

# HOUSE BILL 323

J2

(0lr1224)

## ENROLLED BILL

— *Health and Government Operations/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Morhaim and Hammen**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

#### 2 **Health Occupations – Licensure of Physician Assistants**

3 FOR the purpose of requiring an individual to be licensed rather than certified by the  
4 State Board of Physicians before the individual may practice as a physician  
5 assistant; ~~repealing certain language prohibiting a physician assistant from~~  
6 ~~practicing within the scope of certain health occupations;~~ requiring hospitals,  
7 related institutions, alternative health care systems and employers to report to  
8 the ~~State~~ Board certain changes in the terms of employment of physician  
9 assistants; making certain exceptions for alcohol- or drug-impaired physician  
10 assistants; authorizing the ~~State~~ Board to impose a certain civil penalty for  
11 failure to make a certain report; ~~repealing the Physician Assistant Advisory~~  
12 ~~Committee within the State Board and certain provisions of law relating to the~~  
13 ~~Committee;~~ altering the appointments and qualifications for members of the  
14 Physician Assistant Advisory Committee within the Board; authorizing the

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 Board, rather than the Secretary of Health and Mental Hygiene, to recommend  
2 the removal of certain members of the Committee; authorizing the Executive  
3 Director of the Board and certain agents or investigators to enter certain  
4 premises under certain circumstances; prohibiting a person from denying or  
5 interfering with the entry on premises under certain circumstances; providing  
6 for a certain criminal penalty; repealing certain obsolete language; ~~limiting the~~  
7 ~~scope of practice of physician assistants to certain medical acts; repealing~~  
8 ~~altering~~ the authority of the ~~State~~ Board to review and approve certain  
9 delegation agreements; requiring physicians to file completed delegation  
10 agreements with the ~~State~~ Board in order to supervise physician assistants;  
11 ~~authorizing physician assistants to perform certain functions that are delegated~~  
12 ~~by primary or alternate supervising physicians; requiring primary or alternate~~  
13 ~~supervising physicians to provide certain supervision; requiring primary~~  
14 ~~supervising physicians to execute certain delegation agreements and file certain~~  
15 ~~agreements with the State Board; repealing a requirement that certain patients~~  
16 ~~be seen by supervising physicians within a certain number of appointments or~~  
17 ~~days; altering requirements for the content, review, and approval of certain~~  
18 ~~delegation agreements; prohibiting under certain circumstances, the Board from~~  
19 ~~requiring prior approval of delegation agreements that include certain advanced~~  
20 ~~duties if the duties will be performed in certain hospitals or ambulatory surgical~~  
21 ~~facilities; requiring certain prior approval of a delegation agreement if certain~~  
22 ~~advanced duties are to be performed in certain settings or certain anesthesia is~~  
23 ~~to be administered, monitored, or maintained; increasing the number of~~  
24 ~~physician assistants a primary supervising physician may supervise at one time~~  
25 ~~in certain settings; requiring a new delegation agreement to be submitted~~  
26 ~~within a certain period of time under certain circumstances; authorizing certain~~  
27 ~~physicians to delegate certain medical acts to physician assistants under certain~~  
28 ~~circumstances; requiring the State Board to set a certain fee in a certain~~  
29 ~~manner; authorizing physician assistants to practice in accordance with certain~~  
30 ~~delegation agreements; authorizing primary or alternate supervising physicians~~  
31 ~~to delegate dispensing of certain controlled dangerous substances, prescription~~  
32 ~~drugs, or medical devices under certain circumstances; altering certain~~  
33 ~~circumstances when primary or alternate supervising physicians may delegate~~  
34 ~~prescribing and administering of certain controlled dangerous substances,~~  
35 ~~prescription drugs, and medical devices to physician assistants; authorizing~~  
36 ~~physician assistants to prepare and dispense a sample or starter dosages of~~  
37 ~~certain drugs under certain circumstances; establishing certain qualifications~~  
38 ~~for licensure of physician assistants; making a certain exception; ~~authorizing~~~~  
39 ~~the State Board to place certain licensees on inactive status; requiring licensees~~  
40 ~~to keep licenses and delegation agreements for inspection at their primary place~~  
41 ~~of business and notify the State Board of certain changes; ~~authorizing the~~~~  
42 ~~Physician Assistant Rehabilitation Board to request the State Board to direct~~  
43 ~~physician assistants to submit to certain examinations under certain~~  
44 ~~circumstances; establishing a certain administrative penalty for failure to~~  
45 ~~report certain changes; repealing certain language relating to entities with~~  
46 ~~whom the State Board contracts under the Physician Assistant Rehabilitation~~  
47 ~~Program; altering certain provisions relating to the discipline of physician~~

1 assistants; adding certain grounds for the discipline of physicians; ~~authorizing~~  
 2 ~~certain physician assistants to respond to a need for medical care without~~  
 3 ~~supervision or with any available supervision under certain emergency~~  
 4 ~~circumstances; authorizing certain physician assistants to perform under~~  
 5 ~~certain supervision during certain disasters without being required to maintain~~  
 6 ~~certain documentation; exempting physicians who supervise physician~~  
 7 assistants under certain emergency circumstances from certain requirements;  
 8 authorizing the ~~State~~ Board to assess a certain civil penalty under certain  
 9 circumstances; repealing certain definitions; altering certain definitions;  
 10 making certain stylistic and technical changes; and generally relating to the  
 11 licensure of physician assistants.

12 BY repealing and reenacting, with amendments,

13 Article – Health Occupations

14 Section 15–101, ~~15–102~~, 15–103, 15–202, 15–203, 15–205, 15–206, 15–301,  
 15 15–302, 15–302.1, 15–302.2, 15–302.3, 15–303, 15–304, ~~15–305~~, 15–306,  
 16 15–307, 15–308, 15–309, 15–310, 15–311, 15–312, 15–313, ~~15–314~~,  
 17 15–315, 15–401, 15–402, and 15–403

18 Annotated Code of Maryland  
 19 (2009 Replacement Volume)

20 BY repealing

21 Article – Health Occupations

22 ~~Section 15–201, 15–202, 15–203, 15–204, and 15–302.1~~ Section 15–305 and  
 23 15–314

24 Annotated Code of Maryland  
 25 (2009 Replacement Volume)

26 BY repealing and reenacting, without amendments,

27 Article – Health Occupations

28 Section 15–102, 15–201, and 15–204

29 Annotated Code of Maryland  
 30 (2009 Replacement Volume)

31 BY adding to

32 Article – Health Occupations

33 Section ~~15–308.1 and 15–316~~ 15–305, 15–314, 15–316, 15–317, and 15–402.1

34 Annotated Code of Maryland  
 35 (2009 Replacement Volume)

36 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 37 MARYLAND, That the Laws of Maryland read as follows:

38 **Article – Health Occupations**

39 15–101.

1 (a) In this title the following words have the meanings indicated.

2 (b) “Alternate supervising physician” means one or more physicians  
3 designated by the PRIMARY supervising physician to provide supervision of a  
4 physician assistant [during the absence of the supervising physician and] in  
5 accordance with the delegation agreement on file with the Board.

6 (c) “AMBULATORY SURGICAL FACILITY” MEANS A FACILITY:

7 (1) ACCREDITED BY:

8 (i) THE AMERICAN ASSOCIATION FOR ACCREDITATION OF  
9 AMBULATORY SURGICAL FACILITIES;

10 (ii) THE ACCREDITATION ASSOCIATION FOR AMBULATORY  
11 HEALTH CARE; OR

12 (iii) THE JOINT COMMISSION ON THE ACCREDITATION OF  
13 HEALTH CARE ORGANIZATIONS; OR

14 (2) CERTIFIED TO PARTICIPATE IN THE MEDICARE PROGRAM, AS  
15 ENACTED BY TITLE XVIII OF THE SOCIAL SECURITY ACT.

16 ~~(d)~~ (D) “Board” means the State Board of Physicians, established under §  
17 14–201 of this article.

18 [(d) “Certificate” means a certificate issued by the Board to a physician  
19 assistant under this title.]

20 (e) “Committee” means the Physician Assistant Advisory Committee.‡

21 ~~[(f)] (D)~~ “Controlled dangerous substances” has the meaning stated in  
22 § 5–101 of the Criminal Law Article.

23 ~~[(g)] (E)~~ “Correctional facility” includes a State or local correctional facility.

24 ~~[(h)] (F)~~ “Delegated medical acts” means activities that constitute the  
25 practice of medicine delegated by a physician under Title 14 of this article.

26 ~~[(i)] (G)~~ “Delegation agreement” means a document that is executed by a  
27 PRIMARY supervising physician and a physician assistant containing the  
28 requirements of ~~[(§ 15–302)] §§ 15–302 AND 15–302.1~~ of this title.

1           [(j) “Designated pharmacy” means a pharmacy that has an agreement to  
2 supply medications for a hospital, public health facility, correctional facility, or  
3 detention center if:

4                   (1) The hospital, public health facility, correctional facility, or  
5 detention center does not have an on-site pharmacy; or

6                   (2) The on-site pharmacy at the hospital, public health facility,  
7 correctional facility, or detention center is closed or does not have a particular  
8 medication in stock.]

9           **(J) “DISPENSE” MEANS TO DISPENSE DRUG SAMPLES OR STARTER**  
10 **DOSAGES.**

11           **(K) “DRUG SAMPLE” MEANS A UNIT OF A PRESCRIPTION DRUG THAT IS**  
12 **INTENDED TO PROMOTE THE SALE OF THE DRUG AND IS NOT INTENDED FOR**  
13 **SALE.**

14           [(k)] ~~(H)~~ **(L)** “Hospital” means:

15                   (1) A hospital as defined under § 19–301 of the Health – General  
16 Article;

17                   (2) A comprehensive care facility that:

18                           (i) Meets the requirements of a hospital-based skilled nursing  
19 facility under federal law; **AND**

20                           (ii) Offers acute care in the same building[; and

21                           (iii) Has the same protocols and degree of supervision of  
22 physician assistants as it does in its acute care area]; and

23                   (3) An emergency room that is physically connected to a hospital **OR A**  
24 **FREESTANDING MEDICAL FACILITY THAT IS LICENSED UNDER TITLE 19,**  
25 **SUBTITLE ~~3B~~ 3A OF THE HEALTH – GENERAL ARTICLE.**

26           ~~(H)~~ **(M)** “LICENSE” MEANS A LICENSE ISSUED BY THE BOARD TO A  
27 **PHYSICIAN ASSISTANT UNDER THIS TITLE.**

28           [(l)] ~~(J)~~ **(N)** “National certifying examination” means [an examination offered  
29 by a national organization, which certifies physician assistants as having achieved a  
30 certain level of training] **THE PHYSICIAN ASSISTANT NATIONAL CERTIFYING**  
31 **EXAMINATION ADMINISTERED BY THE NATIONAL COMMISSION ON**  
32 **CERTIFICATION OF PHYSICIAN ASSISTANTS OR ITS SUCCESSOR.**

1            [(m)] ~~(H)~~ **(O)**            “Physician assistant” means an individual who is [certified]  
 2 **LICENSED** under this title to [perform delegated medical acts under the supervision of  
 3 a] **PRACTICE MEDICINE WITH** physician **SUPERVISION**.

4            [(n)] ~~(I)~~ **(P)**            “Practice as a physician assistant” means the performance of  
 5 medical acts that are:

6                    (1)    Delegated by a ~~PRIMARY OR ALTERNATE~~ supervising physician to  
 7 a physician assistant;

8                    (2)    Within the ~~PRIMARY OR ALTERNATE~~ supervising physician’s  
 9 scope of practice; and

10                   (3)    Appropriate to the physician assistant’s education, training, and  
 11 experience ~~AS DETERMINED BY THE PRIMARY SUPERVISING PHYSICIAN~~.

12            [(o)] ~~(M)~~ **(Q)**            “Prescriptive authority” means the authority delegated by a  
 13 **PRIMARY OR ALTERNATE** supervising physician to a physician assistant to  
 14 [prescribe]:

15                    (1)    **PRESCRIBE** and administer controlled dangerous substances,  
 16 prescription drugs, medical devices, and the oral, written, or electronic ordering of  
 17 medications; **AND**

18                    (2)    **DISPENSE AS PROVIDED UNDER § 15-301.1(C), (D), AND (E)**  
 19 **OF THIS TITLE**.

