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By: **Senator Hollinger**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2006

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CHAPTER \_\_\_\_\_

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~~ descriptions from certain  
 9 physicians ~~regarding~~ of certain processes; authorizing certain physician  
 10 assistants to practice in accordance with certain pending delegation agreements;  
 11 providing for the termination of that authority under certain circumstances;  
 12 repealing the requirement for certain delegation agreements to include an  
 13 attestation that certain medical charts or records will be reviewed and cosigned  
 14 by certain physicians; defining a certain term; and generally relating to  
 15 delegation 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

1 (2005 Replacement Volume)

2 BY repealing and reenacting, with amendments,

3 Article - Health Occupations

4 Section 15-301(c)(6), 15-302(a), and 15-302.2(a)(3)

5 Annotated Code of Maryland

6 (2005 Replacement Volume)

7 BY adding to

8 Article - Health Occupations

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

10 Annotated Code of Maryland

11 (2005 Replacement Volume)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That Section(s) 15-302(b)(8) and (9), respectively, of Article - Health  
14 Occupations of the Annotated Code of Maryland be renumbered to be Section(s)  
15 15-302(b)(9) and (10), respectively.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
17 read as follows:

18 **Article - Health Occupations**

19 15-101.

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

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

23 15-301.

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

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

28 (i) Recording patient progress notes;

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

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

1 15-302.

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

4 (1) A delegation agreement has been executed and submitted to the  
5 Committee for review to ensure the delegation agreement contains the requirements  
6 of this subtitle; and

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

10 (b) The delegation agreement shall contain:

11 (8) ~~AN ATTESTATION~~ A DESCRIPTION PREPARED BY THE SUPERVISING  
12 ~~PHYSICIAN THAT A DOCUMENTED PROCESS IS IN PLACE OF THE PROCESS BY WHICH~~  
13 ~~THE PHYSICIAN ASSISTANT'S PRACTICE IS REVIEWED APPROPRIATE TO THE~~  
14 ~~PRACTICE SETTING AND CONSISTENT WITH CURRENT STANDARDS OF ACCEPTABLE~~  
15 ~~MEDICAL PRACTICE;~~

16 15-302.1.

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

19 (1) THE COMMITTEE HAS NOT MADE A RECOMMENDATION TO THE  
20 BOARD; OR

21 (2) THE BOARD HAS NOT MADE A FINAL DECISION REGARDING THE  
22 DELEGATION AGREEMENT.

23 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF A DELEGATION  
24 AGREEMENT IS PENDING, ~~ON ACKNOWLEDGMENT BY THE COMMITTEE STAFF OF~~  
25 ~~THE PENDING DELEGATION AGREEMENT, A PHYSICIAN ASSISTANT MAY PRACTICE IN~~  
26 ~~ACCORDANCE WITH THE PENDING DELEGATION AGREEMENT~~ RECEIPT OF A  
27 TEMPORARY PRACTICE LETTER FROM THE STAFF OF THE BOARD IF:

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

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

33 (C) IF THE COMMITTEE RECOMMENDS A DENIAL OF THE PENDING  
34 DELEGATION AGREEMENT OR THE BOARD DENIES THE PENDING DELEGATION  
35 AGREEMENT, ON NOTICE TO THE PHYSICIAN AND THE PHYSICIAN ASSISTANT, THE  
36 PHYSICIAN ASSISTANT MAY NO LONGER PRACTICE IN ACCORDANCE WITH THE  
37 DELEGATION AGREEMENT.

1 15-302.2.

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

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

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

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

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