

SENATE BILL NO. 115

BY SENATORS MILLS, LAFLEUR AND PEACOCK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 37:1360.21(A), (B), and (C), 1360.22(1), (5), and (8), 1360.23(G), (H), and (I), 1360.24(A)(3), the introductory paragraph of 1360.29(A), 1360.31, and 1360.32, to enact R.S. 37:1360.29(A)(4) and 1360.38(A)(3) and (4), and to repeal R.S. 37:1360.23(J), relative to physician assistants; to provide for legislative intent; to amend definitions; to provide for the powers and duties of the Louisiana State Board of Medical Examiners; to provide for licensure; to provide for supervising physician qualifications and registration; to provide for services performed by physician assistants; to provide for assumption of professional liability; to provide for exemption; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1360.21(A), (B), and (C), 1360.22(1), (5), and (8), 1360.23(G), (H), and (I), 1360.24(A)(3), the introductory paragraph of 1360.29(A), 1360.31, and 1360.32 are hereby amended and reenacted and R.S. 37:1360.29(A)(4) and 1360.38(A)(3) and (4) are hereby enacted to read as follows:

§1360.21. Legislative intent

A. Shortages of all skilled health personnel, particularly in rural **and urban medically underserved** areas and in the field of primary care medicine, new scientific and technological developments, and new methods of organizing health services have made the question of new uses for allied health personnel the critical issue to be resolved if our supply of health manpower is to be used effectively and productively. In its concern with the growing shortage and geographic maldistribution of health care services in Louisiana, the rising cost of health care services in the state and nationally, and the need for primary health care by

1 thousands of Louisiana citizens, the legislature intends to ~~establish in this Part a~~
 2 ~~framework for legal recognition and development of new categories of health~~
 3 ~~manpower to be known as physician assistants~~ **modernize the laws governing**
 4 **physician assistant practice.**

5 B. Physician assistants ~~are skilled members of the health care profession who~~
 6 ~~work under the supervision of licensed physicians. They are qualified to take patient~~
 7 ~~histories, perform physical examinations, and order and interpret certain diagnostic~~
 8 ~~tests. A physician assistant may implement treatment plans as delegated by the~~
 9 ~~supervising physician and explain them to patients~~ **are health care professionals**
 10 **qualified by academic and clinical education and licensed by the Louisiana State**
 11 **Board of Medical Examiners to provide health care services at the direction and**
 12 **under the supervision of a physician or a group of physicians approved by the**
 13 **board as a supervising physician.**

14 C. It is the intent of this Part to permit the more effective utilization of the
 15 skills of physicians, particularly in the primary care setting, by enabling them to
 16 delegate ~~certain health care tasks~~ **medical services** to qualified physician assistants
 17 when such delegation is consistent with the patient's health and welfare.

18 * * *

19 §1360.22. Definitions

20 As used in this Part:

21 (1) "Approved program" means a program for the education and training of
 22 physician assistants which has been formally approved by the Committee on Allied
 23 Health Education and Accreditation, **its predecessors,** or its successors.

24 * * *

25 (5) "Physician assistant" ~~or "assistant"~~ means a person who is a graduate of
 26 a ~~program accredited by the Committee on Allied Health Education and~~
 27 ~~Accreditation or its successors and who has successfully passed the national~~
 28 ~~certificate examination administered by the National Commission on the~~
 29 ~~Certification of Physicians' Assistants or its predecessors and who is approved and~~
 30 ~~licensed by the Louisiana State Board of Medical Examiners to perform medical~~

1 ~~services under the supervision of a physician or group of physicians who are licensed~~
 2 ~~by and registered with the board to supervise such assistant~~ **means a health**
 3 **professional qualified by academic and clinical education and licensed by the**
 4 **Louisiana State Board of Medical Examiners to provide health care services at**
 5 **the direction and under the supervision of a physician or a group of physicians**
 6 **approved by the board as a supervising physician.**

7 * * *

8 (8) "Supervision" means responsible direction and control, with the
 9 supervising physician assuming legal liability for the services rendered by the
 10 physician assistant in the course and scope of the physician assistant's employment.
 11 Such supervision shall not be construed in every case to require the physical
 12 presence of the supervising physician. However, the supervising physician and
 13 physician assistant must have the capability to be in contact with each other by either
 14 telephone or other telecommunications device. Supervision shall exist when the
 15 supervising physician responsible for the patient gives informed concurrence of the
 16 action of a physician assistant, whether given prior to or after the action, and when
 17 a medical treatment plan or action is made in accordance with written clinical
 18 practice guidelines or protocols set forth by the supervising physician. **The level**
 19 **and method of supervision shall be at the physician and physician assistant**
 20 **level, shall be documented and reviewed annually, and shall reflect the acuity**
 21 **of the patient care and nature of the procedure.**

