

HOUSE BILL 982

J2

9lr2554

By: **Delegates Morhaim and Hammen**

Introduced and read first time: February 13, 2009

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Licensure of Physician Assistants**

3 FOR the purpose of requiring an individual to be licensed rather than certified by the
4 State Board of Physicians before the individual may practice as a physician
5 assistant; prohibiting a physician assistant from practicing within the scope of
6 certain health occupations; altering the composition of the Physician Advisory
7 Committee within the Board; repealing the authority of the Governor to remove
8 a member of the Physician Advisory Committee under certain circumstances;
9 authorizing the Executive Director of the Board and certain agents or
10 investigators to enter certain premises under certain circumstances; authorizing
11 the Board to impose certain monetary penalties; altering the distribution of
12 certain fees; requiring a primary supervising physician to delegate certain
13 medical acts to licensed physician assistants; prohibiting physicians from
14 supervising physician assistants in the performance of delegated medical acts
15 without submitting certain delegation agreements to the Board; authorizing
16 physicians to delegate prescriptive authority to physician assistant students in
17 training programs; altering requirements for the content, review, approval, and
18 expiration of certain delegation agreements; repealing certain fees for the
19 review and approval of certain agreements; authorizing designated alternate
20 supervising physicians to assume certain duties; altering certain procedures for
21 pending delegation agreements; repealing certain requirements for the Board to
22 approve certain delegation agreements, including approval for writing
23 medication orders; authorizing certain appeals to a certain hearing panel;
24 repealing certain language relating to the Physician Assistant Rehabilitation
25 Program; altering certain quorum requirements; altering certain hearing
26 procedures; requiring the Board to suspend or order the revocation of certain
27 licenses under certain circumstances; requiring certain organizations and
28 employers to report to the Board certain actions that may be grounds for
29 discipline of a physician assistant; making certain exceptions for alcohol- or
30 drug-impaired physician assistants; making certain stylistic and technical
31 changes; and generally relating to the licensure of physician assistants.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Health Occupations
3 Section 15–101, 15–102, 15–202, 15–203, 15–205, 15–206, 15–301, 15–302,
4 15–302.1, 15–302.2, 15–302.3, 15–303, 15–304, 15–306, 15–307, 15–308,
5 15–309, 15–310, 15–311, 15–312, 15–314, 15–315, 15–401, 15–402, and
6 15–403
7 Annotated Code of Maryland
8 (2005 Replacement Volume and 2008 Supplement)

9 BY repealing
10 Article – Health Occupations
11 Section 15–305 and 15–313
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2008 Supplement)

14 BY adding to
15 Article – Health Occupations
16 Section 15–302.4, 15–305, 15–315, 15–316, and 15–402.1
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2008 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Health Occupations**

22 15–101.

23 (a) In this title the following words have the meanings indicated.

24 (b) “Alternate supervising physician” means one or more physicians
25 designated by the **PRIMARY** supervising physician to provide supervision of a
26 physician assistant during the absence of the **PRIMARY** supervising physician and in
27 accordance with the delegation agreement on file with the Board.

28 (c) “Board” means the State Board of Physicians, established under § 14–201
29 of this article.

30 [(d) “Certificate” means a certificate issued by the Board to a physician
31 assistant under this title.]

32 [(e)] **(D)** “Committee” means the Physician Assistant Advisory Committee.

33 [(f)] **(E)** “Controlled dangerous substances” has the meaning stated in Art.
34 27, § 277 of the Code.

1 [(g)] (F) “Correctional facility” includes a State or local correctional facility.

2 [(h)] (G) “Delegated medical acts” means activities that constitute the
3 practice of medicine delegated by a physician under Title 14 of this article.

4 [(i)] (H) “Delegation agreement” means a document that is executed by a
5 **PRIMARY** supervising physician and a physician assistant containing the
6 requirements of § 15–302 of this title.

7 [(j)] “Designated pharmacy” means a pharmacy that has an agreement to
8 supply medications for a hospital, public health facility, correctional facility, or
9 detention center if:

10 (1) The hospital, public health facility, correctional facility, or
11 detention center does not have an on–site pharmacy; or

12 (2) The on–site pharmacy at the hospital, public health facility,
13 correctional facility, or detention center is closed or does not have a particular
14 medication in stock.]

15 [(k)] (I) “Hospital” means:

16 (1) A hospital as defined under § 19–301 of the Health – General
17 Article;

18 (2) A comprehensive care facility that:

19 (i) Meets the requirements of a hospital–based skilled nursing
20 facility under federal law;

21 (ii) Offers acute care in the same building; and

22 (iii) Has the same protocols and degree of supervision of
23 physician assistants as it does in its acute care area; and

24 (3) An emergency room that is physically connected to a hospital.

25 (J) **“LICENSE” MEANS A LICENSE ISSUED BY THE BOARD TO A**
26 **PHYSICIAN ASSISTANT UNDER THIS TITLE.**

27 [(l)] (K) “National certifying examination” means an examination offered
28 by a national organization, which certifies physician assistants as having achieved a
29 certain level of training.

30 [(m)] (L) “Physician assistant” means an individual who is [certified]
31 **LICENSED** under this title to perform delegated medical acts under the supervision of
32 a physician.

1 [(n)] (M) “Practice as a physician assistant” means the performance of
2 medical acts that are:

3 (1) Delegated by a **PRIMARY** supervising physician to a physician
4 assistant;

5 (2) Within the **PRIMARY** supervising physician’s scope of practice; and

6 (3) Appropriate to the physician assistant’s education, training, and
7 experience.

8 [(o)] (N) “Prescriptive authority” means the authority delegated by a
9 **PRIMARY** supervising physician to a physician assistant to prescribe and administer
10 controlled dangerous substances, prescription drugs, medical devices, and the oral,
11 written, or electronic ordering of medications.

12 (O) **“PRIMARY SUPERVISING PHYSICIAN” MEANS A PHYSICIAN WHO HAS
13 DELEGATED MEDICAL ACTS TO ONE OR MORE PHYSICIAN ASSISTANTS BY
14 COMPLETING A DELEGATION AGREEMENT THAT MEETS THE REQUIREMENTS
15 UNDER § 15–302 OF THIS TITLE AND SUBMITTING A COPY TO THE BOARD.**

16 (p) “Protocols” means written policies, bylaws, rules, or regulations
17 established by a hospital, public health facility, correctional facility, or detention
18 center that:

19 (1) Are established in consultation with and with the approval of its
20 medical staff;

21 (2) Describe the delegated medical acts a physician assistant may
22 execute; and

23 (3) Specify the minimum requirements for supervision by a physician.

24 (q) “Public health facility” means a [fixed] site where clinical public health
25 services are rendered under the auspices of the Department, a local health department
26 in a county, or the Baltimore City Health Department.

27 [(r) “Supervising physician” means a physician who has been approved by the
28 Board to supervise one or more physician assistants.]

29 [(s)] (R) (1) “Supervision” means the responsibility of a physician to
30 exercise on-site supervision or immediately available direction for physician
31 assistants performing delegated medical acts.

1 (2) “Supervision” includes **THE PRIMARY SUPERVISING** [physician]
2 **PHYSICIAN’S** oversight of and acceptance of direct responsibility for the patient
3 services and care rendered by a physician assistant, including continuous availability
4 to the physician assistant in person, through written instructions, or by electronic
5 means and by designation of one or more alternate supervising physicians.

6 15–102.

