

FIRST REGULAR SESSION

SENATE BILL NO. 455

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

Read 1st time February 22, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2032S.011

AN ACT

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

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

Section A. Section 334.735, RSMo, is repealed and one new section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

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

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

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

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

11 (4) "Department", the department of insurance, financial institutions and
12 professional registration or a designated agency thereof;

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

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

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

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

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

28 (8) "Supervision", control exercised over a physician assistant working
29 with a supervising physician and oversight of the activities of and accepting
30 responsibility for the physician assistant's delivery of care. The physician
31 assistant shall only practice at a location where the physician routinely provides
32 patient care, except existing patients of the supervising physician in the patient's
33 home and correctional facilities. The supervising physician must be immediately
34 available in person or via telecommunication during the time the physician
35 assistant is providing patient care. Prior to commencing practice, the supervising
36 physician and physician assistant shall attest on a form provided by the board
37 that the physician shall provide supervision appropriate to the physician
38 assistant's training and that the physician assistant shall not practice beyond the
39 physician assistant's training and experience. Appropriate supervision shall
40 require the supervising physician to be working within the same facility as the
41 physician assistant for at least four hours within one calendar day for every
42 fourteen days on which the physician assistant provides patient care as described
43 in subsection 3 of this section. Only days in which the physician assistant
44 provides patient care as described in subsection 3 of this section shall be counted
45 toward the fourteen-day period. The requirement of appropriate supervision shall
46 be applied so that no more than thirteen calendar days in which a physician
47 assistant provides patient care shall pass between the physician's four hours
48 working within the same facility. The board shall promulgate rules pursuant to
49 chapter 536 for documentation of joint review of the physician assistant activity
50 by the supervising physician and the physician assistant.

51 2. (1) A supervision agreement shall limit the physician assistant to
52 practice only at locations described in subdivision (8) of subsection 1 of this
53 section, where the supervising physician is no further than fifty miles by road
54 using the most direct route available and where the location is not so situated as
55 to create an impediment to effective intervention and supervision of patient care

56 or adequate review of services.

57 (2) For a physician-physician assistant team working in a rural health
58 clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as
59 amended, no supervision requirements in addition to the minimum federal law
60 shall be required.

61 3. The scope of practice of a physician assistant shall consist only of the
62 following services and procedures:

63 (1) Taking patient histories;

64 (2) Performing physical examinations of a patient;

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

67 (4) Performing routine therapeutic procedures;

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

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

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

76 (8) Assisting in surgery;

77 (9) Performing such other tasks not prohibited by law under the
78 supervision of a licensed physician as the physician's assistant has been trained
79 and is proficient to perform; and

80 (10) Physician assistants shall not perform or prescribe abortions.

81 4. Physician assistants shall not prescribe [nor dispense] any drug,
82 medicine, device or therapy unless pursuant to a physician supervision agreement
83 in accordance with the law, nor prescribe lenses, prisms or contact lenses for the
84 aid, relief or correction of vision or the measurement of visual power or visual
85 efficiency of the human eye, nor administer or monitor general or regional block
86 anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing
87 [and dispensing] of drugs, medications, devices or therapies by a physician
88 assistant shall be pursuant to a physician assistant supervision agreement which
89 is specific to the clinical conditions treated by the supervising physician and the
90 physician assistant shall be subject to the following:

91 (1) A physician assistant shall only prescribe controlled substances in

92 accordance with section 334.747;

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

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

99 (4) A physician assistant, or advanced practice registered nurse as defined
100 in section 335.016 may request, receive and sign for noncontrolled professional
101 samples and may distribute professional samples to patients; **and**

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

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

107 5. A physician assistant shall clearly identify himself or herself as a
108 physician assistant and shall not use or permit to be used in the physician
109 assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out
110 in any way to be a physician or surgeon. No physician assistant shall practice or
111 attempt to practice without physician supervision or in any location where the
112 supervising physician is not immediately available for consultation, assistance
113 and intervention, except as otherwise provided in this section, and in an
114 emergency situation, nor shall any physician assistant bill a patient
115 independently or directly for any services or procedure by the physician assistant;
116 except that, nothing in this subsection shall be construed to prohibit a physician
117 assistant from enrolling with the department of social services as a MO
118 HealthNet or Medicaid provider while acting under a supervision agreement
119 between the physician and physician assistant.