22 * * *

23 §1360.23. Powers and duties of the board

24 * * *

25 ~~G. The board shall report to the legislature no later than February 1, 1994,~~
 26 ~~and annually thereafter, as to:~~

27 ~~(1) The number and types of programs which have been approved and a~~
 28 ~~description of each.~~

29 ~~(2) The number of physician assistants who have been approved and licensed~~
 30 ~~under this Part and the number of physicians approved as supervising physicians~~

1 under this Part.

2 ~~(3) An evaluation of the programs and the acceptance of them by the~~
 3 ~~community.~~

4 ~~H.G.~~ Approval may be given for a physician to be the primary supervising
 5 physician for up to two physician assistants; however, nothing in this Part shall
 6 prohibit a qualified supervising physician from acting as a supervising physician on
 7 a locum tenens basis for any physician assistants in addition to the two physician
 8 assistants for whom he is the primary supervising physician, provided that such
 9 physician shall not act as supervising physician for more than four physician
 10 assistants at any one time. In addition, a A physician, **approved by the board as a**
 11 **supervising physician**, practicing in a **private practice**, group practice, partnership,
 12 professional medical corporation, or employed by a hospital or other health care
 13 organization or entity may be the primary supervising physician for up to ~~two~~ **four**
 14 physician assistants. Physician assistants may be employed by a group practice or
 15 partnership of physicians or a professional medical corporation duly qualified under
 16 R.S. 12:901 et seq., as amended, or a hospital or other health care organization or
 17 entity, as long as such physician assistants are being supervised by a qualified
 18 supervising physician.

19 ~~H.~~ The board shall ensure that applicants for the program shall not be
 20 discriminated against due to race, color, creed, age, sex, disability, as defined in R.S.
 21 51:2232~~(H)~~~~(3)~~, or national origin.

22 ~~H.~~ Notwithstanding any other provision of this Part to the contrary, any
 23 person who before and on June 16, 1993, is currently practicing as a physician
 24 assistant under supervision of a licensed physician shall be licensed as a physician
 25 assistant.

26 §1360.24. Licensure

27 A. Except as otherwise provided for in this Part, an individual shall be
 28 licensed by the board before the individual may practice as a physician assistant. The
 29 board may grant a license to a physician assistant applicant who:

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* * *

1 (3) Has successfully completed an education program for physician assistants
 2 accredited by the Committee on Allied Health Education and Accreditation, its
 3 predecessors, or its successors and who has passed the physician assistant national
 4 certifying examination administered by the National Commission on Certification
 5 of Physicians' Assistants.

* * *

7 §1360.29. Supervising physician qualifications and registration

8 A. A physician ~~applying to supervise~~ supervising a physician assistant ~~must~~
 9 shall:

* * *

11 (4) Maintain a written agreement with the physician assistant in
 12 compliance with R.S. 37:1360.22(8) that includes a statement that the physician
 13 shall exercise supervision over the physician assistant in accordance with this
 14 Part. The agreement shall be signed by the supervising physician and physician
 15 assistant, updated annually, kept on file at the practice site, and available to the
 16 board upon request.

* * *

18 §1360.31. Services performed by physician assistants

19 A.(1) A physician assistant performs medical services when such services
 20 are rendered under the supervision of a supervising physician. ~~A physician assistant~~
 21 ~~may have multiple supervising physicians in no more than five medical specialties~~
 22 ~~or subspecialties, provided all of the physician assistant's supervising physicians are~~
 23 ~~properly registered with the board in accordance with the provisions of this Part. A~~
 24 physician assistant may perform those duties and responsibilities that are delegated
 25 to him by his supervising physician. A physician assistant is considered to be and
 26 is deemed the agent of his supervising physician in the performance of all
 27 practice-related activities, including but not limited to assisting in surgery and the
 28 ordering and interpretation of diagnostic and other medical services. The level
 29 and method of supervision shall be at the physician and physician assistant
 30 level, shall be documented and reviewed annually, and shall reflect the acuity

1 **of the patient care and the nature of a procedure.** A physician assistant shall not
 2 practice without supervision except in life-threatening emergencies and in
 3 emergency situations such as man-made and natural disaster relief efforts.