7 (a) A physician assistant may not practice within the scope of practice of any
8 of the following health occupations authorized under this article:

9 (1) Nursing;

10 (2) Optometry;

11 (3) Physical therapy; [or]

12 (4) Psychology; **OR**

13 **(5) RADIOGRAPHY, NUCLEAR MEDICINE TECHNOLOGY,**
14 **RADIATION THERAPY, OR RADIOLOGY ASSISTANCE.**

15 (b) This title does not limit the right of an individual to practice a health
16 occupation that the individual is authorized to practice under this article.

17 15–202.

18 (a) (1) The Committee shall consist of 7 members appointed by the Board.

19 (2) Of the 7 Committee members:

20 (i) 3 shall be licensed physicians;

21 (ii) 3 shall be [certified] **LICENSED** physician assistants; and

22 (iii) 1 shall be a consumer.

23 (3) Of the licensed physician members:

24 (i) At least 1 shall specialize in general surgery or a surgical
25 subspecialty; [and]

26 (ii) At least 1 shall specialize in internal medicine, family
27 practice, or a similar primary care specialty; **AND**

28 **(III) AT LEAST 1 SHALL BE A BOARD MEMBER.**

1 (4) The Board shall[:

2 (i) Appoint] **APPOINT** the physician assistant members from a
3 list of names submitted by:

4 [1.] **(I)** The Maryland Academy of Physician
5 Assistants; and

6 [2.] **(II)** The State institutions of higher education with
7 approved physician assistant programs[;

8 (ii) Appoint the consumer member selected by the Secretary of
9 the Department of Health and Mental Hygiene; and

10 (iii) Assign a physician member of the Board to serve as a voting
11 Board representative at all meetings of the Advisory Committee].

12 (5) The consumer member:

13 (i) Shall be a member of the general public;

14 (ii) May not be a physician, former physician, physician
15 assistant, or a person in training to become a physician or physician assistant;

16 (iii) May not have a household member who is a physician or
17 physician assistant, or a person in training to become a physician assistant; and

18 (iv) May not have had within 2 years before appointment a
19 substantial financial interest in a process regulated by the Board.

20 (6) Each member of the Committee shall be a resident of the State.

21 (b) Of the three physician members of the Committee, two shall be
22 previously or currently serving as supervising physicians of a physician assistant
23 under a Board–approved delegation agreement.

24 (c) The physician assistant members shall be [certified] **LICENSED** as a
25 physician assistant under this title.

26 (d) The physician assistant members shall be currently practicing as a
27 physician assistant or employed as a faculty member of an accredited physician
28 assistant program.

29 **(E) (1) AT LEAST ONE PHYSICIAN ASSISTANT MEMBER SHALL BE A**
30 **LICENSED PHYSICIAN ASSISTANT CURRENTLY PRACTICING IN A HOSPITAL; AND**

1 **(2) AT LEAST ONE PHYSICIAN ASSISTANT MEMBER SHALL BE A**
2 **LICENSED PHYSICIAN ASSISTANT CURRENTLY PRACTICING IN A NONHOSPITAL**
3 **SETTING.**

4 **[(e) (F)]** A Committee chairperson and a secretary shall be selected every 2
5 years by a majority vote of the membership of the Committee.

6 **[(f) (G)]** The chairperson shall serve in an advisory capacity to the Board as
7 a representative of the Committee.

8 15–203.

9 **[(a)]** The Board shall adopt regulations governing:

- 10 (1) The term of office for Committee members;
- 11 (2) The procedure for filling vacancies on the Committee;
- 12 (3) The removal of Committee members; and
- 13 (4) The duties of each officer.

14 **[(b)]** In addition to the regulations on removal of members adopted by the
15 Board, upon the recommendation of the Secretary the Governor may remove a
16 member whom the Secretary finds to have been absent from 2 successive Committee
17 meetings without adequate reason.]

18 15–205.

19 (a) In addition to the powers set forth elsewhere in this title, the Committee,
20 on its initiative or on the Board's request, may:

- 21 (1) Recommend to the Board regulations for carrying out the
22 provisions of this title;
- 23 (2) Recommend to the Board approval, modification, or disapproval of
24 an application for certification or a delegation agreement;
- 25 (3) Report to the Board any conduct of a supervising physician or a
26 physician assistant that may be cause for disciplinary action under this title or under
27 § 14–404 of this article; and
- 28 (4) Report to the Board any alleged unauthorized practice of a
29 physician assistant.

30 (b) (1) In addition to the duties set forth elsewhere in this title, the Board
31 shall adopt regulations to carry out the provisions of this title.

1 (2) The Board shall:

2 (i) Consider all recommendations of the Committee; and

3 (ii) Provide a written explanation of the Board's reasons for
4 rejecting or modifying the Committee's recommendations.

5 (3) The Board may:

6 (i) Investigate any alleged unauthorized practice of a physician
7 assistant;

8 (ii) Investigate any conduct that may be cause for disciplinary
9 action under this title; and

10 (iii) On receipt of a written and signed complaint, including a
11 referral from the Commissioner of Labor and Industry, conduct an unannounced
12 inspection of the office of a physician assistant, other than an office of a physician
13 assistant in a hospital, related institution, freestanding medical facility, or a
14 freestanding birthing center, to determine compliance at that office with the Centers
15 for Disease Control's guidelines on universal precautions.

16 (4) **IF THE ENTRY IS NECESSARY TO CARRY OUT A DUTY UNDER**
17 **THIS SUBTITLE, INCLUDING AN INVESTIGATION OR DETERMINATION OF**
18 **COMPLIANCE AS PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION AND**
19 **AN AUDIT TO DETERMINE COMPLIANCE WITH THE BOARD'S REQUIREMENTS**
20 **WITH RESPECT TO PHYSICIAN ASSISTANT PRACTICE, THE EXECUTIVE**
21 **DIRECTOR OF THE BOARD OR OTHER DULY AUTHORIZED AGENT OR**
22 **INVESTIGATOR MAY ENTER AT ANY REASONABLE HOUR A PLACE OF BUSINESS**
23 **OF A LICENSED PHYSICIAN OR A LICENSED PHYSICIAN ASSISTANT OR PUBLIC**
24 **PREMISES.**

25 (5) (I) **A PERSON MAY NOT DENY OR INTERFERE WITH AN**
26 **ENTRY UNDER THIS SUBSECTION.**

27 (II) **A PERSON WHO VIOLATES ANY PROVISION OF THIS**
28 **SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT**
29 **TO A FINE NOT EXCEEDING \$100.**

30 15-206.

31 (a) The Board shall set reasonable fees for:

32 (1) The issuance and renewal of [certificates] **LICENSES**; and

1 (2) The other services rendered by the Board in connection with
2 physician assistants.

3 (b) (1) The Board shall pay all fees collected under this title to the
4 Comptroller of the State.

5 (2) (i) If the Governor does not include in the State budget at least
6 \$750,000 for the operation of the Health Personnel Shortage Incentive Grant Program
7 under § 18–803 of the Education Article and the Janet L. Hoffman Loan Assistance
8 Repayment Program for primary care services under § 18–1502(c) of the Education
9 Article, as administered by the Maryland Higher Education Commission, the
10 Comptroller shall distribute:

11 1. [Except as provided in subparagraph (ii) of this
12 paragraph, 12] **TWELVE** percent of the fees received from the Board to the Office of
13 Student Financial Assistance to be used as follows:

14 A. One–half to make grants under the Health Personnel
15 Shortage Incentive Grant Program under § 18–803 of the Education Article; and

16 B. One–half to make grants under the Janet L. Hoffman
17 Loan Assistance Repayment Program under § 18–1502(c) of the Education Article to
18 physicians engaged in primary care or to medical residents specializing in primary
19 care who agree to practice for at least 2 years as primary care physicians in a
20 geographic area of the State that has been designated by the Secretary of Health and
21 Mental Hygiene as being medically underserved; and

22 2. The balance of the fees to the Board of Physicians
23 Fund.