20            ~~(N)~~ **(R)**            “**PRIMARY SUPERVISING PHYSICIAN**” MEANS A PHYSICIAN  
 21 **WHO:**

22                    (1)    **COMPLETES A DELEGATION AGREEMENT THAT MEETS THE**  
 23 **REQUIREMENTS UNDER §§ 15-301(D) AND (E) AND 15-302 OF THIS TITLE AND**  
 24 **FILES A COPY WITH THE BOARD;**

25                    (2)    **ACTS AS THE PHYSICIAN RESPONSIBLE TO ENSURE THAT A**  
 26 **PHYSICIAN ASSISTANT PRACTICES MEDICINE IN ACCORDANCE WITH THIS TITLE**  
 27 **AND THE REGULATIONS ADOPTED UNDER THIS TITLE;**

28                    (3)    ~~SEEKS TO ENSURE~~ **ENSURES** THAT A PHYSICIAN ASSISTANT  
 29 **PRACTICES WITHIN THE SCOPE OF PRACTICE OF THE PRIMARY SUPERVISING**  
 30 **PHYSICIAN OR ANY DESIGNATED ALTERNATE SUPERVISING PHYSICIAN; AND**

1           **(4) ~~SEEKS TO ENSURE~~ ENSURES THAT A LIST OF ALTERNATE**  
 2 **SUPERVISING PHYSICIANS IS MAINTAINED AT THE PRACTICE SETTING.**

3           [(p) “Protocols” means written policies, bylaws, rules, or regulations  
 4 established by a hospital, public health facility, correctional facility, or detention  
 5 center that:

6                   (1) Are established in consultation with and with the approval of its  
 7 medical staff;

8                   (2) Describe the delegated medical acts a physician assistant may  
 9 execute; and

10                   (3) Specify the minimum requirements for supervision by a physician.]

11           [(q)] ~~(s)~~ **(S)** “Public health facility” means a [fixed] site where clinical public  
 12 health services are rendered under the auspices of the Department, a local health  
 13 department in a county, or the Baltimore City Health Department.

14           [(r) “Supervising physician” means a physician who has been approved by the  
 15 Board to supervise one or more physician assistants.]

16           **(T) “STARTER DOSAGE” MEANS AN AMOUNT OF A DRUG SUFFICIENT TO**  
 17 **BEGIN THERAPY:**

18                   **(1) OF SHORT DURATION OF 72 HOURS OR LESS; OR**

19                   **(2) PRIOR TO OBTAINING A LARGER QUANTITY OF THE DRUG TO**  
 20 **COMPLETE THERAPY.**

21           [(s)] ~~(p)~~ **(U)** (1) “Supervision” means [the responsibility of a physician to  
 22 exercise on-site supervision or immediately available direction for physician  
 23 assistants performing delegated medical acts] ~~PHYSICIAN OVERSIGHT OF AND~~  
 24 ~~ACCEPTANCE OF RESPONSIBILITY FOR THE MEDICAL SERVICES AND CARE~~  
 25 ~~RENDERED BY A PHYSICIAN ASSISTANT.~~

26                   (2) “Supervision” [includes physician oversight of and acceptance of  
 27 direct responsibility for the patient services and care rendered by a physician  
 28 assistant, including continuous availability to the physician assistant in person,  
 29 through written instructions, or by electronic means and by designation of one or more  
 30 alternate supervising physicians] ~~DOES NOT REQUIRE THE ON SITE PHYSICAL~~  
 31 ~~PRESENCE OF A PRIMARY SUPERVISING PHYSICIAN PROVIDED THAT THE~~  
 32 ~~PRIMARY SUPERVISING PHYSICIAN AND THE PHYSICIAN ASSISTANT ARE ABLE~~  
 33 ~~TO BE IN CONTACT WITH EACH OTHER BY TELECOMMUNICATION.~~

1 15-102.

2 ~~¶~~(a) A physician assistant may not practice within the scope of practice of any  
3 of the following health occupations authorized under this article:

- 4 (1) Nursing;
- 5 (2) Optometry;
- 6 (3) Physical therapy; or
- 7 (4) Psychology.

8 ~~(b)¶~~ This title does not limit the right of an individual to practice a health  
9 occupation that the individual is authorized to practice under this article.

10 15-103.

11 **(A) IN THIS SECTION, "ALTERNATIVE HEALTH CARE SYSTEM" HAS THE**  
12 **MEANING STATED IN § 1-401 OF THIS ARTICLE.**

13 ~~[(a)]~~ **(B)** An employer of a physician assistant shall report to the Board, on  
14 the form prescribed by the Board, any termination of employment of the physician  
15 assistant if the cause of termination IS related to a quality of care issue.

16 **(C) EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTIONS (B) AND**  
17 **(D) OF THIS SECTION, A HOSPITAL, A RELATED INSTITUTION, AN ALTERNATIVE**  
18 **HEALTH CARE SYSTEM, OR AN EMPLOYER OF A PHYSICIAN ASSISTANT SHALL**  
19 **REPORT TO THE BOARD, ~~ON THE FORM PRESCRIBED BY THE BOARD,~~ ANY**  
20 **LIMITATION, REDUCTION, OR OTHER CHANGE OF THE TERMS OF EMPLOYMENT**  
21 **OF THE PHYSICIAN ASSISTANT OR ANY TERMINATION OF EMPLOYMENT OF THE**  
22 **PHYSICIAN ASSISTANT FOR ANY REASON THAT MIGHT BE GROUNDS FOR**  
23 **DISCIPLINARY ACTION UNDER § 15-314 OF THIS TITLE.**

24 **(D) A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH**  
25 **SYSTEM, OR EMPLOYER THAT HAS REASON TO KNOW THAT A PHYSICIAN**  
26 **ASSISTANT HAS COMMITTED AN ACTION OR HAS A CONDITION THAT MIGHT BE**  
27 **GROUNDS FOR REPRIMAND OR PROBATION OF THE PHYSICIAN ASSISTANT OR**  
28 **SUSPENSION OR REVOCATION OF THE LICENSE OF THE PHYSICIAN ASSISTANT**  
29 **UNDER § 15-314 OF THIS TITLE BECAUSE THE PHYSICIAN ASSISTANT IS**  
30 **ALCOHOL- OR DRUG-IMPAIRED IS NOT REQUIRED TO REPORT TO THE BOARD**  
31 **IF:**

32 **(1) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE**  
33 **HEALTH SYSTEM, OR EMPLOYER KNOWS THAT THE PHYSICIAN ASSISTANT IS:**



1                   **(I) IN AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT**  
2 **IS ACCREDITED BY THE JOINT COMMISSION ON THE ACCREDITATION OF**  
3 **HEALTHCARE ORGANIZATIONS OR IS CERTIFIED BY THE DEPARTMENT; OR**

4                   **(II) UNDER THE CARE OF A HEALTH CARE PRACTITIONER**  
5 **WHO IS COMPETENT AND CAPABLE OF DEALING WITH ALCOHOLISM AND DRUG**  
6 **ABUSE;**

7                   **(2) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE**  
8 **HEALTH SYSTEM, OR EMPLOYER IS ABLE TO VERIFY THAT THE PHYSICIAN**  
9 **ASSISTANT REMAINS IN THE TREATMENT PROGRAM UNTIL DISCHARGE; AND**

10                   **(3) THE ACTION OR CONDITION OF THE PHYSICIAN ASSISTANT**  
11 **HAS NOT CAUSED INJURY TO ANY PERSON WHILE THE PHYSICIAN ASSISTANT IS**  
12 **PRACTICING AS A LICENSED PHYSICIAN ASSISTANT.**

13                   **(E) (1) IF THE PHYSICIAN ASSISTANT ENTERS, OR IS CONSIDERING**  
14 **ENTERING, AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS ACCREDITED**  
15 **BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE**  
16 **ORGANIZATIONS OR THAT IS CERTIFIED BY THE DEPARTMENT, THE PHYSICIAN**  
17 **ASSISTANT SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION,**  
18 **ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE PHYSICIAN ASSISTANT'S**  
19 **DECISION TO ENTER THE TREATMENT PROGRAM.**

20                   **(2) IF THE PHYSICIAN ASSISTANT FAILS TO PROVIDE THE NOTICE**  
21 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AND THE HOSPITAL,**  
22 **RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER LEARNS**  
23 **THAT THE PHYSICIAN ASSISTANT HAS ENTERED A TREATMENT PROGRAM, THE**  
24 **HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR**  
25 **EMPLOYER SHALL REPORT TO THE BOARD THAT THE PHYSICIAN ASSISTANT**  
26 **HAS ENTERED A TREATMENT PROGRAM AND HAS FAILED TO PROVIDE THE**  
27 **REQUIRED NOTICE.**

28                   **(3) IF THE PHYSICIAN ASSISTANT IS FOUND TO BE**  
29 **NONCOMPLIANT WITH THE TREATMENT PROGRAM'S POLICIES AND**  
30 **PROCEDURES WHILE IN THE TREATMENT PROGRAM, THE TREATMENT**  
31 **PROGRAM SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE**  
32 **HEALTH SYSTEM, OR EMPLOYER OF THE PHYSICIAN ASSISTANT'S**  
33 **NONCOMPLIANCE.**

34                   **(4) ON RECEIPT OF THE NOTIFICATION REQUIRED UNDER**  
35 **PARAGRAPH (3) OF THIS SUBSECTION, THE HOSPITAL, RELATED INSTITUTION,**

1 ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE PHYSICIAN ASSISTANT  
2 SHALL REPORT THE PHYSICIAN ASSISTANT'S NONCOMPLIANCE TO THE BOARD.

3 (F) A PERSON IS NOT REQUIRED UNDER THIS SECTION TO MAKE ANY  
4 REPORT THAT WOULD BE IN VIOLATION OF ANY FEDERAL OR STATE LAW, RULE,  
5 OR REGULATION CONCERNING THE CONFIDENTIALITY OF ALCOHOL- AND  
6 DRUG-ABUSE PATIENT RECORDS.

7 (G) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH  
8 SYSTEM, OR EMPLOYER SHALL SUBMIT THE REPORT WITHIN 10 DAYS OF ANY  
9 ACTION DESCRIBED IN THIS SECTION.

10 (H) A REPORT UNDER THIS SECTION IS NOT SUBJECT TO SUBPOENA OR  
11 DISCOVERY IN ANY CIVIL ACTION OTHER THAN A PROCEEDING ARISING OUT OF  
12 A HEARING AND DECISION OF THE BOARD UNDER THIS TITLE.

13 (I) (1) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000  
14 FOR FAILURE TO REPORT UNDER THIS SECTION.

15 (2) THE BOARD SHALL PAY ANY FEES COLLECTED UNDER THIS  
16 SUBSECTION INTO THE GENERAL FUND OF THE STATE.

17 [(b)] (J) An employer shall make the report required under this section to  
18 the Board within 5 days after the date of termination of employment.

19 [(c)] (K) The Board shall adopt regulations to implement the provisions of  
20 this section.

21 ~~§~~15-201.

22 (a) There is a Physician Assistant Advisory Committee within the Board.

23 (b) The Committee shall function as a subunit of the Board.~~‡~~

24 ~~§~~15-202.

25 (a) (1) The Committee shall consist of 7 members appointed by the Board.

26 (2) Of the 7 Committee members:

27 (i) 3 shall be licensed physicians;

28 (ii) 3 shall be ~~certified~~ LICENSED physician assistants; and

29 (iii) 1 shall be a consumer.

1 (3) Of the licensed physician members:

2 (i) At least 1 shall specialize in general surgery or a surgical  
3 subspecialty; ~~and~~

4 (ii) At least 1 shall specialize in internal medicine, family  
5 practice, or a similar primary care specialty; AND

6 **(III) 1 SHALL BE A BOARD MEMBER.**

7 (4) The Board shall~~;~~

8 ~~(i)~~ ~~Appoint~~ **APPOINT** the physician assistant members from a  
9 list of names submitted by:

10 ~~1.~~ **(I)** The Maryland Academy of Physician Assistants; and

11 ~~2.~~ **(II)** The State institutions of higher education with  
12 approved physician assistant programs~~;~~

13 ~~(ii) Appoint the consumer member selected by the Secretary of~~  
14 ~~the Department of Health and Mental Hygiene; and~~

15 ~~(iii) Assign a physician member of the Board to serve as a voting~~  
16 ~~Board representative at all meetings of the Advisory Committee.~~

17 (5) The consumer member:

18 (i) Shall be a member of the general public;

19 (ii) May not be a physician, former physician, physician  
20 assistant, or a person in training to become a physician or physician assistant;

21 (iii) May not have a household member who is a physician or  
22 physician assistant, or a person in training to become a physician assistant; and

23 (iv) May not have had within 2 years before appointment a  
24 substantial financial interest in a process regulated by the Board.

25 (6) Each member of the Committee shall be a resident of the State.

26 (b) Of the three physician members of the Committee, two shall be  
27 previously or currently serving as supervising physicians of a physician assistant  
28 under a Board-approved delegation agreement.

1 (c) **(1)** The physician assistant members shall be ~~certified~~ **LICENSED** as a  
2 physician assistant under this title.

3 ~~(d)~~ **(2)** The physician assistant members shall be currently practicing as a  
4 physician assistant or employed as a faculty member of an accredited physician  
5 assistant program.