4 (2) A physician assistant may inject local anesthetic agents subcutaneously,
 5 including digital blocks or apply topical anesthetic agents when delegated to do so
 6 by a supervising physician. However, nothing in this Part shall otherwise permit a
 7 physician assistant to administer local anesthetics perineurally, pericurally,
 8 epidurally, intrathecally, or intravenously unless such physician assistant is a
 9 certified registered nurse anesthetist and meets the requirements in R.S. 37:930.

10 B. The practice of a physician assistant shall include the performance of
 11 medical services within the scope of his education, training, and experience, which
 12 are delegated by the supervising physician. ~~Medical services rendered by a~~
 13 ~~physician assistant may include but are not limited to:~~

14 ~~(1) Obtaining patient histories and performing physical examinations.~~

15 ~~(2) Ordering or performing diagnostic procedures as delegated by the~~
 16 ~~supervising physician.~~

17 ~~(3) Developing and implementing a treatment plan in accordance with~~
 18 ~~written clinical practice guidelines and protocols set forth by the supervising~~
 19 ~~physician.~~

20 ~~(4) Monitoring the effectiveness of therapeutic intervention.~~

21 ~~(5) Suturing wounds as delegated by the supervising physician.~~

22 ~~(6) Offering counseling and education to meet patient needs.~~

23 ~~(7) Making appropriate referrals.~~

24 ~~(8) C.(1) Prescribing certain drugs and medical devices to the extent~~
 25 ~~delegated by the supervising physician, provided the physician assistant has~~
 26 ~~completed a minimum of one year of clinical rotations during his training and has~~
 27 ~~practiced for a minimum of one year under a supervising physician. **A physician**~~
 28 ~~**assistant may prescribe, order, and administer drugs to the extent delegated by**~~
 29 ~~**the supervising physician except as provided pursuant to R.S. 37:930 relative**~~
 30 ~~**to anesthetics.** Drugs which may be prescribed, **ordered, and administered by a**~~

1 physician assistant or a health care professional licensed pursuant to Chapter
 2 12 of this Title are those listed in Schedules II, III, IV, and V of R.S. 40:964 and
 3 legend drugs, which are defined as any drug or drug product bearing on the label of
 4 the manufacturer or distributor, as required by the Food and Drug Administration,
 5 the statement "Caution: Federal law prohibits dispensing without a prescription".
 6 A physician assistant authorized to prescribe controlled substances shall
 7 register with the United States Drug Enforcement Administration.

8 (2) A graduate physician assistant shall have at least five hundred
 9 clinical hours of training prior to application for prescriptive authority.

10 (3) A physician assistant may request, receive, and sign for sample drugs
 11 and may distribute sample drugs to a patient.

12 ~~€. D.~~ The activities listed above may be performed in any setting authorized
 13 by the supervising physician including: but not limited to clinics, hospitals,
 14 ambulatory surgical centers, patient homes, nursing homes, other institutional
 15 settings, and health manpower shortage areas.

16 §1360.32. Assumption of professional liability

17 When a physician assistant is ~~employed~~ supervised by a physician or group
 18 practice of physicians or a professional medical corporation or a hospital or other
 19 health care organization or entity, the physician assistant shall be supervised by and
 20 be the legal responsibility of the ~~employing~~ supervising physician or group practice
 21 or professional medical corporation or other hospital or other health care
 22 organization or entity and the supervising physician. The legal responsibility for the
 23 physician assistant's patient care activities, including care and treatment that is
 24 provided in health care facilities, shall remain that of the supervising physician,
 25 group practice of physicians, or a professional medical corporation or a hospital or
 26 other health care organization or entity.

27 * * *

28 §1360.38. Exemptions

29 A. The provisions of this Part shall not apply to:

30 * * *

1 (3) A physician assistant student enrolled in a physician assistant
 2 educational program accredited by the Accreditation Review Commission on
 3 Education for the Physician Assistant.

4 (4) A physician assistant employed by the federal government while
 5 performing duties incidental to that employment.

6 * * *

7 Section 2. R.S. 37:1360.23(J) is hereby repealed.

8 Section 3. This Act shall become effective upon signature by the governor or, if not
 9 signed by the governor, upon expiration of the time for bills to become law without signature
 10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 12 effective on the day following such approval.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____