

SECOND REGULAR SESSION

SENATE BILL NO. 1032

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CAUTHORN.

Read 1st time February 9, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5044S.011

AN ACT

To repeal section 334.735, RSMo, and to enact in lieu thereof one new section relating to physician assistants.

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

Section A. Section 334.735, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 334.735, to read as follows:

334.735. 1. As used in sections 334.735 to 334.749, the following terms
2 mean:

3 (1) "Applicant", any individual who seeks to become licensed as a
4 physician assistant;

5 (2) "Certification" or "registration", a process by a certifying entity that
6 grants recognition to applicants meeting predetermined qualifications specified
7 by such certifying entity;

8 (3) "Certifying entity", the nongovernmental agency or association which
9 certifies or registers individuals who have completed academic and training
10 requirements;

11 (4) "Department", the department of economic development or a
12 designated agency thereof;

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

15 (6) "Physician assistant", a person who has graduated from a physician
16 assistant program accredited by the American Medical Association's Committee
17 on Allied Health Education and Accreditation or by its successor agency, who has
18 passed the certifying examination administered by the National Commission on
19 Certification of Physician Assistants and has active certification by the National

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

20 Commission on Certification of Physician Assistants who provides health care
21 services delegated by a licensed physician **where such supervising physician**
22 **regularly practices medicine.** A person who has been employed as a physician
23 assistant for three years prior to August 28, 1989, who has passed the National
24 Commission on Certification of Physician Assistants examination, and has active
25 certification of the National Commission on Certification of Physician Assistants;

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

28 (8) "Supervision", [control exercised over a physician assistant working
29 within the same office facility of the supervising physician except a physician
30 assistant may make follow-up patient examinations in hospitals, nursing homes
31 and correctional facilities, each such examination being reviewed, approved and
32 signed by the supervising physician] **overseeing the activities of, and**
33 **accepting responsibility for, the medical services rendered by a**
34 **physician assistant. The supervising physician shall at all times be**
35 **available immediately to the physician assistant for consultation,**
36 **assistance, or intervention either personally or via telecommunications.**
37 **A supervising physician shall be present personally for practice**
38 **supervision and collaboration a minimum of fifty percent of clinic hours**
39 **in any clinic location utilizing physicians assistants. The physician**
40 **assistant shall be limited to practice at locations where the supervising**
41 **physician is no further than thirty miles by road using the most direct**
42 **route available from the physician assistant, unless such distance**
43 **creates an impediment to effective intervention and supervision of**
44 **patient care or adequate review of services. However, physician**
45 **assistants practicing in federally designated health professional**
46 **shortage areas (HPSA) shall be limited to practice at locations where the**
47 **supervising physician is no further than fifty miles by road, using the**
48 **most direct route available from the physician assistant.** The board shall
49 promulgate rules pursuant to chapter 536, RSMo, for the proximity of practice
50 between the physician assistant and the supervising physician and documentation
51 of joint review of the physician assistant activity by the supervising physician and
52 the physician assistant.

53 2. The scope of practice of a physician assistant shall consist only of the
54 following services and procedures:

55 (1) Taking patient histories;

56 (2) Performing physical examinations of a patient;

57 (3) Performing or assisting in the performance of routine office laboratory
58 and patient screening procedures;

59 (4) Performing routine therapeutic procedures;

60 (5) Recording diagnostic impressions and evaluating situations calling for
61 attention of a physician to institute treatment procedures;

62 (6) Instructing and counseling patients regarding mental and physical
63 health using procedures reviewed and approved by a licensed physician;

64 (7) Assisting the supervising physician in institutional settings, including
65 reviewing of treatment plans, ordering of tests and diagnostic laboratory and
66 radiological services, and ordering of therapies, using procedures reviewed and
67 approved by a licensed physician;

68 (8) Assisting in surgery;

69 (9) Performing such other tasks not prohibited by law under the
70 supervision of a licensed physician as the [physician's] **physician** assistant has
71 been trained and is proficient to perform;

72 (10) Physician assistants shall not perform abortions.

73 3. Physician assistants shall not prescribe nor dispense any drug,
74 medicine, device or therapy independent of consultation with the supervising
75 physician, nor prescribe lenses, prisms or contact lenses for the aid, relief or
76 correction of vision or the measurement of visual power or visual efficiency of the
77 human eye, nor administer or monitor general or regional block anesthesia during
78 diagnostic tests, surgery or obstetric procedures. Prescribing and dispensing of
79 drugs, medications, devices or therapies by a physician assistant shall be
80 pursuant to a physician assistant supervision agreement which is specific to the
81 clinical conditions treated by the supervising physician and the physician
82 assistant shall be subject to the following:

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

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

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

90 (4) A physician assistant or advanced practice nurse as defined in section
91 335.016, RSMo, may request, receive and sign for noncontrolled professional
92 samples and may distribute professional samples to patients;

93 (5) A physician assistant shall not prescribe any drugs, medicines, devices

94 or therapies the supervising physician is not qualified or authorized to prescribe;
95 and

96 (6) A physician assistant may only dispense starter doses of medication
97 to cover a period of time for seventy-two hours or less.

98 4. A physician assistant shall clearly identify himself or herself as a
99 physician assistant and shall not use or permit to be used in the physician
100 assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out
101 in any way to be a physician or surgeon. No physician assistant shall practice or
102 attempt to practice without physician supervision or in any location where the
103 supervising physician is not immediately available for consultation, assistance
104 and intervention, except in an emergency situation, nor shall any physician
105 assistant bill a patient independently or directly for any services or procedure by
106 the physician assistant.

107 5. For purposes of this section, the licensing of physician assistants shall
108 take place within processes established by the state board of registration for the
109 healing arts through rule and regulation. The board of healing arts is authorized
110 to establish rules pursuant to chapter 536, RSMo, establishing licensing and
111 renewal procedures, supervision, supervision agreements, fees, and addressing
112 such other matters as are necessary to protect the public and discipline the
113 profession. An application for licensing may be denied or the license of a
114 physician assistant may be suspended or revoked by the board in the same
115 manner and for violation of the standards as set forth by section 334.100, or such
116 other standards of conduct set by the board by rule or regulation. Persons
117 licensed pursuant to the provisions of chapter 335, RSMo, shall not be required
118 to be licensed as physician assistants. **All applicants for physician assistant**
119 **licensure who complete their physician assistant training program after**
120 **January 1, 2007, shall have a master's degree from a physician assistant**
121 **program.**

122 6. "Physician assistant supervision agreement" means a written
123 agreement, jointly agreed-upon protocols or standing order between a supervising
124 physician and a physician assistant, which provides for the delegation of health
125 care services from a supervising physician to a physician assistant and the review
126 of such services.

127 7. When a physician assistant supervision agreement is utilized to provide
128 health care services for conditions other than acute self-limited or well-defined
129 problems, the supervising physician or other physician designated in the
130 supervision agreement shall see the patient for evaluation and approve or

131 formulate the plan of treatment for new or significantly changed conditions as
132 soon as practical, but in no case more than two weeks after the patient has been
133 seen by the physician assistant.

134 8. At all times the physician is responsible for the oversight of the
135 activities of, and accepts responsibility for, health care services rendered by the
136 physician assistant.

137 **9. No physician shall be designated to serve as supervising**
138 **physician for more than three full-time equivalent licensed physician**
139 **assistants.**

140 **10. It is the responsibility of the supervising physician to**
141 **determine and document the completion of at least a one-month period**
142 **of time during which the licensed physician assistant shall practice with**
143 **a supervising physician continuously present before practicing in a**
144 **setting where a supervising physician is not continuously present.**

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Bill

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