6 **(3) OF THE 3 PHYSICIAN ASSISTANT MEMBERS OF THE**  
7 **COMMITTEE:**

8 **(I) AT LEAST 1 SHALL BE CURRENTLY PRACTICING IN A**  
9 **HOSPITAL; AND**

10 **(II) AT LEAST 1 SHALL BE CURRENTLY PRACTICING IN A**  
11 **NONHOSPITAL SETTING.**

12 ~~(e)~~ **(D)** A Committee chairperson and a secretary shall be selected every 2  
13 years by a majority vote of the membership of the Committee.

14 ~~(f)~~ **(E)** The chairperson shall serve in an advisory capacity to the Board as a  
15 representative of the Committee.‡

16 ~~‡15-203.~~

17 (a) The Board shall adopt regulations governing:

18 (1) The term of office for Committee members;

19 (2) The procedure for filling vacancies on the Committee;

20 (3) The removal of Committee members; and

21 (4) The duties of each officer.

22 (b) In addition to the regulations on removal of members adopted by the  
23 Board, upon the recommendation of the ~~Secretary~~ **BOARD** the Governor may remove a  
24 member whom the ~~Secretary~~ **BOARD** finds to have been absent from 2 successive  
25 Committee meetings without adequate reason.‡

26 ~~‡15-204.~~

27 Funds for compensation, expenses, and staff for the Committee shall be  
28 allocated to the Board in the State budget.‡

29 ~~‡15-205.‡ 15-201.~~

1 (a) ~~¶~~In addition to the powers set forth elsewhere in this title, the  
2 Committee, on its initiative or on the Board's request, may:

3 (1) Recommend to the Board regulations for carrying out the  
4 provisions of this title;

5 (2) Recommend to the Board approval, modification, or disapproval of  
6 an application for ~~certification~~ **LICENSURE** or a delegation agreement;

7 (3) Report to the Board any conduct of a supervising physician or a  
8 physician assistant that may be cause for disciplinary action under this title or under  
9 § 14-404 of this article; and

10 (4) Report to the Board any alleged unauthorized practice of a  
11 physician assistant.

12 (b) (1)~~¶~~ In addition to the duties set forth elsewhere in this title, the Board  
13 shall adopt regulations to carry out the provisions of this title.

14 ~~¶~~(2) The Board shall:

15 (i) Consider all recommendations of the Committee; and

16 (ii) Provide a written explanation of the Board's reasons for  
17 rejecting or modifying the Committee's recommendations.~~¶~~

18 ~~¶~~(3) ~~¶~~ The Board may:

19 ~~¶~~(i) ~~¶~~ (1) Investigate any alleged unauthorized practice of a  
20 physician assistant;

21 ~~¶~~(ii) ~~¶~~ (2) Investigate any conduct that may be cause for  
22 disciplinary action under this title; and

23 ~~¶~~(iii) ~~¶~~ (3) On receipt of a written and signed complaint,  
24 including a referral from the Commissioner of Labor and Industry, conduct an  
25 unannounced inspection of the office of a physician assistant, other than an office of a  
26 physician assistant in a hospital, related institution, freestanding medical facility, or  
27 [a] freestanding birthing center, to determine compliance at that office with the  
28 Centers for Disease [Control's] **CONTROL AND PREVENTION'S** guidelines on  
29 universal precautions.

30 (4) **IF THE ENTRY IS NECESSARY TO CARRY OUT A DUTY UNDER**  
31 **THIS SUBTITLE, INCLUDING AN INVESTIGATION OR DETERMINATION OF**  
32 **COMPLIANCE AS PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION AND**

1 AN AUDIT TO DETERMINE COMPLIANCE WITH THE BOARD'S REQUIREMENTS  
 2 WITH RESPECT TO PHYSICIAN ASSISTANT PRACTICE, THE EXECUTIVE  
 3 DIRECTOR OF THE BOARD OR OTHER DULY AUTHORIZED AGENT OR  
 4 INVESTIGATOR MAY ENTER AT ANY REASONABLE HOUR A PLACE OF BUSINESS  
 5 OF A LICENSED PHYSICIAN OR A LICENSED PHYSICIAN ASSISTANT OR PUBLIC  
 6 PREMISES.

7 (5) (I) A PERSON MAY NOT DENY OR INTERFERE WITH AN  
 8 ENTRY UNDER THIS SUBSECTION.

9 (II) A PERSON WHO VIOLATES ANY PROVISION OF THIS  
 10 SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT  
 11 TO A FINE NOT EXCEEDING \$100.

12 ~~§15-206.1~~ ~~15-202.~~

13 (a) The Board shall set reasonable fees for:

14 (1) The issuance and renewal of [certificates] LICENSES; and

15 (2) The other services rendered by the Board in connection with  
 16 physician assistants.

17 (b) (1) The Board shall pay all fees collected under this title to the  
 18 Comptroller of the State.

19 (2) (i) If the Governor does not include in the State budget at least  
 20 \$750,000 for the operation of the Health Personnel Shortage Incentive Grant Program  
 21 under § 18-803 of the Education Article and the Maryland Loan Assistance  
 22 Repayment Program for Physicians under Title 18, Subtitle 28 of the Education  
 23 Article, as administered by the Maryland Higher Education Commission, the  
 24 Comptroller shall distribute:

25 1. [Except as provided in subparagraph (ii) of this  
 26 paragraph,] 12 percent of the fees received from the Board to the Office of Student  
 27 Financial Assistance to be used as follows:

28 A. One-half to make grants under the Health Personnel  
 29 Shortage Incentive Grant Program under § 18-803 of the Education Article; and

30 B. One-half to make grants under the Maryland Loan  
 31 Assistance Repayment Program for Physicians under Title 18, Subtitle 28 of the  
 32 Education Article to physicians engaged in primary care or to medical residents  
 33 specializing in primary care who agree to practice for at least 2 years as primary care

1 physicians in a geographic area of the State that has been designated by the Secretary  
2 of Health and Mental Hygiene as being medically underserved; and

3                   2.     The balance of the fees to the Board of Physicians  
4 Fund.

5                   (ii)    [For fiscal 2008, if the Governor does not include in the  
6 State budget the funds specified under subparagraph (i) of this paragraph, the  
7 Comptroller shall distribute 14 percent of the fees received from the Board to the  
8 Office of Student Financial Assistance to be used as provided under subparagraph (i)  
9 of this paragraph.

10                   (iii)] If the Governor includes in the State budget at least  
11 \$750,000 for the operation of the Health Personnel Shortage Incentive Grant Program  
12 under § 18-803 of the Education Article and the Maryland Loan Assistance  
13 Repayment Program for Physicians under Title 18, Subtitle 28 of the Education  
14 Article, as administered by the Maryland Higher Education Commission, the  
15 Comptroller shall distribute the fees to the Board of Physicians Fund.

16 15-301.

17           (a)     Nothing in this title may be construed to authorize a physician assistant  
18 to practice independent of a **PRIMARY OR ALTERNATE** supervising physician.

19           (b)     A [certificate] **LICENSE** issued to a physician assistant shall limit the  
20 physician assistant's scope of practice to medical acts:

21                   (1)     Delegated by the **PRIMARY OR ALTERNATE** supervising  
22 physician;

23                   (2)     Appropriate to the education, training, and experience of the  
24 physician assistant ~~AS DETERMINED BY THE PRIMARY SUPERVISING PHYSICIAN;~~

25                   (3)     Customary to the practice of the **PRIMARY OR ALTERNATE**  
26 supervising physician; and

27                   (4)     Consistent with the delegation agreement [submitted to] **FILED**  
28 **WITH** the Board.

29           ¶(c)    Patient services that may be provided by a physician assistant include:

30                   (1)     (i)     Taking complete, detailed, and accurate patient histories;  
31 and

32                   (ii)    Reviewing patient records to develop comprehensive medical  
33 status reports;

1 (2) Performing physical examinations and recording all pertinent  
2 patient data;

3 (3) Interpreting and evaluating patient data as authorized by the  
4 **PRIMARY OR ALTERNATE** supervising physician for the purpose of determining  
5 management and treatment of patients;

6 (4) Initiating requests for or performing diagnostic procedures as  
7 indicated by pertinent data and as authorized by the supervising physician;

8 (5) Providing instructions and guidance regarding medical care  
9 matters to patients;

10 (6) Assisting the **PRIMARY OR ALTERNATE** supervising physician in  
11 the delivery of services to patients who require medical care in the home and in health  
12 care institutions, including:

13 (i) Recording patient progress notes;

14 (ii) Issuing diagnostic orders; and

15 (iii) Transcribing or executing specific orders at the direction of  
16 the **PRIMARY OR ALTERNATE** supervising physician; and

17 (7) Exercising prescriptive authority under ~~an approved~~ **A** delegation  
18 agreement and in accordance with § 15-302.2 of this subtitle.†

19 ~~†(d)†~~ ~~(c)~~ (1) Except as otherwise provided in this title, an individual  
20 shall be **[certified] LICENSED** by the Board before the individual may practice as a  
21 physician assistant.

22 (2) Except as otherwise provided in this title, a physician may not  
23 supervise a physician assistant in the performance of delegated medical acts without  
24 **[the approval of] FILING A COMPLETED DELEGATION AGREEMENT WITH** the  
25 Board.

26 (3) Except as otherwise provided in this title or in a medical  
27 emergency, a physician assistant may not perform any medical act for which:

28 (i) The individual has not been **[certified] LICENSED**; and

29 (ii) The medical acts have not been delegated by a **PRIMARY OR**  
30 **ALTERNATE** supervising physician.



1       ~~(D) (1) A PHYSICIAN ASSISTANT IS AN INDIVIDUAL WHO PRACTICES~~  
2 ~~MEDICINE ONLY WITH PHYSICIAN SUPERVISION.~~

3       ~~(2) A PHYSICIAN ASSISTANT MAY PERFORM THE FUNCTIONS AND~~  
4 ~~RESPONSIBILITIES, INCLUDING ORDERING, PRESCRIBING AND DISPENSING,~~  
5 ~~AND ADMINISTERING DRUGS AND MEDICAL DEVICES, THAT ARE DELEGATED BY~~  
6 ~~A PRIMARY OR ALTERNATE SUPERVISING PHYSICIAN.~~

7       ~~(3) A PHYSICIAN ASSISTANT MAY PERFORM ANY MEDICAL ACT~~  
8 ~~THAT IS DELEGATED BY THE PRIMARY OR ALTERNATE SUPERVISING PHYSICIAN~~  
9 ~~WHEN THE ACT IS WITHIN THE SKILLS OF THE PHYSICIAN ASSISTANT AS~~  
10 ~~DETERMINED BY THE PRIMARY OR ALTERNATE SUPERVISING PHYSICIAN,~~  
11 ~~FORMS A COMPONENT OF THE PRIMARY OR ALTERNATE SUPERVISING~~  
12 ~~PHYSICIAN'S SCOPE OF PRACTICE, AND IS PROVIDED WITH SUPERVISION.~~

13       ~~(E) (1) A PRIMARY OR ALTERNATE SUPERVISING PHYSICIAN SHALL~~  
14 ~~PROVIDE CONTINUOUS SUPERVISION OF A PHYSICIAN ASSISTANT.~~

15       ~~(2) CONTINUOUS SUPERVISION DOES NOT REQUIRE THE~~  
16 ~~PHYSICAL PRESENCE OF THE PRIMARY OR ALTERNATE SUPERVISING PHYSICIAN~~  
17 ~~AT THE TIME AND PLACE THAT THE PATIENT SERVICES AND CARE ARE~~  
18 ~~RENDERED.~~

19       ~~(3) (i) A PRIMARY OR ALTERNATE SUPERVISING PHYSICIAN~~  
20 ~~SHALL ENSURE THAT ALL MEDICAL ACTS TO BE DELEGATED TO A PHYSICIAN~~  
21 ~~ASSISTANT ARE APPROPRIATE TO THE PHYSICIAN ASSISTANT'S EDUCATION,~~  
22 ~~TRAINING, AND LEVEL OF COMPETENCE, AS DETERMINED BY THE PRIMARY~~  
23 ~~SUPERVISING PHYSICIAN.~~

24       ~~(ii) A PHYSICIAN ASSISTANT AND A PRIMARY SUPERVISING~~  
25 ~~PHYSICIAN SHALL:~~

26               ~~1. DEFINE THE RELATIONSHIP OF THE PHYSICIAN~~  
27 ~~ASSISTANT TO THE PRIMARY SUPERVISING PHYSICIAN AND THE ACCESS OF THE~~  
28 ~~PHYSICIAN ASSISTANT TO THE PRIMARY SUPERVISING PHYSICIAN; AND~~

29               ~~2. ESTABLISH A PROCESS TO EVALUATE THE~~  
30 ~~PERFORMANCE OF THE PHYSICIAN ASSISTANT.~~

31       ~~(F) A PRIMARY SUPERVISING PHYSICIAN:~~

32               ~~(1) SHALL BE LICENSED BY THE BOARD TO PRACTICE MEDICINE~~  
33 ~~IN THE STATE;~~

1 ~~(2) MAY NOT BE ENCUMBERED BY ANY RESTRICTION ON THE~~  
 2 ~~PHYSICIAN'S LICENSE AS A RESULT OF DISCIPLINARY ACTION BY THE BOARD;~~  
 3 ~~AND~~

4 ~~(3) SHALL EXECUTE A DELEGATION AGREEMENT WITH EACH~~  
 5 ~~PHYSICIAN ASSISTANT ON THE FORM THAT THE BOARD REQUIRES THAT IS~~  
 6 ~~POSTED BY THE BOARD ON ITS WEBSITE OR PROVIDED BY THE BOARD ON~~  
 7 ~~WRITTEN REQUEST, STATING THAT THE PHYSICIAN WILL SUPERVISE EACH~~  
 8 ~~PHYSICIAN ASSISTANT AND RETAIN PROFESSIONAL RESPONSIBILITY FOR THE~~  
 9 ~~CARE RENDERED BY THE PHYSICIAN ASSISTANT.~~

10 ~~(c) A PRIMARY SUPERVISING PHYSICIAN SHALL:~~

11 ~~(1) KEEP A COPY OF EACH DELEGATION AGREEMENT ON FILE AT~~  
 12 ~~THE PRACTICE SITE; AND~~

13 ~~(2) FILE A COPY WITH THE BOARD.~~

14 ~~{(e)}~~ ~~(H)~~ A physician assistant is the agent of the **PRIMARY OR**  
 15 **ALTERNATE** supervising physician in the performance of all practice-related  
 16 activities, including the oral, written, or electronic ordering of diagnostic, therapeutic,  
 17 and other medical services.