24 (ii) [For fiscal 2008, if the Governor does not include in the
25 State budget the funds specified under subparagraph (i) of this paragraph, the
26 Comptroller shall distribute 14 percent of the fees received from the Board to the
27 Office of Student Financial Assistance to be used as provided under subparagraph (i)
28 of this paragraph.

29 (iii)] If the Governor includes in the State budget at least
30 \$750,000 for the operation of the Health Personnel Shortage Incentive Grant Program
31 under § 18–803 of the Education Article and the Janet L. Hoffman Loan Assistance
32 Repayment Program for primary care services under § 18–1502(c) of the Education
33 Article, as administered by the Maryland Higher Education Commission, the
34 Comptroller shall distribute the fees to the Board of Physicians Fund.

35 15–301.

36 (a) Nothing in this title may be construed to authorize a physician assistant
37 to practice independent of a supervising physician.

1 (b) A [certificate] **LICENSE** issued to a physician assistant shall limit the
2 physician assistant's scope of practice to medical acts:

3 (1) Delegated by the **PRIMARY** supervising physician;

4 (2) Appropriate to the education, training, and experience of the
5 physician assistant;

6 (3) Customary to the practice of the **PRIMARY** supervising physician;
7 and

8 (4) Consistent with the delegation agreement submitted to the Board.

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

10 (1) (i) Taking complete, detailed, and accurate patient histories;
11 and

12 (ii) Reviewing patient records to develop comprehensive medical
13 status reports;

14 (2) Performing physical examinations and recording all pertinent
15 patient data;

16 (3) Interpreting and evaluating patient data as authorized by the
17 **PRIMARY** supervising physician for the purpose of determining management and
18 treatment of patients;

19 (4) Initiating requests for or performing diagnostic procedures as
20 indicated by pertinent data and as authorized by the **PRIMARY** supervising physician;

21 (5) Providing instructions and guidance regarding medical care
22 matters to patients;

23 (6) Assisting the **PRIMARY** supervising physician **OR ALTERNATE**
24 **SUPERVISING PHYSICIAN** in the delivery of services to patients who require medical
25 care in the home and in health care institutions, including:

26 (i) Recording patient progress notes;

27 (ii) Issuing diagnostic orders; and

28 (iii) Transcribing or executing specific orders at the direction of
29 the **PRIMARY** supervising physician **OR ALTERNATE SUPERVISING PHYSICIAN**; and

1 (7) Exercising prescriptive authority under [an approved] A delegation
2 agreement and in accordance with § 15–302.2 of this subtitle.

3 (d) (1) Except as otherwise provided in this title, an individual shall be
4 [certified] **LICENSED** by the Board before the individual may practice as a physician
5 assistant.

6 (2) Except as otherwise provided in this title, a physician may not
7 supervise a physician assistant in the performance of delegated medical acts without
8 [the approval of] **SUBMITTING A COMPLETED DELEGATION AGREEMENT TO** the
9 Board.

10 (3) Except as otherwise provided in this title or in a medical
11 emergency, a physician assistant may not perform any medical act for which:

12 (i) The individual has not been [certified] **LICENSED**; and

13 (ii) The medical acts have not been delegated by a **PRIMARY**
14 supervising physician.

15 (e) A physician assistant is the agent of the **PRIMARY** supervising physician
16 in the performance of all practice–related activities, including the oral, written, or
17 electronic ordering of diagnostic, therapeutic, and other medical services.

18 (f) Except as provided in subsection (g) of this section, the following
19 individuals may practice as a physician assistant without a [certificate] **LICENSE**:

20 (1) A physician assistant student in a physician assistant training
21 program that is accredited by the Commission on Allied Health Education Programs
22 and approved by the Board; or

23 (2) A physician assistant employed in the service of the federal
24 government while performing duties incident to that employment.

25 (g) A physician may not delegate [the authority to write medication orders or
26 the ability to exercise] prescriptive authority to a physician assistant student in a
27 training program [approved by the Board].

28 (h) (1) Except as prohibited by § 15–102(a) of this title, if a duty that is to
29 be delegated under this section is a part of the practice of a health occupation that is
30 regulated under this article by another board, any rule or regulation concerning that
31 duty shall be adopted jointly by the Board of Physicians and the board that regulates
32 the other health occupation.

33 (2) If the two boards cannot agree on a proposed rule or regulation, the
34 proposal shall be submitted to the Secretary for a final decision.

1 (i) Notwithstanding the provisions of this section, a patient being treated
2 regularly for a life-threatening, chronic, degenerative, or disabling condition shall be
3 seen initially by the **PRIMARY** supervising physician and as frequently as the patient's
4 condition requires, but no less than within every five appointments or within 180 days,
5 whichever occurs first.

6 15-302.

7 (a) [Subject to the provisions of subsection (i) of this section, the Board may
8 authorize a] **A** physician [to] **MAY** delegate medical acts to a physician assistant only
9 after:

10 (1) A delegation agreement has been executed and submitted to the
11 [Committee for review to ensure the delegation agreement contains the requirements
12 of this subtitle] **BOARD**; and

13 (2) [Except as provided in § 15-302.1 of this subtitle, the Board has
14 reviewed and approved a favorable recommendation by the Committee that the
15 requirements of this subtitle have been met] **ANY ADVANCED DUTIES HAVE BEEN**
16 **AUTHORIZED AS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.**

17 (b) The delegation agreement shall contain:

18 (1) A description of the qualifications of the **PRIMARY** supervising
19 physician and physician assistant;

20 (2) A description of the settings in which the physician assistant will
21 practice;

22 (3) A description of the continuous physician supervision mechanisms
23 that are reasonable and appropriate to the practice setting;

24 (4) A description of the delegated medical acts that are within the
25 **PRIMARY** supervising physician's scope of practice and require specialized education
26 or training that is consistent with accepted medical practice;

27 (5) An attestation that all medical acts to be delegated to the
28 physician assistant are within the scope of practice of the **PRIMARY** supervising
29 physician and appropriate to the physician assistant's education, training, and level of
30 competence;

31 (6) An attestation of continuous supervision of the physician assistant
32 by the **PRIMARY** supervising physician through the mechanisms described in the
33 delegation agreement;

34 (7) An attestation by the **PRIMARY** supervising physician of the
35 physician's acceptance of responsibility for any care given by the physician assistant;

1 (8) A description prepared by the **PRIMARY** supervising physician of
2 the process by which the physician assistant's practice is reviewed appropriate to the
3 practice setting and consistent with current standards of acceptable medical practice;

4 (9) An attestation by the **PRIMARY** supervising physician that the
5 physician will respond in a timely manner when contacted by the physician assistant;
6 and

7 (10) Any other information deemed necessary by the Board or
8 Committee to carry out the provisions of this subtitle.

9 (c) (1) [The delegation agreement shall be submitted with the application
10 fee established by the Board and the supervising physician and physician assistant
11 shall comply with all other requirements established by the Board in accordance with
12 this title.

