

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 818

(Senator Hollinger)

Education, Health, and Environmental Affairs

Health and Government Operations

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Health Occupations - Physician Assistants - Delegation Agreements

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This bill makes several alterations to the scope of practice of physician assistants.

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Fiscal Summary

**State Effect:** None. The changes would not directly affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** Allowing physician assistants to practice with pending delegation agreements and eliminating some of the review and signature requirements in daily practice may result in operational efficiencies for physicians who employ physician assistants and whose practices qualify as small businesses.

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Analysis

**Bill Summary:** A physician assistant may practice in accordance with a pending delegation agreement if: (1) the physician assistant receives a temporary practice letter from the State Board of Physicians (MBP); (2) the supervising physician has been previously approved to supervise one or more physician assistants in the proposed practice setting for the same scope of practice; and (3) the physician assistant has been previously approved for the same scope of practice in a different practice setting.

A delegation agreement is “pending” if it has been executed and submitted to the Physician Assistant Advisory Committee (PAAC) for review but: (1) PAAC has not

made a recommendation to MBP; or (2) MBP has not made a final decision regarding the delegation agreement.

If PAAC recommends a denial of the pending delegation agreement or MBP denies the pending delegation agreement, the physician assistant may no longer practice in accordance with the delegation agreement. Should PAAC make such a recommendation, the physician and physician assistant must be given notice.

The bill repeals the requirement that diagnostic orders issued by a physician assistant be countersigned by the supervising physician. The bill also repeals the prohibition against a supervising physician delegating authority to prescribe and administer certain drugs or devices unless the delegation agreement between the supervising physician and the physician assistant contains an attestation that all medical charts or records will be reviewed and cosigned by the supervising physician. Instead, the bill requires delegation agreements between a supervisory physician and a physician assistant to contain a description prepared by the supervising physician of the process by which the physician assistant's practice is reviewed. The process must meet specified standards.

**Current Law:** A physician assistant may not practice until: (1) a delegation agreement has been executed and submitted to PAAC for review to ensure the agreement contains specified requirements; and (2) MBP has reviewed and approved a favorable recommendation by PAAC that specified requirements have been met.

Any diagnostic orders issued by a physician assistant must be countersigned by the supervising physician within a period of time reasonable and appropriate to the practice setting and consistent with current standards of acceptable medical practice.

A supervising physician may not delegate the prescribing and administering of certain drugs and medical devices unless the delegation agreement includes an attestation that all medical charts or records will: (1) contain a notation of any prescriptions written by a physician assistant; and (2) be reviewed and cosigned by the supervising physician within a period of time reasonable and appropriate to the practice setting and consistent with current standards of acceptable medical practice.

**Background:** A physician assistant is an individual who is certified to perform delegated medical acts under the supervision of a physician. The delegated acts must be appropriate to the education, training, and experience of the physician assistant. MBP regulates physicians and allied health practitioners in Maryland. MBP advises there are approximately 1,565 physician assistants in the State.

The Maryland Academy of Physician Assistants (MAPA) reports that Maryland is one of only seven states in the nation that requires co-signatures for diagnostic orders. Ohio is also one of the seven states with this requirement. However, a repeal of the Ohio statute was signed into law on February 14, 2006, and will go into effect on May 17, 2006.

The American Academy of Physician Assistants reports that, in 2005, there were approximately 221 million visits to physician assistants and approximately 278 million medications were prescribed or recommended by physician assistants.

In July 2005, the Centers for Medicare and Medicaid Services rescinded its earlier policy requiring co-signatures of outpatient records in critical access hospitals. Both the American Medical Association and the Joint Commission on Accreditation of Healthcare Organizations have considered requiring physician counter-signatures and have instead encouraged physicians, physician assistants, and health facilities to develop a system that works best for those entities.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - March 6, 2006  
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