18 ~~{(f)}~~ ~~(I)~~ Except as provided in subsection (g) of this section, the following  
 19 individuals may practice as a physician assistant without a [certificate] **LICENSE**:

20 (1) A physician assistant student **ENROLLED** in a physician assistant  
 21 [training] **EDUCATIONAL** program that is accredited by the [Commission on Allied  
 22 Health Education Programs] **ACCREDITATION REVIEW COMMISSION ON**  
 23 **EDUCATION FOR THE PHYSICIAN ASSISTANT OR ITS SUCCESSOR** and approved by  
 24 the Board; or

25 (2) A physician assistant employed in the service of the federal  
 26 government while performing duties incident to that employment.

27 ~~{(g)}~~ ~~(J)~~ A physician may not delegate [the authority to write medication  
 28 orders or the ability to exercise] prescriptive authority to a physician assistant student  
 29 in a training program [approved by the Board] **THAT IS ACCREDITED BY THE**  
 30 **ACCREDITATION REVIEW COMMISSION ON EDUCATION FOR THE PHYSICIAN**  
 31 **ASSISTANT OR ITS SUCCESSOR.**

32 ~~{(h)}~~ ~~(K)~~ (1) [Except as prohibited by § 15-102(a) of this title, if] **IF** a  
 33 [duty] **MEDICAL ACT** that is to be delegated under this section is a part of the practice  
 34 of a health occupation that is regulated under this article by another board, any rule

1 or regulation concerning that [duty] MEDICAL ACT shall be adopted jointly by the  
 2 STATE Board of Physicians and the board that regulates the other health occupation,  
 3 ~~EXCEPT IF THE PHYSICIAN ASSISTANT PRACTICES THE HEALTH OCCUPATION~~  
 4 ~~THAT IS REGULATED UNDER THIS ARTICLE BY ANOTHER BOARD AND THE~~  
 5 ~~PHYSICIAN ASSISTANT DOES NOT REPRESENT OR IMPLY TO THE PUBLIC BY USE~~  
 6 ~~OF THE TITLE "LICENSED PHYSICIAN ASSISTANT", BY OTHER TITLE, OR BY~~  
 7 ~~DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES THAT THE PERSON IS~~  
 8 ~~LICENSED AS A PHYSICIAN ASSISTANT IN THE STATE.~~

9 (2) If the two boards cannot agree on a proposed rule or regulation, the  
 10 proposal shall be submitted to the Secretary for a final decision.

11 ¶(i) Notwithstanding the provisions of this section, a patient being treated  
 12 regularly for a life-threatening, chronic, degenerative, or disabling condition shall be  
 13 seen initially by the supervising physician and as frequently as the patient's condition  
 14 requires, but no less than within every five appointments or within 180 days,  
 15 whichever occurs first.¶

16 15-302.

17 (a) [Subject to the provisions of subsection (i) of this section, the Board may  
 18 authorize a] A physician [to] MAY delegate medical acts to a physician assistant only  
 19 after:

20 (1) A delegation agreement has been executed and [submitted to]  
 21 FILED WITH the [Committee for review to ensure the delegation agreement contains  
 22 the requirements of this subtitle; and

23 (2) Except as provided in § 15-302.1 of this subtitle, the Board has  
 24 reviewed and approved a favorable recommendation by the Committee that the  
 25 requirements of this subtitle have been met] **BOARD; AND**

26 **(2) ANY ADVANCED DUTIES HAVE BEEN AUTHORIZED AS**  
 27 **REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.**

28 (b) The delegation agreement shall contain:

29 (1) A description of the qualifications of the PRIMARY supervising  
 30 physician and physician assistant;

31 (2) A description of the settings in which the physician assistant will  
 32 practice;

33 (3) A description of the continuous physician supervision mechanisms  
 34 that are reasonable and appropriate to the practice setting;

1 (4) A description of the delegated medical acts that are within the  
2 **PRIMARY OR ALTERNATE** supervising physician's scope of practice and require  
3 specialized education or training that is consistent with accepted medical practice;

4 (5) An attestation that all medical acts to be delegated to the  
5 physician assistant are within the scope of practice of the **PRIMARY OR ALTERNATE**  
6 supervising physician and appropriate to the physician assistant's education, training,  
7 and level of competence ~~AS DETERMINED BY THE PRIMARY OR ALTERNATE~~  
8 ~~SUPERVISING PHYSICIAN;~~

9 (6) An attestation of continuous supervision of the physician assistant  
10 by the **PRIMARY** supervising physician through the mechanisms described in the  
11 delegation agreement;

12 (7) An attestation by the **PRIMARY** supervising physician of the  
13 physician's acceptance of responsibility for any care given by the physician assistant;

14 (8) A description prepared by the **PRIMARY** supervising physician of  
15 the process by which the physician assistant's practice is reviewed appropriate to the  
16 practice setting and consistent with current standards of acceptable medical practice;

17 (9) An attestation by the **PRIMARY** supervising physician that the  
18 physician will respond in a timely manner when contacted by the physician assistant;  
19 and

20 (10) Any other information deemed necessary by the Board [or  
21 Committee] to carry out the provisions of this subtitle.

22 ~~(e) (1) The delegation agreement shall be [submitted] FILED with the~~  
23 ~~application fee established by the Board and the PRIMARY supervising physician and~~  
24 ~~physician assistant shall comply with all other requirements established by the Board~~  
25 ~~in accordance with this title.~~

26 ~~(2) The Board shall set the application fee so as to produce funds to~~  
27 ~~approximate the cost of [reviewing and approving] RECEIVING delegation agreements~~  
28 ~~FILED WITH THE BOARD and any other related services provided.~~

29 **(C) (1) THE BOARD MAY NOT REQUIRE PRIOR APPROVAL OF A**  
30 **DELEGATION AGREEMENT THAT INCLUDES ADVANCED DUTIES, IF AN ADVANCED**  
31 **DUTY WILL BE PERFORMED IN A HOSPITAL OR AMBULATORY SURGICAL**  
32 **FACILITY, PROVIDED THAT:**

33 **(I) A PHYSICIAN, WITH CREDENTIALS THAT HAVE BEEN**  
34 **REVIEWED BY THE HOSPITAL OR AMBULATORY SURGICAL FACILITY AS A**

1 CONDITION OF EMPLOYMENT, AS AN INDEPENDENT CONTRACTOR, OR AS A  
 2 MEMBER OF THE MEDICAL STAFF, SUPERVISES THE PHYSICIAN ASSISTANT;

3 (II) THE PHYSICIAN ASSISTANT HAS CREDENTIALS THAT  
 4 HAVE BEEN REVIEWED BY THE HOSPITAL OR AMBULATORY SURGICAL FACILITY  
 5 AS A CONDITION OF EMPLOYMENT, AS AN INDEPENDENT CONTRACTOR, OR AS A  
 6 MEMBER OF THE MEDICAL STAFF; AND

7 (III) EACH ADVANCED DUTY TO BE DELEGATED TO THE  
 8 PHYSICIAN ASSISTANT IS REVIEWED AND APPROVED WITHIN A PROCESS  
 9 APPROVED BY THE GOVERNING BODY OF THE HEALTH CARE FACILITY BEFORE  
 10 THE PHYSICIAN ASSISTANT PERFORMS THE ADVANCED DUTIES.

11 (2) IN ANY SETTING THAT DOES NOT MEET THE REQUIREMENTS  
 12 OF PARAGRAPH (1) OF THIS SUBSECTION, A PRIMARY SUPERVISING PHYSICIAN  
 13 SHALL OBTAIN THE BOARD'S APPROVAL OF A DELEGATION AGREEMENT THAT  
 14 INCLUDES ADVANCED DUTIES, BEFORE THE PHYSICIAN ASSISTANT PERFORMS  
 15 THE ADVANCED DUTIES.

16 (3) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A  
 17 PRIMARY SUPERVISING PHYSICIAN SHALL OBTAIN THE BOARD'S APPROVAL OF  
 18 A DELEGATION AGREEMENT BEFORE THE PHYSICIAN ASSISTANT MAY  
 19 ADMINISTER, MONITOR, OR MAINTAIN GENERAL ANESTHESIA OR NEUROAXIAL  
 20 ANESTHESIA, INCLUDING SPINAL AND EPIDURAL TECHNIQUES, UNDER THE  
 21 AGREEMENT.

22 ~~f~~(d) ~~The~~ FOR A DELEGATION AGREEMENT CONTAINING ADVANCED  
 23 DUTIES THAT REQUIRE BOARD APPROVAL, THE Committee shall review the  
 24 delegation agreement and recommend to the Board that the delegation agreement be  
 25 approved, rejected, or modified to ensure conformance with the requirements of this  
 26 title.

27 (e) The Committee may conduct a personal interview of the PRIMARY  
 28 supervising physician and the physician assistant.

29 (f) (1) On review of the Committee's recommendation regarding a  
 30 PRIMARY supervising physician's request to delegate ~~medical acts~~ ADVANCED  
 31 DUTIES as described in a delegation agreement, the Board:

32 ~~(1)~~ (I) May approve the delegation agreement; or

33 ~~(2)~~ (II)~~(1)~~ 1. If the physician assistant does not meet the applicable  
 34 education, training, and experience requirements to perform the specified delegated  
 35 acts, may modify or disapprove the delegation agreement; and

1                                    ~~(ii)~~ **2.**     If the Board takes an action under item (i) of this  
2 item:

3                                    ~~±~~ **A.**     Shall notify the **PRIMARY** supervising physician and  
4 the physician assistant in writing of the particular elements of the proposed delegation  
5 agreement that were the cause for the modification or disapproval; and

6                                    ~~±~~ **B.**     May not restrict the submission of an amendment to  
7 the delegation agreement. ~~±~~

8                                    **(2)     TO THE EXTENT PRACTICABLE, THE BOARD SHALL APPROVE**  
9 **A DELEGATION AGREEMENT OR TAKE OTHER ACTION AUTHORIZED UNDER THIS**  
10 **SUBSECTION WITHIN 90 DAYS AFTER RECEIVING A COMPLETED DELEGATION**  
11 **AGREEMENT INCLUDING ANY INFORMATION FROM THE PHYSICIAN ASSISTANT**  
12 **AND PRIMARY SUPERVISING PHYSICIAN NECESSARY TO APPROVE OR TAKE**  
13 **ACTION.**

14                                    ~~[(g)] (D)~~     If the Board determines that a **PRIMARY OR ALTERNATE**  
15 supervising physician or physician assistant is practicing in a manner inconsistent  
16 with the requirements of this title or Title 14 of this article, the Board ~~±~~on its own  
17 initiative or on the recommendation of the Committee~~±~~ may demand modification of  
18 the practice~~±~~, withdraw the approval of the delegation agreement,~~±~~ or take other  
19 disciplinary action under § 14–404 or § 15–314 of this article.

20                                    [(h) (1)     A delegation agreement approved under this subtitle may be  
21 reviewed as a component of the certificate renewal process established under § 15–307  
22 of this subtitle.

23                                    (2)     A delegation agreement shall expire when a physician assistant’s  
24 certificate expires.

25                                    (i)     The Board may not authorize a physician to delegate medical acts under  
26 a delegation agreement to more than two physician assistants at any one time, except  
27 in a hospital or in the following nonhospital settings:

28                                    (1)     A correctional facility;

29                                    (2)     A detention center; or

30                                    (3)     A public health facility.]