13 (2) The Board shall set the application fee so as to produce funds to
14 approximate the cost of reviewing and approving delegation agreements and any other
15 related services provided] **THE BOARD MAY NOT REQUIRE PRIOR APPROVAL OF A
16 DELEGATION AGREEMENT THAT INCLUDES ADVANCED DUTIES, IF AN ADVANCED
17 DUTY WILL BE PERFORMED IN A HOSPITAL OR AMBULATORY SURGICAL
18 FACILITY ACCREDITED BY THE JOINT COMMISSION, PROVIDED THAT:**

19 (I) **A PHYSICIAN, WITH CREDENTIALS THAT HAVE BEEN
20 REVIEWED BY THE HOSPITAL OR AMBULATORY SURGICAL FACILITY AS A
21 CONDITION OF EMPLOYMENT, AS AN INDEPENDENT CONTRACTOR, OR AS A
22 MEMBER OF THE MEDICAL STAFF, SUPERVISES THE PHYSICIAN ASSISTANT;**

23 (II) **THE PHYSICIAN ASSISTANT HAS CREDENTIALS THAT
24 HAVE BEEN REVIEWED BY THE HOSPITAL OR AMBULATORY SURGICAL FACILITY
25 AS A CONDITION OF EMPLOYMENT, AS AN INDEPENDENT CONTRACTOR, OR AS A
26 MEMBER OF THE MEDICAL STAFF; AND**

27 (III) **EACH ADVANCED DUTY TO BE DELEGATED TO THE
28 PHYSICIAN ASSISTANT IS REVIEWED AND APPROVED WITHIN A PROCESS
29 APPROVED BY THE GOVERNING BODY OF THE HEALTH CARE FACILITY BEFORE
30 THE PHYSICIAN ASSISTANT PERFORMS THE ADVANCED DUTIES.**

31 (2) **IN ANY SETTING THAT DOES NOT MEET THE REQUIREMENTS
32 OF PARAGRAPH (1) OF THIS SUBSECTION, A PRIMARY SUPERVISING PHYSICIAN
33 SHALL OBTAIN THE BOARD'S APPROVAL OF A DELEGATION AGREEMENT,
34 INCLUDING ADVANCED DUTIES, BEFORE THE PHYSICIAN ASSISTANT PERFORMS
35 THE ADVANCED DUTIES.**

1 (d) [The] **FOR A DELEGATION AGREEMENT CONTAINING ADVANCED**
2 **DUTIES THAT REQUIRES BOARD APPROVAL, THE** Committee shall review the
3 delegation agreement and recommend to the Board that the delegation agreement be
4 approved, rejected, or modified to ensure conformance with the requirements of this
5 title.

6 (e) The Committee may conduct a personal interview of the **PRIMARY**
7 supervising physician and the physician assistant.

8 (f) On review of the Committee's recommendation regarding a **PRIMARY**
9 supervising physician's request to delegate [medical acts] **ADVANCED DUTIES** as
10 described in a delegation agreement, the Board:

11 (1) May approve the delegation agreement; or

12 (2) (i) If the physician assistant does not meet the applicable
13 education, training, and experience requirements to perform the specified delegated
14 acts, may modify or disapprove the delegation agreement; and

15 (ii) If the Board takes an action under item (i) of this item:

16 1. Shall notify the **PRIMARY** supervising physician and
17 the physician assistant in writing of the particular elements of the proposed delegation
18 agreement that were the cause for the modification or disapproval; and

19 2. May not restrict the submission of an amendment to
20 the delegation agreement.

21 (g) If the Board determines that a **PRIMARY OR ALTERNATE** supervising
22 physician or physician assistant is practicing in a manner inconsistent with the
23 requirements of this title or Title 14 of this article, the Board on its own initiative or
24 on the recommendation of the Committee may demand modification of the practice,
25 withdraw the approval of the delegation agreement, or take other disciplinary action
26 under § 14-404 or [§ 15-314] § **15-313** of this article.

27 (h) [(1) A delegation agreement approved under this subtitle may be
28 reviewed as a component of the certificate renewal process established under § 15-307
29 of this subtitle.

30 (2) A delegation agreement shall expire when a physician assistant's
31 certificate expires.

32 (i) The Board] **A PRIMARY SUPERVISING PHYSICIAN** may not [authorize a
33 physician to] delegate medical acts under a delegation agreement to more than two
34 physician assistants at any one time, except in a hospital or in the following
35 nonhospital settings:

1 (1) A correctional facility;

2 (2) A detention center; or

3 (3) A public health facility.

4 [(j)] (I) A person may not coerce another person to enter into a delegation
5 agreement under this subtitle.

6 [(k)] (J) A physician may supervise a physician assistant:

7 (1) [In] **AS A PRIMARY SUPERVISING PHYSICIAN IN** accordance
8 with a delegation agreement approved by the Board under this subtitle; or

9 (2) As an alternate supervising physician if:

10 (i) The alternate supervising physician supervises in
11 accordance with a delegation agreement filed with the Board;

12 (ii) The alternate supervising physician supervises no more
13 than four physician assistants at any one time, except in a hospital, correctional
14 facility, detention center, or public health facility;

15 (iii) The alternate supervising physician's period of supervision,
16 in the absence of the primary supervising physician, does not exceed:

17 1. The period of time specified in the delegation
18 agreement; and

19 2. A period of 45 consecutive days at any one time; and

20 (iv) The physician assistant performs only those medical acts
21 that:

22 1. Have been delegated under the delegation agreement
23 filed with the Board; and

24 2. Are within the scope of practice of **BOTH THE**
25 **PRIMARY SUPERVISING PHYSICIAN AND** the alternate supervising physician.

26 **(K) IN THE EVENT OF A SUDDEN DEPARTURE, INCAPACITY, OR DEATH**
27 **OF A PRIMARY SUPERVISING PHYSICIAN, A DESIGNATED ALTERNATE**
28 **SUPERVISING PHYSICIAN MAY ASSUME THE ROLE OF THE PRIMARY**
29 **SUPERVISING PHYSICIAN BY SUBMITTING A NEW DELEGATION AGREEMENT TO**
30 **THE BOARD WITHIN 15 DAYS.**

1 (1) Individual members of the Board are not civilly liable for actions
2 regarding the approval, modification, or disapproval of a delegation agreement
3 described in this section.

4 15-302.1.

5 (a) **IF A DELEGATION AGREEMENT DOES NOT INCLUDE ADVANCED**
6 **DUTIES OR THE ADVANCED DUTIES HAVE BEEN APPROVED UNDER §**
7 **15-302(C)(1) OF THIS SUBTITLE, A PHYSICIAN ASSISTANT MAY ASSUME THE**
8 **DUTIES UNDER A DELEGATION AGREEMENT ON THE DATE OF RECEIPT BY THE**
9 **BOARD OF THE DELEGATION AGREEMENT.**

10 (B) In this section, “pending” means that a delegation agreement **THAT**
11 **INCLUDES DELEGATION OF ADVANCED DUTIES IN A SETTING THAT MEETS THE**
12 **REQUIREMENTS UNDER § 15-302(C)(2) OF THIS SUBTITLE** has been executed and
13 submitted to the [Committee] **BOARD** for [review] **ITS APPROVAL**, but:

14 (1) The Committee has not made a recommendation to the Board; or

15 (2) The Board has not made a final decision regarding the delegation
16 agreement.

