

SECOND REGULAR SESSION

# SENATE BILL NO. 760

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNEIDER.

Read 1st time January, 19, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3311.011

## AN ACT

To repeal sections 334.738, 334.741 and 334.742, RSMo 1994, and sections 334.735, 334.736, 334.740 and 334.749, RSMo Supp. 1997, relating to physician assistants, and to enact in lieu thereof seven new sections relating to the same subject.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 334.738, 334.741 and 334.742, RSMo 1994, and sections 334.735, 334.736, 334.740 and 334.749, RSMo Supp. 1997, are repealed and seven new sections enacted in lieu thereof, to be known as sections 334.735, 334.736, 334.738, 334.740, 334.741, 334.742 and 334.749, to read as follows:

334.735. **1.** As used in sections 334.735 to ~~334.748~~ **334.749**, the following terms mean:

(1) "Applicant", any individual who seeks to become ~~[a registered health care professional]~~ **licensed** as a physician assistant;

(2) ~~["Certificate of registration", a document issued to an applicant by the department acknowledging that the applicant has been entered on the register of individuals successfully completing the requirements of a certifying entity, and is entitled to practice in the health care profession for which the certificate applies;~~

(3) ~~"Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;~~

~~[(4)]~~ **(3)** "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;

~~[(5)]~~ **(4)** "Department", the department of economic development or a designated agency thereof;

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**(5) "License", a document issued to an applicant by the department acknowledging that the applicant is entitled to practice as a physician assistant;**

(6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physicians Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants [shall be eligible for registration];

**(7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;**

**(8) "Supervision", control exercised over a physician assistant working within the same office facility of the supervising physician except a physician assistant may make follow-up patient examinations in hospitals, nursing homes and correctional facilities, each such examination being reviewed, approved and signed by the supervising physician. The board shall promulgate rules pursuant to chapter 536, RSMo, for the proximity of practice between the physician assistant and the supervising physician and documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant.**

[(a)] **2.** The scope of practice of a physician assistant shall consist only of the following services and procedures:

[a.] **(1)** Taking patient histories;

[b.] **(2)** Performing physical examinations of a patient;

[c.] **(3)** Performing or assisting in the performance of routine office laboratory and patient screening procedures;

[d.] **(4)** Performing routine therapeutic procedures;

[e.] **(5)** Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;

[f.] **(6)** Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;

[g.] **(7)** Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;

[h.] **(8)** Assisting in surgery;

[i.] **(9)** Performing such other tasks not prohibited by law under the supervision of a

licensed physician as the physician's assistant has been trained and is proficient to perform[;].

[(b)] **3.** Physician assistants shall not prescribe nor dispense any drug, medicine, device or therapy independent of consultation with the supervising physician, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures[;]. **Prescribing and dispensing of drugs, medications, devices or therapies by a physician assistant pursuant to a physician assistant supervision agreement shall be subject to the following:**

**(1) A physician assistant shall not prescribe controlled substances;**

**(2) The types of drugs, medications, devices or therapies prescribed or dispensed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;**

**(3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;**

**(4) A physician assistant may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients;**

**(5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe; and**

**(6) A physician assistant may only dispense starter doses of medication to cover a period of time for seventy-two hours or less with the exception of title X family planning providers or publicly funded clinics in community health settings that dispense medications free of charge.**

[(c)] **4.** A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician supervision or in any location where the supervising physician is not immediately available for consultation, assistance and intervention, except in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant[;].

[(d)] **5.** The physician assistant shall be a person who is a graduate of a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or its successor or is certified by a national nongovernmental agency or association, who has passed the National Commission on Certification of Physician Assistants examination and has active certification by the National Commission on Certification of Physician Assistants or its successor. A person who has been employed as a physician assistant for three years prior to August 28, 1989, and has passed the National Commission on Certification of

Physician Assistants examination shall be deemed to have met the academic requirements necessary for [registration or certification;] **licensing**.

[(e)] **6.** For purposes of this section, the [registration] **licensing** of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules [and regulations] **pursuant to chapter 536, RSMo**, establishing [registration] **licensing** and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for [registration] **licensing** may be denied or the [registration] **license** of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335, RSMo, shall not be required to [register] **be licensed** as physicians assistants[;

(7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.743;

(8) "Supervision", control exercised over a physician assistant working within the same office facility of the supervising physician except a physician assistant may make follow-up patient examinations in hospitals, nursing homes and correctional facilities, each such examination being reviewed, approved and signed by the supervising physician. The board shall develop rules for the proximity of practice between the physician assistant and the supervising physician and documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant].

334.736. Notwithstanding any other provision of sections 334.735 to [334.748] **334.749**, the board may issue without examination a temporary [registration] **license** to practice as a physician assistant. Upon the applicant paying a temporary [registration] **license** fee and the submission of all necessary documents as determined by the board, the board may grant a temporary [registration] **license** to any person who meets the qualifications provided in [subdivision (7) of] section 334.735 which shall be valid until the results of the next examination are announced. The temporary [registration] **license** may be renewed at the discretion of the board and upon payment of the temporary [registration] **license** fee.