31                                    **(H)     A PRIMARY SUPERVISING PHYSICIAN MAY NOT DELEGATE MEDICAL**  
32 **ACTS UNDER A DELEGATION AGREEMENT TO MORE THAN FOUR PHYSICIAN**

1 ASSISTANTS AT ANY ONE TIME, EXCEPT IN A HOSPITAL OR IN THE FOLLOWING  
 2 NONHOSPITAL SETTINGS:

3 (1) A CORRECTIONAL FACILITY;

4 (2) A DETENTION CENTER; OR

5 (3) A PUBLIC HEALTH FACILITY.

6 [(j)] ~~(I)~~ (I) A person may not coerce another person to enter into a delegation  
 7 agreement under this subtitle.

8 ~~(k)~~ (J) A physician may supervise a physician assistant:

9 (1) ~~in~~ AS A PRIMARY SUPERVISING PHYSICIAN IN accordance with  
 10 a delegation agreement approved by the Board under this subtitle; or

11 (2) As an alternate supervising physician if:

12 (i) The alternate supervising physician supervises in  
 13 accordance with a delegation agreement filed with the Board;

14 (ii) The alternate supervising physician supervises no more  
 15 than four physician assistants at any one time, except in a hospital, correctional  
 16 facility, detention center, or public health facility;

17 (iii) The alternate supervising physician's period of supervision,  
 18 in the absence of the primary supervising physician, does not exceed:

19 1. The period of time specified in the delegation  
 20 agreement; and

21 2. A period of 45 consecutive days at any one time; and

22 (iv) The physician assistant performs only those medical acts  
 23 that:

24 1. Have been delegated under the delegation agreement  
 25 filed with the Board; and

26 2. Are within the scope of practice of the PRIMARY  
 27 SUPERVISING PHYSICIAN AND alternate supervising physician.

28 (K) IN THE EVENT OF A SUDDEN DEPARTURE, INCAPACITY, OR DEATH  
 29 OF A PRIMARY SUPERVISING PHYSICIAN, A DESIGNATED ALTERNATE  
 30 SUPERVISING PHYSICIAN MAY ASSUME THE ROLE OF THE PRIMARY

1 SUPERVISING PHYSICIAN BY SUBMITTING A NEW DELEGATION AGREEMENT TO  
 2 THE BOARD WITHIN 15 DAYS.

3 (l) Individual members of the Board are not civilly liable for actions  
 4 regarding the approval, modification, or disapproval of a delegation agreement  
 5 described in this section.†

6 ~~(F)~~ (M) A PHYSICIAN ASSISTANT MAY PRACTICE IN ACCORDANCE  
 7 WITH A DELEGATION AGREEMENT FILED WITH THE BOARD UNDER THIS  
 8 SUBTITLE.

9 †15-302.1.

10 (A) IF A DELEGATION AGREEMENT DOES NOT INCLUDE ADVANCED  
 11 DUTIES OR THE ADVANCED DUTIES HAVE BEEN APPROVED UNDER §  
 12 15-302(C)(1) OF THIS SUBTITLE, A PHYSICIAN ASSISTANT MAY ASSUME THE  
 13 DUTIES UNDER A DELEGATION AGREEMENT ON THE DATE OF RECEIPT BY THE  
 14 BOARD OF THE DELEGATION AGREEMENT.

15 ~~(E)~~ (B) In this section, “pending” means that a delegation agreement  
 16 THAT INCLUDES DELEGATION OF ADVANCED DUTIES IN A SETTING THAT DOES  
 17 NOT MEET THE REQUIREMENTS UNDER § 15-302(C)(1) OF THIS SUBTITLE has  
 18 been executed and submitted to the ~~Committee for review~~ BOARD FOR ITS  
 19 APPROVAL, but:

20 (1) The Committee has not made a recommendation to the Board; or

21 (2) The Board has not made a final decision regarding the delegation  
 22 agreement.

23 ~~(H)~~ (C) Subject to subsection ~~(E)~~ (D) of this section, if a delegation  
 24 agreement is pending, on receipt of a temporary practice letter from the staff of the  
 25 Board, a physician assistant may ~~practice in accordance with the pending delegation~~  
 26 ~~agreement~~ PERFORM THE ADVANCED DUTY if:

27 (1) The PRIMARY supervising physician has been previously approved  
 28 to supervise one or more physician assistants in the ~~proposed practice setting for the~~  
 29 ~~same scope of practice~~ PERFORMANCE OF THE ADVANCED DUTY; and

30 (2) The physician assistant has been previously approved ~~for the same~~  
 31 ~~scope of practice in a different practice setting~~ BY THE BOARD TO PERFORM THE  
 32 ADVANCED DUTY.

33 ~~(I)~~ (D) If the Committee recommends a denial of the pending delegation  
 34 agreement or the Board denies the pending delegation agreement, on notice to the



1 PRIMARY SUPERVISING physician and the physician assistant, the physician  
 2 assistant may no longer ~~practice in accordance with the delegation agreement~~  
 3 PERFORM THE ADVANCED DUTY THAT HAS NOT RECEIVED THE APPROVAL OF  
 4 THE BOARD.‡

5 (E) THE BOARD MAY DISAPPROVE ANY DELEGATION AGREEMENT IF IT  
 6 BELIEVES THAT:

7 (1) THE AGREEMENT DOES NOT MEET THE REQUIREMENTS OF  
 8 THIS SUBTITLE; OR

9 (2) THE PHYSICIAN ASSISTANT IS UNABLE TO PERFORM SAFELY  
 10 THE DELEGATED DUTIES.

11 (F) IF THE BOARD DISAPPROVES A DELEGATION AGREEMENT OR THE  
 12 DELEGATION OF ANY FUNCTION UNDER AN AGREEMENT, THE BOARD SHALL  
 13 PROVIDE THE PRIMARY SUPERVISING PHYSICIAN AND THE PHYSICIAN  
 14 ASSISTANT WITH WRITTEN NOTICE OF THE DISAPPROVAL.

15 (G) A PHYSICIAN ASSISTANT WHO RECEIVES NOTICE THAT THE BOARD  
 16 HAS DISAPPROVED A DELEGATION AGREEMENT OR AN ADVANCED FUNCTION  
 17 UNDER THE DELEGATION AGREEMENT SHALL IMMEDIATELY CEASE TO  
 18 PRACTICE UNDER THE AGREEMENT OR TO PERFORM THE DISAPPROVED  
 19 FUNCTION.

20 ~~‡15-302.2.‡ 15-302.1.~~

21 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE~~  
 22 ~~MEANINGS INDICATED:~~

23 ~~(2) "PERSONALLY PREPARE AND DISPENSE" MEANS THAT A~~  
 24 ~~PHYSICIAN ASSISTANT:~~

25 ~~(i) IS PHYSICALLY PRESENT ON THE PREMISES WHERE THE~~  
 26 ~~PRESCRIPTION IS FILLED; AND~~

27 ~~(ii) PERFORMS A FINAL CHECK OF THE PRESCRIPTION~~  
 28 ~~BEFORE IT IS PROVIDED TO THE PATIENT.~~

29 ~~(3) "STARTER DOSAGE" MEANS AN AMOUNT OF A DRUG~~  
 30 ~~SUFFICIENT TO BEGIN THERAPY;~~

31 ~~(4) OF SHORT DURATION OF 72 HOURS OR LESS; OR~~

1 ~~(H) PRIOR TO OBTAINING A LARGER QUANTITY OF THE~~  
2 ~~DRUG TO COMPLETE THERAPY.~~

3 ~~[(a)] (B)~~ A PRIMARY supervising physician may not delegate prescribing,  
4 DISPENSING, and administering of controlled dangerous substances, prescription  
5 drugs, or medical devices unless the PRIMARY supervising physician and physician  
6 assistant include in the delegation agreement:

7 (1) A notice of intent to delegate prescribing of controlled dangerous  
8 substances, prescription drugs, or medical devices;

9 (2) An attestation that all prescribing activities of the physician  
10 assistant will comply with applicable federal and State regulations;

11 (3) An attestation that all medical charts or records will contain a  
12 notation of any prescriptions written by a physician assistant in accordance with this  
13 section; ~~AND~~

14 (4) An attestation that all prescriptions written under this section will  
15 include the physician assistant's name and the supervising physician's name, business  
16 address, and business telephone number legibly written or printed;

17 (5) ~~Evidence demonstrating~~ AN ATTESTATION THAT THE  
18 PHYSICIAN ASSISTANT HAS:

19 (i) ~~Passage of~~ PASSED the physician assistant national  
20 certification exam administered by the National Commission on the Certification of  
21 Physician Assistants within the previous 2 years; or

22 (ii) ~~Successful completion of~~ SUCCESSFULLY COMPLETED 8  
23 category 1 hours of pharmacology education within the previous 2 years; and

24 (6) ~~Evidence demonstrating~~ AN ATTESTATION THAT THE  
25 PHYSICIAN ASSISTANT HAS:

26 (i) A bachelor's degree or its equivalent; OR

27 (ii) SUCCESSFULLY COMPLETED 2 years of work experience as a  
28 physician assistant; ~~or~~

29 (iii) ~~Prior approval by the Board of a delegation agreement,~~  
30 ~~including approval for writing medication orders].~~

1 ~~[(b)] (C)~~ (1) A PRIMARY ~~OR ALTERNATE~~ supervising physician may not  
 2 delegate the prescribing of substances that are identified as Schedule I controlled  
 3 dangerous substances under § 5-402 of the Criminal Law Article.

4 (2) A PRIMARY ~~OR ALTERNATE~~ SUPERVISING PHYSICIAN MAY  
 5 DELEGATE THE PRESCRIBING OF SUBSTANCES THAT ARE IDENTIFIED AS  
 6 SCHEDULES II THROUGH V CONTROLLED DANGEROUS SUBSTANCES UNDER §  
 7 5-402 OF THE CRIMINAL LAW ARTICLE, INCLUDING LEGEND DRUGS AS  
 8 DEFINED UNDER § 503(B) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

9 [(2)] (3) A PRIMARY ~~OR ALTERNATE~~ supervising physician may not  
 10 delegate the prescribing of controlled dangerous substances to a physician assistant  
 11 unless the physician assistant has a valid:

12 (i) State controlled dangerous substance registration; and

13 (ii) Federal Drug Enforcement Agency (DEA) registration.

14 ~~(D)~~ (C) A PHYSICIAN ASSISTANT PERSONALLY MAY ~~PREPARE AND~~  
 15 DISPENSE A STARTER DOSAGE OR DISPENSE DRUG SAMPLES OF ANY DRUG THE  
 16 PHYSICIAN ASSISTANT IS AUTHORIZED TO PRESCRIBE TO A PATIENT OF THE  
 17 PHYSICIAN ASSISTANT IF:

18 (1) ~~(I) PHARMACY SERVICES ARE NOT REASONABLY~~  
 19 AVAILABLE;

20 ~~(II) IT IS IN THE BEST INTERESTS OF THE PATIENT; OR~~

21 ~~(III) IT IS AN EMERGENCY;~~

22 ~~(2)~~ (2) THE STARTER DOSAGE OR DRUG SAMPLE COMPLIES WITH  
 23 THE LABELING REQUIREMENTS OF ~~§ 12-509~~ § 12-505 OF THIS ARTICLE;

24 ~~(3)~~ (2) NO CHARGE IS MADE FOR THE STARTER DOSAGE; AND

25 ~~(4)~~ (3) THE PHYSICIAN ASSISTANT ENTERS AN APPROPRIATE  
 26 RECORD IN THE PATIENT'S MEDICAL RECORD.

27 ~~(E)~~ (D) A PHYSICIAN ASSISTANT WHO PERSONALLY ~~PREPARES AND~~  
 28 DISPENSES A DRUG SAMPLE OR STARTER DOSAGE IN THE COURSE OF TREATING  
 29 A PATIENT AS AUTHORIZED UNDER SUBSECTION ~~(B)~~ (C) OF THIS SECTION SHALL  
 30 COMPLY WITH THE REQUIREMENTS UNDER TITLES 12 AND 14 OF THIS ARTICLE  
 31 AND APPLICABLE FEDERAL LAW AND REGULATIONS.

1       ~~(F)~~ **(E)**       **BEFORE A PHYSICIAN ASSISTANT MAY RENEW A LICENSE FOR**  
 2 **AN ADDITIONAL 2-YEAR TERM UNDER § 15-307 OF THIS SUBTITLE, THE**  
 3 **PHYSICIAN ASSISTANT SHALL SUBMIT EVIDENCE TO THE BOARD OF**  
 4 **SUCCESSFUL COMPLETION OF 8 CATEGORY 1 HOURS OF PHARMACOLOGY**  
 5 **EDUCATION WITHIN THE PREVIOUS 2 YEARS.**

6       15-302.3.

7       (a)       On a quarterly basis, the Board shall provide to the Board of Pharmacy a  
 8 list of physician assistants whose delegation agreements include the delegation of  
 9 [authority to exercise] prescriptive authority.