17 [(b)] (C) Subject to subsection [(c)] (D) of this section, if a delegation
18 agreement is pending, on receipt of a temporary practice letter from the staff of the
19 Board, a physician assistant may [practice in accordance with the pending delegation
20 agreement] **PERFORM THE ADVANCED DUTY** if:

21 (1) The **PRIMARY** supervising physician has been previously approved
22 to supervise one or more physician assistants in the [proposed practice setting for the
23 same scope of practice] **PERFORMANCE OF THE ADVANCED DUTY**; and

24 (2) The physician assistant has been previously approved [for the
25 same scope of practice in a different practice setting] **BY THE BOARD TO PERFORM**
26 **THE ADVANCED DUTY.**

27 [(c)] (D) If the Committee recommends a denial of the pending delegation
28 agreement or the Board denies the pending delegation agreement, on notice to the
29 **PRIMARY SUPERVISING** physician and the physician assistant, the physician
30 assistant may no longer [practice in accordance with the delegation agreement]
31 **PERFORM THE ADVANCED DUTY THAT HAS NOT RECEIVED THE APPROVAL OF**
32 **THE BOARD.**

33 (E) **THE BOARD MAY DISAPPROVE ANY DELEGATION AGREEMENT IF IT**
34 **BELIEVES THAT:**

1 (1) **THE AGREEMENT DOES NOT MEET THE REQUIREMENTS OF**
2 **THIS SUBTITLE; OR**

3 (2) **THE PHYSICIAN ASSISTANT IS UNABLE TO PERFORM SAFELY**
4 **THE DELEGATED DUTIES.**

5 (F) **IF THE BOARD DISAPPROVES A DELEGATION AGREEMENT OR THE**
6 **DELEGATION OF ANY FUNCTION UNDER AN AGREEMENT, THE BOARD SHALL**
7 **PROVIDE THE PRIMARY SUPERVISING PHYSICIAN AND THE PHYSICIAN**
8 **ASSISTANT WITH WRITTEN NOTICE OF THE DISAPPROVAL.**

9 (G) **A PHYSICIAN ASSISTANT WHO RECEIVES NOTICE THAT THE BOARD**
10 **HAS DISAPPROVED A DELEGATION AGREEMENT OR AN ADVANCED FUNCTION**
11 **UNDER THE DELEGATION AGREEMENT SHALL IMMEDIATELY CEASE TO**
12 **PRACTICE UNDER THE AGREEMENT OR TO PERFORM THE DISAPPROVED**
13 **FUNCTION.**

14 15-302.2.

15 (a) A **PRIMARY** supervising physician may not delegate prescribing and
16 administering of controlled dangerous substances, prescription drugs, or medical
17 devices unless the **PRIMARY** supervising physician and physician assistant include in
18 the delegation agreement:

19 (1) A notice of intent to delegate prescribing of controlled dangerous
20 substances, prescription drugs, or medical devices;

21 (2) An attestation that all prescribing activities of the physician
22 assistant will comply with applicable federal and State regulations;

23 (3) An attestation that all medical charts or records will contain a
24 notation of any prescriptions written by a physician assistant in accordance with this
25 section;

26 (4) An attestation that all prescriptions written under this section will
27 include the physician assistant's name and the **PRIMARY** supervising physician's
28 name, business address, and business telephone number legibly written or printed;

29 (5) [Evidence demonstrating:

30 (i) Passage of] **AN ATTESTATION THAT THE PHYSICIAN**
31 **ASSISTANT:**

32 (I) **HAS PASSED** the physician assistant national certification
33 exam administered by the National Commission on the Certification of Physician
34 Assistants within the previous 2 years; or

1 (ii) [Successful completion of] **HAS SUCCESSFULLY**
2 **COMPLETED** 8 category 1 hours of pharmacology education within the previous 2
3 years; and

4 (6) [Evidence demonstrating:] **AN ATTESTATION THAT THE**
5 **PHYSICIAN ASSISTANT MEETS AT LEAST ONE OF THE FOLLOWING CRITERIA:**

- 6 (i) A bachelor's degree or its equivalent; **OR**
7 (ii) 2 years of work experience as a physician assistant[; or
8 (iii) Prior approval by the Board of a delegation agreement,
9 including approval for writing medication orders].

10 (b) (1) A **PRIMARY** supervising physician may not delegate the
11 prescribing of substances that are identified as Schedule I controlled dangerous
12 substances under § 5-402 of the Criminal Law Article.

13 (2) A **PRIMARY** supervising physician may not delegate the
14 prescribing of controlled dangerous substances to a physician assistant unless the
15 physician assistant has a valid:

- 16 (i) State controlled dangerous substance registration; and
17 (ii) Federal Drug Enforcement Agency (DEA) registration.

18 15-302.3.

19 (a) On a quarterly basis, the Board shall provide to the Board of Pharmacy a
20 list of physician assistants whose delegation agreements include the delegation of
21 [authority to exercise] prescriptive authority.

22 (b) The list required under subsection (a) of this section shall specify whether
23 each physician assistant has been delegated the authority to prescribe controlled
24 dangerous substances, prescription drugs, or medical devices.

25 (c) If a **PRIMARY** supervising physician who has delegated authority to
26 exercise prescriptive authority to a physician assistant subsequently restricts or
27 removes the delegation, the **PRIMARY** supervising physician shall notify the Board of
28 the restriction or removal within 5 business days.

29 **15-302.4.**

30 (A) **AFTER THE BOARD NOTIFIES A PRIMARY SUPERVISING PHYSICIAN**
31 **AND A PHYSICIAN ASSISTANT THAT THE BOARD HAS NOT APPROVED A**

1 DELEGATION AGREEMENT OR ONE OR MORE ADVANCED DUTIES UNDER §
2 15-302.1(D) OR (E) OF THIS SUBTITLE, THE PRIMARY SUPERVISING PHYSICIAN
3 AND THE PHYSICIAN ASSISTANT MAY APPEAL THE DECISION TO A HEARING
4 PANEL APPOINTED BY THE BOARD.

5 (B) (1) THE PANEL SHALL CONSIST OF TWO PHYSICIANS LICENSED
6 UNDER TITLE 14 OF THIS ARTICLE AND A HEARING OFFICER.

7 (2) ONE OF THE PHYSICIAN PANEL MEMBERS SHALL BE FROM
8 THE SAME SPECIALTY AS THE PRIMARY SUPERVISING PHYSICIAN.

9 (C) THE PANEL SHALL ACCEPT TESTIMONY ON:

10 (1) THE MEDICAL KNOWLEDGE, MEDICAL JUDGMENT, AND
11 TECHNICAL SKILLS NEEDED TO PERFORM THE ADVANCED DUTY; AND

12 (2) THE MEDICAL KNOWLEDGE, MEDICAL JUDGMENT, AND
13 TECHNICAL SKILLS OF THE PHYSICIAN ASSISTANT.

14 (D) THE PANEL SHALL MAKE RECOMMENDATIONS TO THE BOARD
15 REGARDING THE DELEGATION OF THE ADVANCED DUTY TO THE PHYSICIAN
16 ASSISTANT.

17 (E) THE BOARD SHALL HAVE FINAL AUTHORITY AND DISCRETION TO
18 APPROVE OR DISAPPROVE THE DELEGATION OF AN ADVANCED DUTY TO A
19 PHYSICIAN ASSISTANT AFTER THE HEARING REQUIRED UNDER THIS SECTION.

20 15-303.

21 (a) To qualify for a [certificate] LICENSE, an applicant shall [be]:

22 (1) [Of] BE OF good moral character;

23 (2) [Fluent in the English language] DEMONSTRATE ORAL AND
24 WRITTEN COMPETENCY IN THE ENGLISH LANGUAGE AS REQUIRED BY THE
25 BOARD;

26 (3) [At] BE AT least 18 years old; and

27 (4) (I) [A] BE A graduate of a physician assistant training program
28 approved by the Board; OR

29 (II) HAVE PASSED THE PHYSICIAN ASSISTANT NATIONAL
30 CERTIFYING EXAMINATION ADMINISTERED BY THE NATIONAL COMMISSION ON

1 **CERTIFICATION OF PHYSICIAN ASSISTANTS PRIOR TO 1986, MAINTAINED ALL**
2 **CONTINUING EDUCATION AND RECERTIFICATION REQUIREMENTS, AND BEEN IN**
3 **CONTINUOUS PRACTICE SINCE PASSAGE OF THE EXAMINATION.**

4 (b) Except as otherwise provided in this title, the applicant shall pass a
5 national certifying examination approved by the Board.

