

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 479

(Senator Ferguson)

Education, Health, and Environmental Affairs

Health and Government Operations

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Health Occupations - Physician Assistants - Patient's Access to Supervising  
Physician

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This bill repeals the requirement that certain patients being treated by a physician assistant (PA) be seen by the PA's supervising physician according to a specified frequency. Instead, the bill requires that a delegation agreement between a PA and a supervising physician include a statement that the primary supervising physician and the PA attest that (1) they will establish a plan for the types of cases that require a physician plan of care or require that the patient initially or periodically be seen by the supervising physician; and (2) the patient will be provided with access to the supervising physician on request.

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Fiscal Summary

**State Effect:** None. The bill does not affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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Analysis

**Current Law:** A patient being treated regularly by a PA for a life-threatening, chronic, degenerative, or disabling condition must be seen initially by the supervising physician and as frequently as the patient's condition requires, but no less than within every five appointments or within 180 days, whichever occurs first.

PAs practice medical acts delegated by and under the supervision of a licensed physician including taking patient histories, performing physical examinations, and exercising prescriptive authority under a delegation agreement with a supervising physician.

PAs may not perform, attempt to perform, or offer to perform any delegated medical act beyond the scope of the license and which is not consistent with a delegation agreement filed with the board. A delegation agreement is a document executed by a primary supervising physician and a PA that contains specified information, including (1) a description of the qualifications of the primary supervising physician and PA; (2) the settings in which the PA will practice; and (3) the delegated medical acts that are within the primary or alternate supervising physician's scope of practice and require specialized education or training that is consistent with accepted medical practice. A supervising physician and PA must obtain additional board approval of a delegation agreement that includes "advanced duties."

**Background:** According to the Maryland Academy of Physician Assistants, the requirement that certain patients be seen by a PA's supervising physician "no less than within every five appointments or within 180 days, whichever occurs first," was initially intended to apply to patients in long-term care facilities. However, the language applies to all practice settings regardless of the severity of the patient's condition. Compliance with the requirement is difficult in regards to tracking the number and timing of patient visits with the supervising physician. The bill repeals the requirement and instead requires patient access to the supervising physician to be addressed in a PA's delegation agreement.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 584 (Delegate Tarrant, *et al.*) - Health and Government Operations.

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

**Fiscal Note History:** First Reader - February 20, 2012  
mc/ljm Revised - Senate Third Reader - March 26, 2012

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