10       (b)       The list required under subsection (a) of this section shall specify whether  
 11 each physician assistant has been delegated the authority to prescribe controlled  
 12 dangerous substances, prescription drugs, or medical devices.

13       (c)       If a PRIMARY supervising physician who has delegated authority to  
 14 exercise prescriptive authority to a physician assistant subsequently restricts or  
 15 removes the delegation, the PRIMARY supervising physician shall notify the Board of  
 16 the restriction or removal within 5 business days.

17       15-303.

18       (a)       To qualify for a [certificate] LICENSE, an applicant shall ~~be~~:

19               (1)       ~~Of~~ BE OF good moral character;

20               (2)       ~~Fluent in the English language~~ DEMONSTRATE ORAL AND  
 21 WRITTEN COMPETENCY IN THE ENGLISH LANGUAGE AS REQUIRED BY THE  
 22 BOARD;

23               (3)       ~~At~~ BE AT least 18 years old; and

24               (4)       ~~A~~ (I) BE A graduate of a physician assistant ~~[training]~~  
 25 ~~EDUCATIONAL~~ program ~~[approved by the Board]~~ ACCREDITED BY THE  
 26 ACCREDITATION REVIEW COMMISSION ON EDUCATION FOR THE PHYSICIAN  
 27 ASSISTANT OR, ON OR BEFORE DECEMBER 31, 2000, ACCREDITED BY THE  
 28 COMMITTEE ON ALLIED HEALTH EDUCATION AND ACCREDITATION OR THE  
 29 COMMISSION ON ACCREDITATION OF ALLIED HEALTH EDUCATION PROGRAMS  
 30 ; OR

31               (II) HAVE PASSED THE PHYSICIAN ASSISTANT NATIONAL  
 32 CERTIFYING EXAMINATION ADMINISTERED BY THE NATIONAL COMMISSION ON  
 33 CERTIFICATION OF PHYSICIAN ASSISTANTS PRIOR TO 1986, MAINTAINED ALL

1 CONTINUING EDUCATION AND RECERTIFICATION REQUIREMENTS, AND BEEN IN  
 2 CONTINUOUS PRACTICE SINCE PASSAGE OF THE EXAMINATION.

3 (b) ~~Except as otherwise provided in this title, the~~ ~~THE~~ applicant shall pass  
 4 ~~a national certifying examination approved by the Board~~ ~~THE PHYSICIAN~~  
 5 ~~ASSISTANT NATIONAL CERTIFYING EXAMINATION ADMINISTERED BY THE~~  
 6 ~~NATIONAL COMMISSION ON CERTIFICATION OF PHYSICIAN ASSISTANTS.~~

7 (c) An applicant who graduates from a physician assistant training program  
 8 after October 1, 2003 shall have a bachelor's degree or its equivalent.

9 (d) The Board shall adopt regulations governing the issuance of temporary  
 10 certificates to applicants who:

- 11 (1) Have met all other requirements of this section; but  
 12 (2) Have not yet passed the national certifying examination.]

13 ~~(D) THE BOARD MAY GRANT A LICENSE TO AN APPLICANT WHO DOES~~  
 14 ~~NOT MEET THE EDUCATIONAL REQUIREMENTS OF SUBSECTION (A)(4) OF THIS~~  
 15 ~~SECTION BUT WHO PASSED THE PHYSICIAN ASSISTANT NATIONAL CERTIFYING~~  
 16 ~~EXAMINATION ADMINISTERED BY THE NATIONAL COMMISSION ON~~  
 17 ~~CERTIFICATION OF PHYSICIAN ASSISTANTS BEFORE 1986 AND HAS~~  
 18 ~~COMPLETED ALL CONTINUING EDUCATION AND RENEWAL OF CERTIFICATION~~  
 19 ~~REQUIREMENTS.~~

20 15-304.

21 An applicant for a [certificate] LICENSE shall:

- 22 (1) Submit an application to the Board on the form that the Board  
 23 requires; and  
 24 (2) Pay to the Board the application fee set by the Board.

25 ~~15-305.~~

26 ~~(a) If an applicant qualifies for a [certificate] LICENSE under this subtitle,~~  
 27 ~~the Board shall send the applicant a notice that specifies that:~~

- 28 ~~(1) The applicant has qualified for a [certificate] LICENSE; and~~  
 29 ~~(2) On receipt of the [certificate] LICENSE fee set by the Board, the~~  
 30 ~~Board will issue a [certificate] LICENSE to the applicant.~~

1 ~~(b) On payment of the [certificate] LICENSE fee, the Board shall issue a~~  
 2 ~~[certificate] LICENSE to any applicant who meets the requirements of this subtitle.~~

3 ~~(c) The Board shall include on each [certificate] LICENSE that the Board~~  
 4 ~~issues:~~

5 ~~(1) The full name of the [certificate holder] LICENSEE;~~

6 ~~(2) A serial number assigned by the Board to the [certificate holder]~~  
 7 ~~LICENSEE; and~~

8 ~~(3) The signature of the Secretary under seal of the Board.~~

9 **15-305.**

10 **THE BOARD SHALL ISSUE A LICENSE TO AN APPLICANT WHO MEETS THE**  
 11 **REQUIREMENTS OF THIS TITLE.**

12 15-306.

13 A [certificate] LICENSE authorizes the [certificate holder] LICENSEE to  
 14 practice as a physician assistant **UNDER A DELEGATION AGREEMENT** while the  
 15 [certificate] LICENSE is effective.

16 15-307.

17 (a) (1) Unless a [certificate] LICENSE is renewed for an additional term  
 18 as provided in this section, the [certificate] LICENSE expires on the date set by the  
 19 Board.

20 (2) A [certificate] LICENSE may not be renewed for a term longer than  
 21 2 years.

22 (b) At least 1 month before a [certificate] LICENSE expires, the Board shall  
 23 send to the [certificate holder] LICENSEE, by first-class mail to the last known  
 24 address of the [certificate holder] LICENSEE, a renewal notice that states:

25 (1) The date on which the current [certificate] LICENSE expires;

26 (2) The date by which the Board must receive the renewal application  
 27 for the renewal to be issued and mailed before the [certificate] LICENSE expires; and

28 (3) The amount of the renewal fee.

1 (c) Before a [certificate] LICENSE expires, the [certificate holder] LICENSEE  
 2 periodically may renew it for an additional 2-year term, if the [certificate holder]  
 3 LICENSEE:

4 (1) Is otherwise entitled to be issued a [certificate] LICENSE;

5 (2) Pays to the Board the renewal fee, set by the Board; ~~and~~

6 (3) Submits to the Board:

7 (i) A renewal application on the form that the Board requires;  
 8 and

9 (ii) Satisfactory evidence of compliance with the continuing  
 10 education requirements for [certificate] LICENSE renewal set by the Board under this  
 11 section; **AND**

12 **(4) MEETS ANY ADDITIONAL REQUIREMENTS SET BY THE BOARD**  
 13 **FOR RENEWAL OF A LICENSE.**

14 (d) [(1)] In addition to any other qualifications and requirements  
 15 established by the Board, the Board shall establish continuing education requirements  
 16 as a condition for the renewal of [certificates] LICENSES under this section.

17 [(2)] In establishing the continuing education requirements under  
 18 paragraph (1) of this subsection, the Board shall include a requirement for a course on  
 19 the special care needs of terminally ill individuals and their families which shall  
 20 include topics related to:

21 (i) Pain and symptom management;

22 (ii) The psycho-social dynamics of death;

23 (iii) Dying and bereavement; and

24 (iv) Hospice care.]

25 (e) The Board shall renew the [certificate] LICENSE of each [certificate  
 26 holder ] LICENSEE who meets the requirements of this section.

27 **(F) FOR THE FAILURE OF A LICENSEE TO OBTAIN CONTINUING**  
 28 **MEDICAL EDUCATION CREDITS AS REQUIRED BY THE BOARD, THE BOARD MAY**  
 29 **IMPOSE A CIVIL PENALTY NOT TO EXCEED \$100 FOR EACH MEDICAL EDUCATION**  
 30 **CREDIT NOT OBTAINED BY THE LICENSEE.**

1 15-308.

2 The Board, in accordance with its regulations, shall reinstate the [certificate]  
3 LICENSE of a physician assistant who has failed to renew the [certificate] LICENSE  
4 for any reason if the physician assistant:

5 (1) Meets the renewal requirements of § 15-307 of this subtitle;

6 (2) Pays to the Board the reinstatement fee set by the Board; ~~and~~

7 (3) Submits to the Board satisfactory evidence of compliance with the  
8 qualifications and requirements established under this subtitle for [certificate]  
9 LICENSE reinstatements; **AND**

10 (4) **MEETS ANY ADDITIONAL REQUIREMENTS SET BY THE BOARD**  
11 **FOR REINSTATEMENT.**

12 ~~15-308.1.~~

13 ~~(A) THE BOARD MAY PLACE A LICENSEE ON INACTIVE STATUS, IF THE~~  
14 ~~LICENSEE SUBMITS TO THE BOARD:~~

15 ~~(1) AN APPLICATION FOR INACTIVE STATUS ON THE FORM~~  
16 ~~REQUIRED BY THE BOARD; AND~~

17 ~~(2) THE INACTIVE STATUS FEE SET BY THE BOARD.~~

18 ~~(B) THE BOARD SHALL ISSUE A LICENSE TO AN INDIVIDUAL WHO IS ON~~  
19 ~~INACTIVE STATUS IF THE INDIVIDUAL:~~

20 ~~(1) SUBMITS TO THE BOARD:~~

21 ~~(i) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE~~  
22 ~~CONTINUING EDUCATION REQUIREMENTS THE BOARD ADOPTS FOR THIS~~  
23 ~~PURPOSE; AND~~

24 ~~(ii) A REINSTATEMENT FEE SET BY THE BOARD; AND~~

25 ~~(2) IS OTHERWISE ENTITLED TO BE LICENSED.~~

26 15-309.

27 (a) Each [certificate holder] LICENSEE shall [produce] KEEP a [valid  
28 certificate and delegation agreement when requested to do so by an existing or



1 potential employer or client] LICENSE AND DELEGATION AGREEMENT FOR  
 2 INSPECTION AT THE PRIMARY PLACE OF BUSINESS OF THE LICENSEE.

3 (b) **(1)** Each [certificate holder] LICENSEE shall give the Board written  
 4 notice of any change of NAME OR address WITHIN 60 DAYS OF THE DATE OF THE  
 5 CHANGE.

6 **(2) A LICENSEE WHO FAILS TO COMPLY WITH THIS SUBSECTION**  
 7 **IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.**

8 15-310.

9 (a) In reviewing an application for [certification] LICENSURE or in  
 10 investigating an allegation brought under § 15-314 of this subtitle, the ~~Committee~~  
 11 ~~PHYSICIAN ASSISTANT REHABILITATION PROGRAM~~ may request the Board to  
 12 direct, or the Board on its own initiative may direct the physician assistant to submit  
 13 to an appropriate examination.

14 (b) In return for the privilege given to the physician assistant to perform  
 15 delegated medical acts in the State, the physician assistant is deemed to have:

16 (1) Consented to submit to an examination under this section, if  
 17 requested by the Board in writing; and

18 (2) Waived any claim of privilege as to the testimony or examination  
 19 reports.

20 (c) The unreasonable failure or refusal of the LICENSED physician assistant  
 21 OR APPLICANT to submit to an examination is [grounds] PRIMA FACIE EVIDENCE  
 22 OF THE LICENSED PHYSICIAN ASSISTANT'S INABILITY TO PERFORM DELEGATED  
 23 MEDICAL ACTS AND IS CAUSE for denial of the application or immediate suspension  
 24 of the [certification] LICENSE, ~~UNLESS THE BOARD FINDS THAT THE FAILURE OR~~  
 25 ~~REFUSAL WAS BEYOND THE CONTROL OF THE LICENSED PHYSICIAN ASSISTANT.~~

26 (d) The Board shall pay the costs of any examination made under this  
 27 section.

28 (e) [(1) (i)] The Board shall assess each applicant for a [certificate]  
 29 LICENSE or the renewal of a [certificate] LICENSE to practice as a physician  
 30 assistant, a fee set by the Board[.

31 (ii) The fee shall be] sufficient to fund the activities of the  
 32 [entity or entities with whom the Board contracts under § 14-401(e)] BOARD'S  
 33 REHABILITATION PROGRAM UNDER § 14-401(G) of this article in conducting a  
 34 physician assistant rehabilitation program.

1                    [(iii) The fee shall be set by the Secretary each year after the  
2 submission by the entity or entities with whom the Board contracts under § 14-401(e)  
3 of this article to the Board of the annual budget for the Physician Assistant  
4 Rehabilitation Program.

5                    (2) As provided under § 2-1220 of the State Government Article, the  
6 Legislative Auditor, every 2 years, shall audit the accounts and transactions of the  
7 entity or entities with whom the Board contracts under § 14-401(e) of this article in  
8 conducting the Physician Assistant Rehabilitation Program.]