6 (c) An applicant who graduates from a physician assistant training program
7 after October 1, 2003 shall have a bachelor's degree or its equivalent.

8 [(d) The Board shall adopt regulations governing the issuance of temporary
9 certificates to applicants who:

10 (1) Have met all other requirements of this section; but

11 (2) Have not yet passed the national certifying examination.]

12 15-304.

13 An applicant for a [certificate] **LICENSE** shall:

14 (1) Submit an application to the Board on the form that the Board
15 requires; and

16 (2) Pay to the Board the application fee set by the Board.

17 [15-305.

18 (a) If an applicant qualifies for a certificate under this subtitle, the Board
19 shall send the applicant a notice that specifies that:

20 (1) The applicant has qualified for a certificate; and

21 (2) On receipt of the certificate fee set by the Board, the Board will
22 issue a certificate to the applicant.

23 (b) On payment of the certificate fee, the Board shall issue a certificate to
24 any applicant who meets the requirements of this subtitle.

25 (c) The Board shall include on each certificate that the Board issues:

26 (1) The full name of the certificate holder;

27 (2) A serial number assigned by the Board to the certificate holder;
28 and

29 (3) The signature of the Secretary under seal of the Board.]

1 **15-305.**

2 **THE BOARD SHALL ISSUE A LICENSE TO AN APPLICANT WHO MEETS THE**
3 **REQUIREMENTS OF THIS TITLE.**

4 15-306.

5 A [certificate] **LICENSE** authorizes the [certificate holder] **LICENSEE** to
6 practice as a physician assistant **UNDER A DELEGATION AGREEMENT** while the
7 [certificate] **LICENSE** is effective.

8 15-307.

9 (a) (1) Unless a [certificate] **LICENSE** is renewed for an additional term
10 as provided in this section, the [certificate] **LICENSE** expires on the date set by the
11 Board.

12 (2) A [certificate] **LICENSE** may not be renewed for a term longer than
13 2 years.

14 (b) At least 1 month before a [certificate] **LICENSE** expires, the Board shall
15 send to the [certificate holder] **LICENSEE**, by first-class mail to the last known
16 address of the [certificate holder] **LICENSEE**, a renewal notice that states:

17 (1) The date on which the current [certificate] **LICENSE** expires;

18 (2) The date by which the Board must receive the renewal application
19 for the renewal to be issued and mailed before the [certificate] **LICENSE** expires; and

20 (3) The amount of the renewal fee.

21 (c) Before a [certificate] **LICENSE** expires, the [certificate holder] **LICENSEE**
22 periodically may renew it for an additional 2-year term, if the [certificate holder]
23 **LICENSEE**:

24 (1) Is otherwise entitled to be issued a [certificate] **LICENSE**;

25 (2) Pays to the Board the renewal fee, set by the Board; [and]

26 (3) Submits to the Board:

27 (i) A renewal application on the form that the Board requires;
28 and

1 (ii) Satisfactory evidence of compliance with the continuing
2 education requirements for [certificate] LICENSE renewal set by the Board under this
3 section; AND

4 (4) **MEETS ANY ADDITIONAL REQUIREMENTS SET BY THE BOARD**
5 **FOR RENEWAL OF A LICENSE.**

6 (d) (1) In addition to any other qualifications and requirements
7 established by the Board, the Board shall establish continuing education requirements
8 as a condition for the renewal of certificates under this section.

9 (2) In establishing the continuing education requirements under
10 paragraph (1) of this subsection, the Board shall include a requirement for a course on
11 the special care needs of terminally ill individuals and their families which shall
12 include topics related to:

13 (i) Pain and symptom management;

14 (ii) The psycho-social dynamics of death;

15 (iii) Dying and bereavement; and

16 (iv) Hospice care.

17 (e) The Board shall renew the [certificate] LICENSE of each [certificate
18 holder] LICENSEE who meets the requirements of this section.

19 (F) **FOR THE FAILURE OF A LICENSEE TO OBTAIN CONTINUING**
20 **MEDICAL EDUCATION CREDITS AS REQUIRED BY THE BOARD, THE BOARD MAY**
21 **IMPOSE A CIVIL PENALTY NOT TO EXCEED \$100 FOR EACH MEDICAL EDUCATION**
22 **CREDIT NOT OBTAINED BY THE LICENSEE.**

23 15-308.

24 The Board, in accordance with its regulations, shall reinstate the [certificate]
25 LICENSE of a physician assistant who has failed to renew the [certificate] LICENSE
26 for any reason if the physician assistant:

27 (1) Meets the renewal requirements of § 15-307 of this subtitle;

28 (2) Pays to the Board the reinstatement fee set by the Board; [and]

29 (3) Submits to the Board satisfactory evidence of compliance with the
30 qualifications and requirements established under this subtitle for [certificate]
31 LICENSURE reinstatements; AND

1 **(4) MEETS ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY**
2 **THE BOARD FOR REINSTATEMENT.**

3 15-309.

4 (a) Each [certificate holder] **LICENSEE** shall produce a valid [certificate]
5 **LICENSE** and delegation agreement when requested to do so by an existing or
6 potential employer or client.

7 (b) **(I)** Each [certificate holder] **LICENSEE** shall give the Board written
8 notice of any change of address **OR NAME WITHIN 60 DAYS OF THE CHANGE.**

9 **(II) A LICENSEE WHO FAILS TO COMPLY WITH THIS SUBSECTION**
10 **IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.**

11 15-310.

12 (a) In reviewing an application for [certification] **LICENSURE** or in
13 investigating an allegation brought under [§ 15-314] § **15-313** of this subtitle, [the
14 Committee may request the Board to direct, or] the Board [on its own initiative] may
15 direct the physician assistant to submit to an appropriate examination.

16 (b) In return for the privilege given to the physician assistant to perform
17 delegated medical acts in the State, the physician assistant is deemed to have:

18 (1) Consented to submit to an examination under this section, if
19 requested by the Board in writing; and

20 (2) Waived any claim of privilege as to the testimony or examination
21 reports.

22 (c) The unreasonable failure or refusal of the physician assistant to submit
23 to an examination is grounds for denial of the application or immediate suspension of
24 the [certification] **LICENSE**.

25 (d) The Board shall pay the costs of any examination made under this
26 section.

27 (e) [(1) (i)] The Board shall assess each applicant for a [certificate]
28 **LICENSE** or the renewal of a [certificate] **LICENSE** to practice as a physician
29 assistant, a fee set by the Board[.

30 (ii) The fee shall be] sufficient to fund the activities of the
31 [entity or entities with whom the Board contracts under § 14-401(e)] **BOARD'S**
32 **REHABILITATION PROGRAM UNDER § 14-401(G)** of this article in conducting a
33 physician assistant rehabilitation program.

1 [(iii) The fee shall be set by the Secretary each year after the
2 submission by the entity or entities with whom the Board contracts under § 14-401(e)
3 of this article to the Board of the annual budget for the Physician Assistant
4 Rehabilitation Program.

