

Department of Legislative Services  
 Maryland General Assembly  
 2013 Session

FISCAL AND POLICY NOTE  
 Revised

House Bill 723 (Delegate Tarrant, *et al.*)  
 Health and Government Operations Education, Health, and Environmental Affairs

Health Occupations - Physician Assistants - Authority to Practice

This bill authorizes a physician assistant (PA) to (1) for purposes of authorizing an individual age 15, 16, or 17 to marry, complete a certificate stating that the PA has examined the individual and has found she is pregnant or has given birth to a child; (2) provide the date of birth and medical information required on a certificate of birth; (3) fill out and sign a certificate of death; (4) file a replacement death certificate; (5) serve as a witness to a written or oral advance directive; (6) if physically present on the scene with the patient, provide an oral emergency medical services “do not resuscitate order”; (7) update or complete a “Medical Orders for Life-Sustaining Treatment” form; (8) certify certain medical conditions or disabilities for an applicant to qualify for a special disability registration number and plates from the Motor Vehicle Administration (MVA); and (9) certify the existence of a permanent disability for an applicant for a temporary or permanent parking placard from MVA.

Fiscal Summary

**State Effect:** Transportation Trust Fund (TTF) expenditures increase by \$36,000 for MVA in FY 2014 for computer reprogramming by an external vendor. These expenditures are required to accommodate changes to the processing of applications for parking placards and special registration plates for individuals with a disability. Additional changes to forms required by the bill can be handled with existing resources. No effect on revenues.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Revenues	\$0	\$0	\$0	\$0	\$0
Other Exp.	36,000	0	0	0	0
Net Effect	(\$36,000)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

**Local Effect:** None.

**Small Business Effect:** Potential minimal.

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## Analysis

**Bill Summary:** As a witness to an oral advance directive, a PA must date and sign documentation of the oral advance directive in the patient's medical record.

A PA must be physically present on the scene with the patient and the emergency medical services personnel in the outpatient setting in order to make an oral emergency medical services "do not resuscitate order." Emergency medical services personnel in an outpatient medical setting are authorized to follow an oral emergency medical services "do not resuscitate order" from a PA.

When a health care facility updates or completes a "Medical Orders for Life-Sustaining Treatment" form, the facility must offer any PA selected by the patient the opportunity to participate in updating or completing the form. The form must be suitable for containing a PA's written medical orders relating to a patient's medical condition. A health care facility must comply with all medical orders contained in the form regardless of whether the PA who signed the form has admitting privileges or is otherwise credentialed at the facility.

The bill also specifies that certain provisions of law may not be construed to require a PA to prescribe or render medical treatment that is ethically inappropriate or medically ineffective.

**Current Law:** An individual age 16 or 17 may not marry unless the individual has the consent of a parent or guardian *or*, if the parent or guardian does not give consent, the individual provides a certificate from a licensed physician or certified nurse practitioner that states that the licensed physician or certified nurse practitioner has examined the individual and found that she is pregnant or has given birth to a child. An individual age 15 may not marry unless the individual has the consent of a parent or guardian *and* either party to be married provides a certificate from a licensed physician or certified nurse practitioner that states that the licensed physician or certified nurse practitioner has examined the woman and found that she is pregnant or has given birth to a child.

With the exception of the following, all of the additional duties PAs are authorized to perform under the bill may currently be done only by a physician or a nurse practitioner: (1) nurse midwives may also provide the date of birth and medical information required on a certificate of birth; (2) licensed chiropractors, podiatrists, and optometrists may also

certify a limited number of qualifying disabilities for an applicant to qualify for a special disability registration plates or a temporary or permanent parking placard from MVA; and (3) nurse practitioners may not certify disabilities for an applicant to obtain temporary or permanent parking placards from MVA (but may do so for special registration plates).

A PA is not authorized to practice independent of a supervising physician. A PA may only be licensed to practice medical acts after the Physician Assistant Advisory Committee has approved a delegation agreement formed between a supervisory physician and a PA.

To qualify for a license, a PA must have graduated from a PA training program, pass a board-approved national certifying exam, and have a bachelor's degree or its equivalent if he or she graduated from a PA training program after October 1, 2003. A PA may not practice within the scope of any of the following health occupations: nursing, optometry, physical therapy, or psychology.

Patient services that may be provided by a PA include:

- taking patient histories and reviewing patient records to develop medical status reports;
- performing physical examinations and recording patient data;
- interpreting and evaluating patient data as authorized by the supervising physician to determine management and treatment of patients;
- initiating requests for or performing diagnostic procedures as indicated by pertinent data and authorized by the supervising physician;
- providing instructions and guidance regarding medical care matters to patients;
- assisting the supervising physician in the delivery of services to patients, including recording patient progress notes, issuing diagnostic orders, and transcribing or executing specific orders at the direction of the supervising physician; and
- exercising prescriptive authority under a delegation agreement.

Advanced duties are medical acts that require additional training beyond the basic PA education program required for licensure. PAs must obtain prior board approval before practicing any advanced duty. PAs must submit (to the board) specific training and education documentation, including procedure logs, advanced education and training, and consent forms.

**Background:** Under their delegation agreement with a physician, PAs currently sign many forms for their supervising physician. Thus, it is often assumed that PAs can complete many of the various forms, certifications, and orders addressed by the bill.

However, statute authorizes only specified providers, typically physicians and nurse practitioners, to do so.

**State Expenditures:** TTF expenditures increase by an estimated \$36,000 for MVA in fiscal 2014 for computer reprogramming by an external vendor. These expenditures are required to accommodate changes to the processing of applications for parking placards and special registration plates for individuals with a disability. According to MVA, files will need to be processed and uploaded to the mainframe and database/workstation processes will need to be modified. This estimate was provided by MVA's external vendor. The Department of Legislative Services advises that, if other legislation is passed requiring computer reprogramming changes, economies of scale could be realized in the contract with the MVA information technology vendor; this would reduce the costs associated with this bill and the other legislation affecting MVA.

The Vital Statistics Administration indicates that birth and death certificates and some electronic systems will need to be modified under the bill; however, such changes can be handled within existing resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 460 (Senators Conway and Middleton) - Education, Health, and Environmental Affairs.

**Information Source(s):** Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2013  
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