9 15-311.

10                    Subject to the hearing provisions of § 15-313 of this subtitle, the Board, on the  
11 affirmative vote of a majority of ~~its members then serving~~ A QUORUM, may deny a  
12 [certificate] **LICENSE** to any applicant for:

13                    ~~(1) Failure to meet the qualifications for [certification] **LICENSURE**,~~  
14 ~~or~~

15                    ~~(2) Any~~ ANY of the reasons that are grounds for disciplinary action  
16 under § 15-314 of this subtitle.

17 15-312.

18                    (a) Unless the Board agrees to accept the surrender of a [certification]  
19 **LICENSE** of A physician assistant, the physician assistant may not surrender the  
20 [certification] **LICENSE** nor may the [certification] **LICENSURE** lapse by operation of  
21 law while the physician assistant is under investigation or while charges are pending.

22                    (b) The Board may set conditions on its agreement to accept surrender of a  
23 [certification] **LICENSE**.

24 15-313.

25                    (a) (1) Except as otherwise provided under § 10-226 of the State  
26 Government Article, before the Board takes any action to deny a [certificate or to  
27 reject or modify a delegation agreement] **LICENSE OR TO REJECT OR MODIFY A**  
28 **DELEGATION AGREEMENT OR ADVANCED DUTY**, the Board shall give the applicant  
29 or [certificate holder] **LICENSEE** the opportunity for a hearing before the Board.

30                    (2) The Board shall give notice and hold the hearing under Title 10,  
31 Subtitle 2 of the State Government Article.

32                    (3) The Board may administer oaths in connection with any  
33 proceeding under this section.

1 (4) At least 14 days before the hearing, the hearing notice shall be  
2 sent to the last known address of the applicant or [certificate holder] LICENSEE.

3 (b) Any applicant aggrieved under this subtitle by a final decision of the  
4 Board denying a [certificate or denying or modifying a delegation agreement]  
5 LICENSE OR REJECTING OR MODIFYING A DELEGATION AGREEMENT OR  
6 ADVANCED DUTY may:

7 (1) Appeal that decision to the Board of Review; and

8 (2) Then take any further appeal allowed under Title 10, Subtitle 2 of  
9 the State Government Article.

10 ~~15-314.~~

11 ~~Subject to the hearing provisions of § 15-315 of this subtitle, the Board, on the~~  
12 ~~affirmative vote of a majority of its members then serving, may reprimand any~~  
13 ~~[certificate holder] LICENSEE, LIMIT OR OTHERWISE RESTRICT A LICENSE,~~  
14 ~~IMPOSE CORRECTIVE MEASURES ON A LICENSEE, or suspend or revoke a~~  
15 ~~[certificate] LICENSE if the [certificate holder] LICENSEE:~~

16 (1) ~~Fraudulently or deceptively obtains or attempts to obtain a~~  
17 ~~[certificate] LICENSE for the applicant or [certificate holder] LICENSEE or for another~~  
18 ~~individual;~~

19 (2) ~~Fraudulently or deceptively uses a [certificate] LICENSE;~~

20 (3) ~~Violates any provision of this title or any regulations adopted~~  
21 ~~under this title [or], commits any act which could serve as the basis for disciplinary~~  
22 ~~action against a [physician] PERSON WHO IS LICENSED, CERTIFIED, OR~~  
23 ~~OTHERWISE AUTHORIZED TO PRACTICE A HEALTH OCCUPATION under [§ 14-404~~  
24 ~~of] this article, OR A STIPULATION OR AGREEMENT OF THE BOARD;~~

25 (4) ~~[Performs delegated medical acts beyond the scope of the~~  
26 ~~certificate not within a delegation agreement approved by the Board;~~

27 (5) ~~Performs delegated medical acts without the supervision of a~~  
28 ~~physician;~~

29 (5) ~~IS CONVICTED OF A FELONY;~~

30 (6) ~~IS HABITUALLY INTOXICATED;~~

1 ~~(7) IS ADDICTED TO, OR HABITUALLY ABUSES, ANY NARCOTIC OR~~  
2 ~~CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5 101 OF THE~~  
3 ~~CRIMINAL LAW ARTICLE, OR OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC~~  
4 ~~AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;~~

5 ~~(8) HAS BEEN ADJUDICATED AS MENTALLY INCOMPETENT;~~

6 ~~(9) IS PHYSICALLY OR MENTALLY UNABLE TO ENGAGE SAFELY IN~~  
7 ~~PRACTICE AS A PHYSICIAN ASSISTANT;~~

8 ~~(10) DEMONSTRATES PROFESSIONAL INCOMPETENCE;~~

9 ~~(11) VIOLATES PATIENT CONFIDENTIALITY, EXCEPT AS~~  
10 ~~OTHERWISE REQUIRED OR PERMITTED BY LAW;~~

11 ~~(12) ENGAGES IN CONDUCT INTENDED TO OR WITH A~~  
12 ~~SUBSTANTIAL LIKELIHOOD TO DECEIVE, DEFRAUD, OR HARM THE PUBLIC;~~

13 ~~(13) ENGAGES IN UNPROFESSIONAL OR IMMORAL CONDUCT IN~~  
14 ~~THE PRACTICE OF MEDICINE;~~

15 ~~(14) PRESCRIBES, SELLS, ADMINISTERS, DISTRIBUTES, ORDERS,~~  
16 ~~OR GIVES AWAY ANY DRUG CLASSIFIED AS A CONTROLLED DANGEROUS~~  
17 ~~SUBSTANCE FOR OTHER THAN MEDICALLY ACCEPTED THERAPEUTIC PURPOSES;~~

18 ~~(15) HAS COMMITTED AN ACT OF MORAL TURPITUDE;~~

19 ~~(16) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY~~  
20 ~~AUTHORITY OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS~~  
21 ~~FOR DISCIPLINARY ACTION UNDER THIS SECTION;~~

22 ~~(17) FAILS TO COOPERATE WITH AN INVESTIGATION CONDUCTED~~  
23 ~~BY THE BOARD;~~

24 ~~(18) REPRESENTS THAT THE PERSON IS A PHYSICIAN;~~

25 ~~[(6)] (19) Refuses, withholds from, denies, or discriminates against an~~  
26 ~~individual with regard to the provision of professional services for which the~~  
27 ~~[certificate holder] LICENSEE is [certified] LICENSED and qualified to render because~~  
28 ~~the individual is HIV positive;~~

29 ~~[(7)] (20) Except in an emergency life-threatening situation where it~~  
30 ~~is not feasible or practicable, fails to comply with the Centers for Disease [Control's]~~  
31 ~~CONTROL AND PREVENTION'S guidelines on universal precautions; or~~

~~1            [(8)] (21) Is in breach of a service obligation resulting from the~~  
~~2 applicant's or [certificate holder's] LICENSEE'S receipt of State or federal funding for~~  
~~3 the applicant's or [certificate holder's] LICENSEE'S physician assistant education.~~

4 **15-314.**

5            **(A) SUBJECT TO THE HEARING PROVISIONS OF § 15-315 OF THIS**  
 6 **SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE**  
 7 **QUORUM, MAY REPRIMAND ANY PHYSICIAN ASSISTANT, PLACE ANY PHYSICIAN**  
 8 **ASSISTANT ON PROBATION, OR SUSPEND OR REVOKE A LICENSE IF THE**  
 9 **PHYSICIAN ASSISTANT:**

10            **(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**  
 11 **OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;**

12            **(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;**

13            **(3) IS GUILTY OF:**

14            **(I) IMMORAL CONDUCT IN THE PRACTICE OF MEDICINE; OR**

15            **(II) UNPROFESSIONAL CONDUCT IN THE PRACTICE OF**  
 16 **MEDICINE;**

17            **(4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY**  
 18 **INCOMPETENT;**

19            **(5) SOLICITS OR ADVERTISES IN VIOLATION OF § 14-503 OF THIS**  
 20 **TITLE ARTICLE;**

21            **(6) ABANDONS A PATIENT;**

22            **(7) HABITUALLY IS INTOXICATED;**

23            **(8) IS ADDICTED TO, OR HABITUALLY ABUSES, ANY NARCOTIC OR**  
 24 **CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE**  
 25 **CRIMINAL LAW ARTICLE;**

26            **(9) PROVIDES PROFESSIONAL SERVICES:**

27            **(I) WHILE UNDER THE INFLUENCE OF ALCOHOL; OR**

1                   (ii) WHILE USING ANY NARCOTIC OR CONTROLLED  
2 DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW  
3 ARTICLE, OR OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR  
4 WITHOUT VALID MEDICAL INDICATION;

5                   (10) PROMOTES THE SALE OF DRUGS, DEVICES, APPLIANCES, OR  
6 GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

7                   (11) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN  
8 THE PRACTICE OF MEDICINE;

9                   (12) WILLFULLY FAILS TO FILE OR RECORD ANY MEDICAL REPORT  
10 AS REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR  
11 RECORDING OF THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR  
12 RECORD THE REPORT;

13                   (13) ON PROPER REQUEST, AND IN ACCORDANCE WITH THE  
14 PROVISIONS OF TITLE 4, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE,  
15 FAILS TO PROVIDE DETAILS OF A PATIENT’S MEDICAL RECORD TO THE PATIENT,  
16 ANOTHER PHYSICIAN, OR HOSPITAL;

17                   (14) SOLICITS PROFESSIONAL PATRONAGE THROUGH AN AGENT  
18 OR OTHER PERSON OR PROFITS FROM THE ACTS OF A PERSON WHO IS  
19 REPRESENTED AS AN AGENT OF THE PHYSICIAN;

20                   (15) PAYS OR AGREES TO PAY ANY SUM TO ANY PERSON FOR  
21 BRINGING OR REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY  
22 SUM FROM ANY PERSON FOR BRINGING OR REFERRING A PATIENT;

23                   (16) AGREES WITH A CLINICAL OR BIOANALYTICAL LABORATORY  
24 TO MAKE PAYMENTS TO THE LABORATORY FOR A TEST OR TEST SERIES FOR A  
25 PATIENT, UNLESS THE LICENSED PHYSICIAN ASSISTANT DISCLOSES ON THE  
26 BILL TO THE PATIENT OR THIRD-PARTY PAYOR:

27                   (i) THE NAME OF THE LABORATORY;

28                   (ii) THE AMOUNT PAID TO THE LABORATORY FOR THE TEST  
29 OR TEST SERIES; AND

30                   (iii) THE AMOUNT OF PROCUREMENT OR PROCESSING  
31 CHARGE OF THE LICENSED PHYSICIAN, IF ANY, FOR EACH SPECIMEN TAKEN;

32                   (17) MAKES A WILLFUL MISREPRESENTATION IN TREATMENT;

1           **(18) PRACTICES MEDICINE WITH AN UNAUTHORIZED PERSON OR**  
2 **AIDS AN UNAUTHORIZED PERSON IN THE PRACTICE OF MEDICINE;**

3           **(19) GROSSLY OVERUTILIZES HEALTH CARE SERVICES;**

4           **(20) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT**  
5 **DISEASE BY A SECRET METHOD, TREATMENT, OR MEDICINE;**

6           **(21) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY**  
7 **AUTHORITY OR CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR**  
8 **COUNTRY OR DISCIPLINED BY ANY BRANCH OF THE UNITED STATES**  
9 **UNIFORMED SERVICES OR THE VETERANS' ADMINISTRATION FOR AN ACT THAT**  
10 **WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SECTION;**

11           **(22) FAILS TO MEET APPROPRIATE STANDARDS FOR THE**  
12 **DELIVERY OF QUALITY MEDICAL AND SURGICAL CARE PERFORMED IN AN**  
13 **OUTPATIENT SURGICAL FACILITY, OFFICE, HOSPITAL, OR ANY OTHER LOCATION**  
14 **IN THIS STATE;**

15           **(23) WILLFULLY SUBMITS FALSE STATEMENTS TO COLLECT FEES**  
16 **FOR WHICH SERVICES ARE NOT PROVIDED;**

17           **(24) WAS SUBJECT TO INVESTIGATION OR DISCIPLINARY ACTION**  
18 **BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY STATE OR**  
19 **COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION**  
20 **UNDER THIS SECTION AND THE LICENSEE:**

21                   **(I) SURRENDERED THE LICENSE ISSUED BY THE STATE OR**  
22 **COUNTRY TO THE STATE OR COUNTRY; OR**

23                   **(II) ALLOWED THE LICENSE ISSUED BY THE STATE OR**  
24 **COUNTRY TO EXPIRE OR LAPSE;**

25           **(25) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN**  
26 **VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;**

27           **(26) FAILS TO EDUCATE A PATIENT BEING TREATED FOR BREAST**  
28 **CANCER OF ALTERNATIVE METHODS OF TREATMENT AS REQUIRED BY § 20-113**  
29 **OF THE HEALTH - GENERAL ARTICLE;**

