

SECOND REGULAR SESSION

# HOUSE BILL NO. 2296

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DERGES.

4801H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 334.035 and 334.036, RSMo, and to enact in lieu thereof three new sections relating to assistant physicians.

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

Section A. Sections 334.035 and 334.036, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 334.035, 334.036, and 334.039, to read as follows:

334.035. Except as otherwise provided in section 334.036 **or 334.039**, every applicant for a permanent license as a physician and surgeon shall provide the board with satisfactory evidence of having successfully completed such postgraduate training in hospitals or medical or osteopathic colleges as the board may prescribe by rule.

334.036. 1. For purposes of this section, the following terms shall mean:

(1) "Assistant physician", any medical school graduate who:

(a) Is a resident and citizen of the United States or is a legal resident alien;

(b) **Is a resident of the state of Missouri;**

(c) Has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the three-year period immediately preceding application for licensure as an assistant physician, or within three years after graduation from a medical college or osteopathic medical college, whichever is later;

~~(d)~~ (d) Has not completed an approved postgraduate residency and has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the immediately

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 preceding three-year period unless when such three-year anniversary occurred he or she was  
14 serving as a resident physician in an accredited residency in the United States and continued  
15 to do so within thirty days prior to application for licensure as an assistant physician; and

16 ~~[(d)]~~ (e) Has proficiency in the English language.

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18 Any medical school graduate who could have applied for licensure and complied with the  
19 provisions of this subdivision at any time between August 28, 2014, and August 28, 2017,  
20 may apply for licensure and shall be deemed in compliance with the provisions of this  
21 subdivision;

22 (2) "Assistant physician collaborative practice arrangement", an agreement between a  
23 physician and an assistant physician that meets the requirements of this section and section  
24 334.037;

25 (3) "Medical school graduate", any person who has graduated from a medical college  
26 or osteopathic medical college ~~[described in section 334.034]~~ that:

27 (a) Is located in North America; or

28 (b) Meets requirements established by the Educational Commission for Foreign  
29 Medical Graduates.

30 2. (1) An assistant physician collaborative practice arrangement shall limit the  
31 assistant physician to providing only primary care services and only in medically underserved  
32 rural or urban areas of this state or in any pilot project areas established in which assistant  
33 physicians may practice.

34 (2) For a physician-assistant physician team working in a rural health clinic under the  
35 federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

36 (a) An assistant physician shall be considered a physician assistant for purposes of  
37 regulations of the Centers for Medicare and Medicaid Services (CMS); and

38 (b) No supervision requirements in addition to the minimum federal law shall be  
39 required.

40 3. (1) For purposes of this section, the licensure of assistant physicians shall take  
41 place within processes established by rules of the state board of registration for the healing  
42 arts. The board of healing arts is authorized to establish rules under chapter 536 establishing  
43 licensure and renewal procedures, supervision, collaborative practice arrangements, fees, and  
44 addressing such other matters as are necessary to protect the public and discipline the  
45 profession. No licensure fee for an assistant physician shall exceed the amount of any  
46 licensure fee for a physician assistant. An application for licensure may be denied or the  
47 licensure of an assistant physician may be suspended or revoked by the board in the same  
48 manner and for violation of the standards as set forth by section 334.100, or such other  
49 standards of conduct set by the board by rule. No rule or regulation shall require an assistant

50 physician to complete more hours of continuing medical education than that of a licensed  
51 physician.

52 (2) Any rule or portion of a rule, as that term is defined in section 536.010, that is  
53 created under the authority delegated in this section shall become effective only if it complies  
54 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
55 This section and chapter 536 are nonseverable and if any of the powers vested with the  
56 general assembly under chapter 536 to review, to delay the effective date, or to disapprove  
57 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
58 authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

59 (3) Any rules or regulations regarding assistant physicians in effect as of the effective  
60 date of this section that conflict with the provisions of this section and section 334.037 shall  
61 be null and void as of the effective date of this section.

62 4. An assistant physician shall clearly identify himself or herself as an assistant  
63 physician and shall be permitted to use the terms "doctor", "Dr.", or "doc". No assistant  
64 physician shall practice or attempt to practice without an assistant physician collaborative  
65 practice arrangement, except as otherwise provided in this section and in an emergency  
66 situation.

67 5. The collaborating physician is responsible at all times for the oversight of the  
68 activities of and accepts responsibility for primary care services rendered by the assistant  
69 physician.

