THE SAME SCOPE OF PRACTICE IN A DIFFERENT PRACTICE SETTING.

25 (C) IF THE COMMITTEE RECOMMENDS A DENIAL OF THE PENDING
26 DELEGATION AGREEMENT OR THE BOARD DENIES THE PENDING DELEGATION
27 AGREEMENT, ON NOTICE TO THE PHYSICIAN AND THE PHYSICIAN ASSISTANT, THE
28 PHYSICIAN ASSISTANT MAY NO LONGER PRACTICE IN ACCORDANCE WITH THE
29 DELEGATION AGREEMENT.

30 15-302.2.

31 (a) A supervising physician may not delegate prescribing and administering of
32 controlled dangerous substances, prescription drugs, or medical devices unless the
33 supervising physician and physician assistant include in the delegation agreement:

34 (3) An attestation that all medical charts or records[:

35 (i) Will] WILL contain a notation of any prescriptions written by a
36 physician assistant in accordance with this section; [and

1 (ii) Will be reviewed and cosigned by the supervising physician
2 within a period reasonable and appropriate to the practice setting and consistent with
3 current standards of acceptable medical practice;]

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2006.