30           **(27) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS**  
31 **FOR ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;**

1           **(28) FAILS TO COMPLY WITH THE PROVISIONS OF § 12-102 OF**  
2 **THIS ARTICLE;**

3           **(29) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES**  
4 **AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL**  
5 **SERVICES FOR WHICH THE PHYSICIAN ASSISTANT IS LICENSED AND QUALIFIED**  
6 **TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;**

7           **(30) EXCEPT AS TO AN ASSOCIATION THAT HAS REMAINED IN**  
8 **CONTINUOUS EXISTENCE SINCE JULY 1, 1963:**

9                   **(I) ASSOCIATES WITH A PHARMACIST AS A PARTNER OR**  
10 **CO-OWNER OF A PHARMACY FOR THE PURPOSE OF OPERATING A PHARMACY;**

11                   **(II) EMPLOYS A PHARMACIST FOR THE PURPOSE OF**  
12 **OPERATING A PHARMACY; OR**

13                   **(III) CONTRACTS WITH A PHARMACIST FOR THE PURPOSE OF**  
14 **OPERATING A PHARMACY;**

15           **(31) EXCEPT IN AN EMERGENCY LIFE-THREATENING SITUATION**  
16 **WHERE IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE**  
17 **CENTERS FOR DISEASE CONTROL AND PREVENTION'S GUIDELINES ON**  
18 **UNIVERSAL PRECAUTIONS;**

19           **(32) FAILS TO DISPLAY THE NOTICE REQUIRED UNDER § 14-415**  
20 **OF THIS ~~SUBTITLE~~ ARTICLE;**

21           **(33) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION**  
22 **CONDUCTED BY THE BOARD;**

23           **(34) IS CONVICTED OF INSURANCE FRAUD AS DEFINED IN § 27-801**  
24 **OF THE INSURANCE ARTICLE;**

25           **(35) IS IN BREACH OF A SERVICE OBLIGATION RESULTING FROM**  
26 **THE APPLICANT'S OR LICENSEE'S RECEIPT OF STATE OR FEDERAL FUNDING**  
27 **FOR THE PHYSICIAN ASSISTANT'S MEDICAL EDUCATION;**

28           **(36) WILLFULLY MAKES A FALSE REPRESENTATION WHEN**  
29 **SEEKING OR MAKING APPLICATION FOR LICENSURE OR ANY OTHER**  
30 **APPLICATION RELATED TO THE PRACTICE OF MEDICINE;**

31           **(37) BY CORRUPT MEANS, THREATS, OR FORCE, INTIMIDATES OR**  
32 **INFLUENCES, OR ATTEMPTS TO INTIMIDATE OR INFLUENCE, FOR THE PURPOSE**



1 OF CAUSING ANY PERSON TO WITHHOLD OR CHANGE TESTIMONY IN HEARINGS  
2 OR PROCEEDINGS BEFORE THE BOARD OR THOSE OTHERWISE DELEGATED TO  
3 THE OFFICE OF ADMINISTRATIVE HEARINGS;

4 (38) BY CORRUPT MEANS, THREATS, OR FORCE, HINDERS,  
5 PREVENTS, OR OTHERWISE DELAYS ANY PERSON FROM MAKING INFORMATION  
6 AVAILABLE TO THE BOARD IN FURTHERANCE OF ANY INVESTIGATION OF THE  
7 BOARD;

8 (39) INTENTIONALLY MISREPRESENTS CREDENTIALS FOR THE  
9 PURPOSE OF TESTIFYING OR RENDERING AN EXPERT OPINION IN HEARINGS OR  
10 PROCEEDINGS BEFORE THE BOARD OR THOSE OTHERWISE DELEGATED TO THE  
11 OFFICE OF ADMINISTRATIVE HEARINGS;

12 (40) FAILS TO KEEP ADEQUATE MEDICAL RECORDS;

13 (41) PERFORMS DELEGATED MEDICAL ACTS BEYOND THE SCOPE  
14 OF THE DELEGATION AGREEMENT FILED WITH THE BOARD OR AFTER  
15 NOTIFICATION FROM THE BOARD THAT AN ADVANCED DUTY HAS BEEN  
16 DISAPPROVED; OR

17 (42) PERFORMS DELEGATED MEDICAL ACTS WITHOUT THE  
18 SUPERVISION OF A PHYSICIAN.

19 (B) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE  
20 BOARD BY THE OFFICE OF THE ATTORNEY GENERAL, THE BOARD SHALL  
21 ORDER THE SUSPENSION OF A LICENSE IF THE PHYSICIAN ASSISTANT IS  
22 CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A  
23 CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR  
24 OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET  
25 ASIDE.

26 (2) AFTER COMPLETION OF THE APPELLATE PROCESS IF THE  
27 CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE  
28 WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, THE BOARD SHALL  
29 ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE OFFICE  
30 OF THE ATTORNEY GENERAL.

31 15-315.

32 (a) (1) Except as otherwise provided under § 10-226 of the State  
33 Government Article, before the Board takes any action under ~~§ 15-314~~ § 15-314(A) of  
34 this subtitle, the Board shall give the individual against whom the action is  
35 contemplated an opportunity for a hearing before a hearing officer.

1 (2) The hearing officer shall give notice and hold the hearing in  
2 accordance with Title 10, Subtitle 2 of the State Government Article.

3 (3) The Board may administer oaths in connection with any  
4 proceeding under this section.

5 (4) At least 14 days before the hearing, the hearing notice required  
6 under this subtitle shall be sent by certified mail to the last known address of the  
7 individual.

8 (b) (1) Any [certificate holder] LICENSEE who is aggrieved by a final  
9 decision of the Board under this subtitle may not appeal to the Board of Review but  
10 may take a direct judicial appeal.

11 (2) The appeal shall be as provided for judicial review of the final  
12 decision in Title 10, Subtitle 2 of the State Government Article.

13 (c) An order of the Board under this subtitle may not be stayed pending  
14 review.

15 (d) All of the findings and orders of the Board that relate to physician  
16 assistants are subject to the provisions of Title 14, Subtitle 4 of this article.

17 **15-316.**

18 ~~(A) A PHYSICIAN ASSISTANT WHO IS LICENSED IN THIS STATE OR~~  
19 ~~AUTHORIZED TO PRACTICE IN ANY OTHER STATE OR WHO IS CREDENTIALLED AS~~  
20 ~~A PHYSICIAN ASSISTANT BY A FEDERAL EMPLOYER WHO RESPONDS TO A NEED~~  
21 ~~FOR MEDICAL CARE IN AN EMERGENCY OR A STATE OR LOCAL DISASTER MAY~~  
22 ~~PERFORM A MEDICAL ACT WITHOUT SUPERVISION OR WITH ANY SUPERVISION~~  
23 ~~THAT IS AVAILABLE.~~

24 ~~(B) A PHYSICIAN WHO SUPERVISES A PHYSICIAN ASSISTANT WHO~~  
25 ~~PERFORMS A MEDICAL ACT IN RESPONSE TO AN EMERGENCY OR A STATE OR~~  
26 ~~LOCAL DISASTER IS NOT REQUIRED TO MEET THE REQUIREMENTS FOR A~~  
27 ~~PRIMARY OR ALTERNATE SUPERVISING PHYSICIAN UNDER THIS TITLE.~~

28 (A) IF AFTER A HEARING UNDER § 15-315 OF THIS SUBTITLE, THE  
29 BOARD FINDS THAT THERE ARE GROUNDS FOR DISCIPLINE UNDER § 15-314(A)  
30 OF THIS SUBTITLE TO SUSPEND OR REVOKE A LICENSE OF A PHYSICIAN  
31 ASSISTANT OR TO DENY A LICENSE TO AN APPLICANT OR TO REPRIMAND A  
32 LICENSED PHYSICIAN ASSISTANT, THE BOARD MAY IMPOSE A FINE SUBJECT TO  
33 THE BOARD'S REGULATIONS INSTEAD OF OR IN ADDITION TO SUSPENDING OR  
34 REVOKING THE LICENSE OR REPRIMANDING THE LICENSEE.

1           **(B) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS**  
2 **SECTION INTO THE GENERAL FUND OF THE STATE.**

3 **15-317.**

4           **(A) A PHYSICIAN ASSISTANT IN THIS STATE OR IN ANY OTHER STATE IS**  
5 **AUTHORIZED TO PERFORM ACTS, TASKS, OR FUNCTIONS AS A PHYSICIAN**  
6 **ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN LICENSED TO PRACTICE**  
7 **MEDICINE IN THE STATE DURING A DISASTER AS DEFINED BY THE GOVERNOR,**  
8 **WITHIN A COUNTY IN WHICH A STATE OF DISASTER HAS BEEN DECLARED, OR**  
9 **COUNTIES CONTIGUOUS TO A COUNTY IN WHICH A STATE OF DISASTER HAS**  
10 **BEEN DECLARED.**

11           **(B) THE PHYSICIAN ASSISTANT SHALL NOTIFY THE BOARD IN WRITING**  
12 **OF THE NAMES, PRACTICE LOCATIONS, AND TELEPHONE NUMBERS FOR THE**  
13 **PHYSICIAN ASSISTANT AND EACH PRIMARY SUPERVISING PHYSICIAN WITHIN 30**  
14 **DAYS OF THE FIRST PERFORMANCE OF MEDICAL ACTS, TASKS, OR FUNCTIONS**  
15 **AS A PHYSICIAN ASSISTANT DURING THE DISASTER.**

16           **(C) A TEAM OF ~~PHYSICIAN~~ PHYSICIANS AND PHYSICIAN ASSISTANTS OR**  
17 **PHYSICIAN ASSISTANTS PRACTICING UNDER THIS SECTION MAY NOT BE**  
18 **REQUIRED TO MAINTAIN ON-SITE DOCUMENTATION DESCRIBING SUPERVISORY**  
19 **ARRANGEMENTS AS OTHERWISE REQUIRED UNDER THIS TITLE.**

20 **15-401.**

21           (a) Except as otherwise provided in this title, a person may not practice,  
22 attempt to practice, or offer to practice as a physician assistant in the State unless the  
23 person has a [certificate] LICENSE issued by the Board.

24           (b) Except as otherwise provided in this title, a person may not perform,  
25 attempt to perform, or offer to perform any delegated medical act beyond the scope of  
26 the [certificate] LICENSE and which is consistent with a delegation agreement  
27 [approved by] FILED WITH the Board.

28 **15-402.**

29           (a) Except as otherwise provided under this title, a person may not represent  
30 or imply to the public by use of the title ["certified"] "LICENSED physician assistant",  
31 by other title, by description of services, methods, or procedures that the person is  
32 [certified] LICENSED to practice as a physician assistant in the State.

1 (b) Unless [certified] **LICENSED** to practice as a physician assistant under  
2 this title, a person may not use the words or terms “physician assistant”, [“certified”]  
3 “**LICENSED** physician assistant”, or “P.A.”.

4 **15-402.1.**

5 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED**  
6 **PHYSICIAN MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING AS A**  
7 **PHYSICIAN ASSISTANT WHO DOES NOT HAVE A LICENSE.**

8 **(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOSPITAL,**  
9 **RELATED INSTITUTION, ALTERNATIVE HEALTH CARE SYSTEM, OR EMPLOYER**  
10 **MAY NOT EMPLOY AN INDIVIDUAL PRACTICING AS A PHYSICIAN ASSISTANT WHO**  
11 **DOES NOT HAVE A LICENSE.**

12 **(C) THE BOARD MAY IMPOSE A CIVIL PENALTY IN AN AMOUNT NOT**  
13 **EXCEEDING \$1,000 FOR A VIOLATION OF THIS SECTION.**

14 **(D) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS**  
15 **SUBSECTION INTO THE BOARD OF PHYSICIANS FUND.**

16 15-403.

17 (a) A person who violates § 15-401 or § 15-402 of this subtitle:

18 (1) Is guilty of a misdemeanor and on conviction is subject to a fine not  
19 exceeding \$5,000 or imprisonment not exceeding 5 years or both; and

20 (2) Shall lose [certification] **LICENSURE** as a physician assistant  
21 under this title.

22 (b) (1) In addition to the penalties under subsection (a) of this section, a  
23 person who violates § 15-401 of this subtitle may be subject to a civil penalty assessed  
24 by the Board in an amount not exceeding \$5,000.

25 **(2) IN ADDITION TO THE PENALTIES UNDER PARAGRAPH (1) OF**  
26 **THIS SUBSECTION, A PERSON WHO VIOLATES § 15-309 OF THIS TITLE MAY BE**  
27 **SUBJECT TO A CIVIL PENALTY ASSESSED BY THE BOARD IN AN AMOUNT NOT**  
28 **EXCEEDING \$100.**

29 **[(2)] (3)** The Board shall pay any civil penalty collected under this  
30 subsection into the Board of Physicians Fund.

31 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect  
32 October 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.