70 6. The provisions of section 334.037 shall apply to all assistant physician  
71 collaborative practice arrangements. Any renewal of licensure under this section shall  
72 include verification of actual practice under a collaborative practice arrangement in  
73 accordance with this subsection during the immediately preceding licensure period.

74 7. Each health carrier or health benefit plan that offers or issues health benefit plans  
75 that are delivered, issued for delivery, continued, or renewed in this state shall reimburse an  
76 assistant physician for the diagnosis, consultation, or treatment of an insured or enrollee on  
77 the same basis that the health carrier or health benefit plan covers the service when it is  
78 delivered by another comparable mid-level health care provider including, but not limited to,  
79 a physician assistant.

**334.039. 1. An assistant physician shall take Step 3 of the United States Medical  
2 Licensing Examination within one year of licensure as an assistant physician. An  
3 assistant physician shall achieve a passing score on the Step 3 examination with no more  
4 than three attempts before the one-year anniversary of his or her licensure as an  
5 assistant physician. No attempts shall be allowed after the date of the assistant  
6 physician's one-year anniversary, but a passing score received after the date of the one-  
7 year anniversary shall count as a passing score for purposes of this subsection as long as**

8 the examination for which the passing score was received was taken before the date of  
9 the one-year anniversary.

10       2. A person who is licensed as an assistant physician before the effective date of  
11 this section shall be deemed to have received his or her initial license as an assistant  
12 physician on the effective date of this section for purposes of calculating the time limits  
13 in this section.

14       3. (1) An assistant physician who fails to achieve a passing score on Step 3 of the  
15 United States Medical Licensing Examination within the time required under this  
16 section shall begin a postgraduate residency that fulfills the requirements under section  
17 334.035 within three years of licensure as an assistant physician.

18       (2) If an assistant physician fails to begin a postgraduate residency as required  
19 under subdivision (1) of this subsection, the assistant physician shall automatically  
20 receive a license as a physician assistant and be subject to all statutes and regulations  
21 relating to physician assistants. His or her license as an assistant physician shall  
22 automatically expire upon receiving a license as a physician assistant. Notwithstanding  
23 any other provision of law, the assistant physician shall not be required to meet any  
24 requirements established under sections 334.735 to 334.749 in order to be licensed as a  
25 physician assistant under the provisions of this subdivision, and upon licensure as a  
26 physician assistant he or she shall still be permitted to use the terms "doctor", "Dr.", or  
27 "doc".

28       4. An assistant physician who achieves a passing score on Step 3 of the United  
29 States Medical Licensing Examination within the time required under this section shall  
30 be eligible for a license as a physician if the assistant physician:

31       (1) Practices under a collaborative practice arrangement with a collaborating  
32 physician as described under section 334.037 for five years; and

33       (2) After completing the five-year collaborative practice period, achieves a  
34 passing score, in no more than three attempts, on an endorsement examination  
35 developed by the board that covers the knowledge required of all general primary care  
36 practitioners in the state. The board shall provide practice testing materials to all  
37 assistant physicians during their five-year collaborative practice period described under  
38 subdivision (1) of this subsection.

39       5. Upon an assistant physician's completion of the requirements of subsection 4  
40 of this section, the board shall issue to the assistant physician a license to practice as a  
41 physician. Any assistant physician obtaining licensure as a physician under this section  
42 shall be fully licensed as a physician and subject to all statutes and regulations relating  
43 to physicians.

44           **6. An assistant physician who fails to achieve a passing score on the endorsement**  
45 **examination described in subsection 4 of this section may request a review of the score**  
46 **by the board. The board shall review the examination answers and correct the score, if**  
47 **necessary.**

48           **7. An assistant physician who fails to achieve a passing score on the endorsement**  
49 **examination described in subsection 4 of this section after three attempts may receive a**  
50 **license as a physician assistant. His or her license as an assistant physician shall**  
51 **automatically expire upon receiving a license as a physician assistant. Notwithstanding**  
52 **any other provision of law, the assistant physician shall not be required to meet any**  
53 **requirements established under sections 334.735 to 334.749 in order to be licensed as a**  
54 **physician assistant under the provisions of this subsection, and upon licensure as a**  
55 **physician assistant he or she shall still be permitted to use the terms "doctor", "Dr.", or**  
56 **"doc".**

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