334.738. 1. Each person desiring [a certificate of registration under] **a license pursuant to** sections 334.735 to [334.748] **334.749** shall make application to the department upon such forms and in such manner as may be prescribed by the department and shall pay the required application fee as set by the department. The application fee shall cover the cost of issuing the [certificate] **license** and shall not be refundable. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the same, subject to the penalties of making a false

declaration or affidavit. Such application shall include proof of certification or registration by a certifying entity, date the certification or registration process was completed with the certifying entity, the name of the certifying entity, any identification numbers and any other information necessary for the department to verify the certification or registration.

2. The department, upon approval of the application from an applicant, shall issue a [certificate of registration] **license** to such applicant.

3. A [certificate of registration] **license** is valid for two years from the date it is issued and may be renewed annually by [registering] **filing an application for renewal** with the department and paying the required renewal fee as set by the department. The department shall notify each [registrant] **licensee** in writing of the expiration date of [his certificate of registration] **the person's license** at least thirty days before that date, and shall issue a [certificate of registration] **license** to any registrant who returns a completed [registration] **application** form and pays a [registration] **renewal** fee before [his certificate of registration] **the person's license** expires.

4. A new [certificate of registration] **license** to replace any [certificate] **license** lost, destroyed, or mutilated may be issued to any applicant, subject to rules and regulations issued by the department upon the payment of a reasonable fee.

334.740. 1. No person shall hold himself or herself out to the public by any title or description including the words [registered] **licensed** physician assistant or physician assistant as defined in section 334.735 unless the person is duly [registered] **licensed** pursuant to the provisions of sections 334.735 to [334.748] **334.749**, if [for that profession] a certifying entity has been recognized by the department.

2. Nothing in sections 334.735 to [334.748] **334.749** shall be construed as prohibiting any individual whether [registered] **licensed** pursuant to sections 334.735 to [334.748] **334.749** or not from providing the services of physician assistant.

3. Any person found guilty of violating any provision of subsections 1 and 2 of this section is guilty of an infraction and upon conviction thereof shall be punished as provided by law. For purposes of this subsection, the maximum fine for a violation [hereunder] **of this section** shall be one thousand dollars.

334.741. 1. Certifying entities shall notify the department of any temporary or permanent revocation or suspension imposed by them.

2. The department, upon receipt of notification by a certifying entity of any temporary or permanent revocation or suspension imposed by that entity, shall notify the [registrant] **licensee** within thirty days that such [certificate of registration] **license** is revoked. The [registrant] **licensee** shall immediately surrender [his certificate of registration] **the person's license** to the department.

3. The department shall maintain a list of individuals who hold a valid [certificate of

registration] **license** for the provision of a given service or practice for public inspection and shall respond to public inquiries concerning [registrants] **licensees** who have received a [certificate of registration] **license**.

334.742. Any nonresident of Missouri who enters the state and intends to provide a service or practice for which a [certificate of registration must be obtained] **license is required** pursuant to sections 334.735 to [334.748] **334.749** may apply for a [certificate of registration] **license**, provided that the applicant meets the requirements imposed by the certifying entity.

334.749. 1. There is hereby established an "Advisory Commission for [Registered] Physician Assistants" which shall guide, advise and make recommendations to the board. The commission shall also be responsible for the ongoing examination of the scope of practice and promoting the continuing role of physician assistants in the delivery of health care services. The commission shall assist the board in carrying out the provisions of sections 334.735 to 334.749.

2. The commission shall be appointed no later than October 1, 1996, and shall consist of five members, one member of the board, two [registered] **licensed** physician assistants, one physician and one lay member. The two [registered] **licensed** physician assistant members, the physician member and the lay member shall be appointed by the governor with the advice and consent of the senate. Each [registered] **licensed** physician assistant member shall be a citizen of the United States and a resident of this state, and shall be [registered] **licensed** as a physician assistant by this state. The physician member shall be a United States citizen, a resident of this state, have an active Missouri license to practice medicine in this state and shall be a supervising physician, at the time of appointment, to a [registered] **licensed** physician assistant. The lay member shall be a United States citizen and a resident of this state. The [registered] **licensed** physician assistant members shall be appointed to serve three-year terms, except that the first commission appointed shall consist of one member whose term shall be for one year and one member whose term shall be for two years. The physician member and lay member shall each be appointed to serve a three-year term. No physician assistant member nor the physician member shall be appointed for more than two consecutive three-year terms.

3. No member of the commission shall be entitled to any compensation for the performance of his or her official duties, but each member shall be reimbursed for necessary and actual expenses incurred in the performance of his or her official duties. All staff for the commission shall be provided by the **state** board of **registration for the** healing arts.

4. The commission shall hold an open annual meeting at which time it shall elect from its membership a chairman and secretary. The commission may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least ten days prior to the date of the meeting. A quorum of the commission shall consist of a majority of its members.

**5. On August 28, 1998, all members of the advisory commission for registered**

**physician assistants shall become members of the advisory commission for physician assistants and their successors shall be appointed in the same manner and at the time their terms would have expired as members of the advisory commission for registered physician assistants.**

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