5 (2) As provided under § 2-1220 of the State Government Article, the
6 Legislative Auditor, every 2 years, shall audit the accounts and transactions of the
7 entity or entities with whom the Board contracts under § 14-401(e) of this article in
8 conducting the Physician Assistant Rehabilitation Program.]

9 15-311.

10 Subject to the hearing provisions of [§ 15-313] § **15-314** of this subtitle, the
11 Board, on the affirmative vote of a majority of [its members then serving] **A QUORUM**,
12 may deny a [certificate] **LICENSE** to any applicant for[:

13 (1) Failure to meet the qualifications for certification; or

14 (2) Any] **ANY** of the reasons that are grounds for disciplinary action
15 under [§ 15-314] § **15-313** of this subtitle.

16 15-312.

17 (a) Unless the Board agrees to accept the surrender of a [certification]
18 **LICENSE** of A physician assistant, the physician assistant may not surrender the
19 [certification] **LICENSE** nor may the [certification] **LICENSURE** lapse by operation of
20 law while the physician assistant is under investigation or while charges are pending.

21 (b) The Board may set conditions on its agreement to accept surrender of a
22 [certification] **LICENSE**.

23 [15-313.

24 (a) (1) Except as otherwise provided under § 10-226 of the State
25 Government Article, before the Board takes any action to deny a certificate or to reject
26 or modify a delegation agreement, the Board shall give the applicant or certificate
27 holder the opportunity for a hearing before the Board.

28 (2) The Board shall give notice and hold the hearing under Title 10,
29 Subtitle 2 of the State Government Article.

30 (3) The Board may administer oaths in connection with any
31 proceeding under this section.

32 (4) At least 14 days before the hearing, the hearing notice shall be
33 sent to the last known address of the applicant or certificate holder.

1 (b) Any applicant aggrieved under this subtitle by a final decision of the
2 Board denying a certificate or denying or modifying a delegation agreement may:

3 (1) Appeal that decision to the Board of Review; and

4 (2) Then take any further appeal allowed under Title 10, Subtitle 2 of
5 the State Government Article.]

6 [15–314.] **15–313.**

7 (A) Subject to the hearing provisions of [§ 15–315] § **15–314** of this subtitle,
8 the Board, on the affirmative vote of a majority of [its members then serving] **A**
9 **QUORUM**, may reprimand any [certificate holder] **LICENSEE** or suspend or revoke a
10 [certificate] **LICENSE** if the [certificate holder] **LICENSEE**:

11 (1) Fraudulently or deceptively obtains or attempts to obtain a
12 [certificate] **LICENSE** for the applicant or [certificate holder] **LICENSEE** or for another
13 individual;

14 (2) Fraudulently or deceptively uses a [certificate] **LICENSE**;

15 (3) Violates any provision of this title or any regulations adopted
16 under this title or commits any act [which] **THAT** could serve as the basis for
17 disciplinary action against a physician under § 14–404 of this article;

18 (4) Performs delegated medical acts beyond the scope of [the
19 certificate] **OR** not within a delegation agreement [approved by] **SUBMITTED TO** the
20 Board;

21 (5) Performs delegated medical acts without the supervision of a
22 physician;

23 (6) Refuses, withholds from, denies, or discriminates against an
24 individual with regard to the provision of professional services for which the
25 [certificate holder] **LICENSEE** is [certified] **LICENSED** and qualified to render because
26 the individual is HIV positive;

27 (7) Except in an emergency life–threatening situation where it is not
28 feasible or practicable, fails to comply with the Centers for Disease Control’s
29 guidelines on universal precautions; or

30 (8) Is in breach of a service obligation resulting from the applicant’s or
31 [certificate holder’s] **LICENSEE’S** receipt of State or federal funding for the applicant’s
32 or [certificate holder’s] **LICENSEE’S** physician assistant education.

1 **(B) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE**
2 **BOARD BY THE OFFICE OF THE ATTORNEY GENERAL, THE BOARD SHALL**
3 **ORDER THE SUSPENSION OF A LICENSE IF THE LICENSEE IS CONVICTED OF OR**
4 **PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING**
5 **MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS**
6 **PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE.**

7 **(2) AFTER COMPLETION OF THE APPELLATE PROCESS IF THE**
8 **CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE**
9 **WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, THE BOARD SHALL**
10 **ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE OFFICE**
11 **OF THE ATTORNEY GENERAL.**

12 **[15-315.] 15-314.**

13 (a) (1) Except as otherwise provided under § 10-226 of the State
14 Government Article, before the Board takes any action under [§ 15-314] § **15-313** of
15 this subtitle, the Board shall give the individual against whom the action is
16 contemplated an opportunity for a hearing before a hearing officer **OR A**
17 **SUBCOMMITTEE OF THE BOARD.**

18 (2) The hearing officer shall give notice and hold the hearing in
19 accordance with Title 10, Subtitle 2 of the State Government Article.

20 (3) The Board may administer oaths in connection with any
21 proceeding under this section.

22 (4) At least 14 days before the hearing, the hearing notice required
23 under this subtitle shall be sent by certified mail to the last known address of the
24 individual.

25 (b) (1) Any [certificate holder] **LICENSEE** who is aggrieved by a final
26 decision of the Board **IN A CONTESTED CASE** under this subtitle may not appeal to
27 the Board of Review but may take a direct judicial appeal.

28 (2) The appeal shall be as provided for judicial review of the final
29 decision in Title 10, Subtitle 2 of the State Government Article.

30 (c) An order of the Board under this subtitle may not be stayed pending
31 review.

32 **(D) THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR**
33 **MODIFIES ITS ORDER.**

34 **[(d)] (E)** All of the findings and orders of the Board that relate to physician
35 assistants are subject to the provisions of Title 14, Subtitle 4 of this article.

1 **[15-316.] 15-315.**

2 (A) IF AFTER A HEARING UNDER § 15-314 OF THIS SUBTITLE, THE
3 BOARD FINDS THAT THERE ARE GROUNDS FOR DISCIPLINE UNDER § 15-313 OF
4 THIS SUBTITLE TO SUSPEND OR REVOKE A LICENSE OF A PHYSICIAN ASSISTANT
5 OR TO DENY A LICENSE TO AN APPLICANT OR TO REPRIMAND A LICENSED
6 PHYSICIAN ASSISTANT, THE BOARD MAY IMPOSE A FINE SUBJECT TO THE
7 BOARD'S REGULATIONS INSTEAD OF OR IN ADDITION TO SUSPENDING OR
8 REVOKING THE LICENSE OR REPRIMANDING THE LICENSEE.

9 (B) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS
10 SECTION INTO THE GENERAL FUND OF THE STATE.

11 **15-316.**

12 (A) EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTIONS (B) AND
13 (C) OF THIS SUBSECTION, HOSPITALS, RELATED INSTITUTIONS, ALTERNATIVE
14 HEALTH CARE SYSTEMS AS DEFINED UNDER § 1-401 OF THIS ARTICLE, AND
15 EMPLOYERS SHALL FILE WITH THE BOARD A REPORT THAT THE HOSPITAL,
16 RELATED INSTITUTION, ALTERNATIVE HEALTH CARE SYSTEM, OR EMPLOYER
17 LIMITED, REDUCED, OTHERWISE CHANGED, OR TERMINATED ANY LICENSED
18 PHYSICIAN ASSISTANT FOR ANY REASON THAT MIGHT BE GROUNDS FOR
19 DISCIPLINARY ACTION UNDER § 15-313 OF THIS SUBTITLE.