120 6. For purposes of this section, the licensing of physician assistants shall
121 take place within processes established by the state board of registration for the
122 healing arts through rule and regulation. The board of healing arts is authorized
123 to establish rules pursuant to chapter 536 establishing licensing and renewal
124 procedures, supervision, supervision agreements, fees, and addressing such other
125 matters as are necessary to protect the public and discipline the profession. An
126 application for licensing may be denied or the license of a physician assistant may
127 be suspended or revoked by the board in the same manner and for violation of the

128 standards as set forth by section 334.100, or such other standards of conduct set
129 by the board by rule or regulation. Persons licensed pursuant to the provisions
130 of chapter 335 shall not be required to be licensed as physician assistants. All
131 applicants for physician assistant licensure who complete a physician assistant
132 training program after January 1, 2008, shall have a master's degree from a
133 physician assistant program.

134 7. "Physician assistant supervision agreement" means a written
135 agreement, jointly agreed-upon protocols or standing order between a supervising
136 physician and a physician assistant, which provides for the delegation of health
137 care services from a supervising physician to a physician assistant and the review
138 of such services. The agreement shall contain at least the following provisions:

139 (1) Complete names, home and business addresses, zip codes, telephone
140 numbers, and state license numbers of the supervising physician and the
141 physician assistant;

142 (2) A list of all offices or locations where the physician routinely provides
143 patient care, and in which of such offices or locations the supervising physician
144 has authorized the physician assistant to practice;

145 (3) All specialty or board certifications of the supervising physician;

146 (4) The manner of supervision between the supervising physician and the
147 physician assistant, including how the supervising physician and the physician
148 assistant shall:

149 (a) Attest on a form provided by the board that the physician shall provide
150 supervision appropriate to the physician assistant's training and experience and
151 that the physician assistant shall not practice beyond the scope of the physician
152 assistant's training and experience nor the supervising physician's capabilities
153 and training; and

154 (b) Provide coverage during absence, incapacity, infirmity, or emergency
155 by the supervising physician;

156 (5) The duration of the supervision agreement between the supervising
157 physician and physician assistant; and

158 (6) A description of the time and manner of the supervising physician's
159 review of the physician assistant's delivery of health care services. Such
160 description shall include provisions that the supervising physician, or a
161 designated supervising physician listed in the supervision agreement review a
162 minimum of ten percent of the charts of the physician assistant's delivery of
163 health care services every fourteen days.

164 8. When a physician assistant supervision agreement is utilized to provide
165 health care services for conditions other than acute self-limited or well-defined
166 problems, the supervising physician or other physician designated in the
167 supervision agreement shall see the patient for evaluation and approve or
168 formulate the plan of treatment for new or significantly changed conditions as
169 soon as practical, but in no case more than two weeks after the patient has been
170 seen by the physician assistant.

171 9. At all times the physician is responsible for the oversight of the
172 activities of, and accepts responsibility for, health care services rendered by the
173 physician assistant.

174 10. It is the responsibility of the supervising physician to determine and
175 document the completion of at least a one-month period of time during which the
176 licensed physician assistant shall practice with a supervising physician
177 continuously present before practicing in a setting where a supervising physician
178 is not continuously present.

179 11. No contract or other agreement shall require a physician to act as a
180 supervising physician for a physician assistant against the physician's will. A
181 physician shall have the right to refuse to act as a supervising physician, without
182 penalty, for a particular physician assistant. No contract or other agreement
183 shall limit the supervising physician's ultimate authority over any protocols or
184 standing orders or in the delegation of the physician's authority to any physician
185 assistant, but this requirement shall not authorize a physician in implementing
186 such protocols, standing orders, or delegation to violate applicable standards for
187 safe medical practice established by the hospital's medical staff.

188 12. Physician assistants shall file with the board a copy of their
189 supervising physician form.

190 13. No physician shall be designated to serve as supervising physician for
191 more than three full-time equivalent licensed physician assistants. This
192 limitation shall not apply to physician assistant agreements of hospital employees
193 providing inpatient care service in hospitals as defined in chapter 197.

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