20 (B) A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH CARE
21 SYSTEM, OR EMPLOYER THAT HAS REASON TO KNOW THAT A LICENSED
22 PHYSICIAN ASSISTANT HAS COMMITTED AN ACTION OR HAS A CONDITION THAT
23 MIGHT BE GROUNDS FOR REPRIMAND OR PROBATION OF THE LICENSED
24 PHYSICIAN ASSISTANT OR SUSPENSION OR REVOCATION OF THE LICENSE
25 BECAUSE THE LICENSED PHYSICIAN ASSISTANT IS ALCOHOL- OR
26 DRUG-IMPAIRED IS NOT REQUIRED TO REPORT THE PHYSICIAN ASSISTANT TO
27 THE BOARD IF:

28 (1) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE
29 HEALTH CARE SYSTEM, OR EMPLOYER KNOWS THAT THE LICENSED PHYSICIAN
30 ASSISTANT IS:

31 (I) IN AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT
32 IS ACCREDITED BY THE JOINT COMMISSION OR IS CERTIFIED BY THE
33 DEPARTMENT; OR

1 (II) UNDER THE CARE OF A HEALTH CARE PRACTITIONER
2 WHO IS COMPETENT AND CAPABLE OF DEALING WITH ALCOHOLISM AND DRUG
3 ABUSE;

4 (2) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE
5 HEALTH CARE SYSTEM, OR EMPLOYER IS ABLE TO VERIFY THAT THE LICENSED
6 PHYSICIAN ASSISTANT REMAINS IN THE TREATMENT PROGRAM UNTIL
7 DISCHARGE; AND

8 (3) THE ACTION OR CONDITION OF THE LICENSED PHYSICIAN
9 ASSISTANT HAS NOT CAUSED INJURY TO ANY PERSON WHILE THE PHYSICIAN
10 ASSISTANT IS PRACTICING AS A LICENSED PHYSICIAN ASSISTANT.

11 (c) (1) IF THE LICENSED PHYSICIAN ASSISTANT ENTERS, OR IS
12 CONSIDERING ENTERING, AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT
13 IS ACCREDITED BY THE JOINT COMMISSION OR THAT IS CERTIFIED BY THE
14 DEPARTMENT, THE LICENSED PHYSICIAN ASSISTANT SHALL NOTIFY THE
15 HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH CARE SYSTEM, OR
16 EMPLOYER OF THE LICENSED PHYSICIAN ASSISTANT'S DECISION TO ENTER THE
17 TREATMENT PROGRAM.

18 (2) IF THE LICENSED PHYSICIAN ASSISTANT FAILS TO PROVIDE
19 THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AND THE
20 HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH CARE SYSTEM, OR
21 EMPLOYER LEARNS THAT THE LICENSED PHYSICIAN ASSISTANT HAS ENTERED A
22 TREATMENT PROGRAM, THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE
23 HEALTH CARE SYSTEM, OR EMPLOYER SHALL REPORT TO THE BOARD THAT THE
24 LICENSED PHYSICIAN ASSISTANT HAS ENTERED A TREATMENT PROGRAM AND
25 HAS FAILED TO PROVIDE THE REQUIRED NOTICE.

26 (3) IF THE LICENSED PHYSICIAN ASSISTANT IS FOUND TO BE
27 NONCOMPLIANT WITH THE TREATMENT PROGRAM'S POLICIES AND
28 PROCEDURES WHILE IN THE TREATMENT PROGRAM, THE TREATMENT
29 PROGRAM SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE
30 HEALTH CARE SYSTEM, OR EMPLOYER OF THE LICENSED PHYSICIAN
31 ASSISTANT'S NONCOMPLIANCE.

32 (4) ON RECEIPT OF THE NOTIFICATION REQUIRED UNDER
33 PARAGRAPH (3) OF THIS SUBSECTION, THE HOSPITAL, RELATED INSTITUTION,
34 ALTERNATIVE HEALTH CARE SYSTEM, OR EMPLOYER OF THE LICENSED
35 PHYSICIAN ASSISTANT SHALL REPORT THE LICENSED PHYSICIAN ASSISTANT'S
36 NONCOMPLIANCE TO THE BOARD.

1 (D) A PERSON IS NOT REQUIRED UNDER THIS SECTION TO MAKE ANY
2 REPORT THAT WOULD BE IN VIOLATION OF ANY FEDERAL OR STATE LAW, RULE,
3 OR REGULATION CONCERNING THE CONFIDENTIALITY OF ALCOHOL AND DRUG
4 ABUSE PATIENT RECORDS.

5 (E) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH
6 CARE SYSTEM, OR EMPLOYER SHALL SUBMIT THE REPORT WITHIN 10 DAYS OF
7 ANY ACTION DESCRIBED IN THIS SECTION.

8 (F) A REPORT MADE UNDER THIS SECTION IS NOT SUBJECT TO
9 SUBPOENA OR DISCOVERY IN ANY CIVIL ACTION OTHER THAN A PROCEEDING
10 ARISING OUT OF A HEARING AND DECISION OF THE BOARD UNDER THIS TITLE.

11 (G) (1) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000
12 FOR FAILURE TO REPORT UNDER THIS SECTION.

13 (2) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER
14 THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.

15 15-401.

16 (a) Except as otherwise provided in this title, a person may not practice,
17 attempt to practice, or offer to practice as a physician assistant in the State unless the
18 person has a [certificate] LICENSE issued by the Board.

19 (b) Except as otherwise provided in this title, a person may not perform,
20 attempt to perform, or offer to perform any delegated medical act beyond the scope of
21 the [certificate] LICENSE and which is consistent with a delegation agreement
22 [approved by] SUBMITTED TO the Board.

23 15-402.

24 (a) Except as otherwise provided under this title, a person may not represent
25 or imply to the public by use of the title “[certified] LICENSED physician assistant”, by
26 other title, by description of services, methods, or procedures that the person is
27 [certified] LICENSED to practice as a physician assistant in the State.

28 (b) Unless [certified] LICENSED to practice as a physician assistant under
29 this title, a person may not use the words or terms “physician assistant”, “[certified]
30 LICENSED physician assistant”, or “P.A.”.

31 15-402.1.

1 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED**
2 **PHYSICIAN MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING AS A**
3 **PHYSICIAN ASSISTANT WHO DOES NOT HAVE A LICENSE.**

4 **(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOSPITAL,**
5 **RELATED INSTITUTION, ALTERNATIVE HEALTH CARE SYSTEM, OR EMPLOYER**
6 **MAY NOT EMPLOY AN INDIVIDUAL PRACTICING AS A PHYSICIAN ASSISTANT WHO**
7 **DOES NOT HAVE A LICENSE.**

8 **(C) THE BOARD MAY IMPOSE A CIVIL PENALTY IN AN AMOUNT NOT**
9 **EXCEEDING \$1,000 FOR A VIOLATION OF THIS SECTION.**

10 **(D) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS**
11 **SUBSECTION INTO THE BOARD OF PHYSICIANS FUND.**

12 15-403.

13 (a) A person who violates § 15-401 or § 15-402 of this subtitle:

14 (1) Is guilty of a misdemeanor and on conviction is subject to a fine not
15 exceeding \$5,000 or imprisonment not exceeding 5 years or both; and

16 (2) Shall lose [certification] **LICENSURE** as a physician assistant
17 under this title.

18 (b) (1) In addition to the penalties under subsection (a) of this section, a
19 person who violates § 15-401 of this subtitle may be subject to a civil penalty assessed
20 by the Board in an amount not exceeding \$5,000.

21 (2) The Board shall pay any civil penalty collected under this
22 subsection into the Board of Physicians Fund.

23 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
24 **October 1, 2009.**