

2019 -- S 0443

LC001806

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - PHYSICIAN ASSISTANTS

Introduced By: Senator Erin Lynch Prata

Date Introduced: February 27, 2019

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-54-1, 5-54-2, 5-54-3, 5-54-5, 5-54-6, 5-54-7, 5-54-8, 5-54-9, 5-  
2 54-16, 5-54-22 and 5-54-27 of the General Laws in Chapter 5-54 entitled "Physician Assistants"  
3 are hereby amended to read as follows:

4 **5-54-1. Declaration of policy.**

5 (a) The general assembly intends to establish by this chapter a framework for ~~the~~  
6 ~~development of a new~~ category of health personnel to be known as the physician assistant.

7 (b) The purpose of this chapter is to ~~encourage the more effective utilization of the skills~~  
8 ~~of physicians by enabling them to delegate health care tasks including the writing of prescriptions~~  
9 ~~and medical orders to qualified physician assistants where that delegation is consistent with the~~  
10 ~~patient's health and welfare~~ provide for an adequate supply of qualified medical providers to meet  
11 the needs of the citizens of Rhode Island and protect the public safety by establishing criteria for  
12 licensure and regulation of physician assistants.

13 (c) Nothing in this chapter shall be construed to repeal or supersede existing laws relating  
14 to other paramedical professions or services.

15 **5-54-2. Definitions.**

16 As used in this chapter, the following words have the following meanings:

17 (1) "Administrator" means the administrator, division of professional regulation.

18 (2) "Approved program" means a program for the education and training of physician  
19 assistants formally approved by the American Medical Association's (A.M.A.'s) Committee on

1 Allied Health, Education and Accreditation, its successor, the Commission on Accreditation of  
2 Allied Health Education Programs (CAAHEP) or its successor.

3 (3) "Approved program for continuing medical education" means a program for  
4 continuing education approved by the American Academy of Physician Assistants (AAPA) or the  
5 Accreditation Council for Continuing Medical Education of the American Medical Association  
6 (AMA), or the American Academy of Family Physicians (AAPFP) or the American Osteopathic  
7 Association Committee on Continuing Medical Education (AOACCME) or any other board  
8 approved program.

9 (4) "Board" means the board of licensure of physician assistants.

10 (5) "Collaboration" means the physician assistant shall, as indicated by the patient's  
11 condition, the education, competencies and experience of the physician assistant and the  
12 standards of care, consult with or refer to an appropriate physician or other health care  
13 professional. The degree of collaboration shall be determined by the practice and includes  
14 decisions made by a physician employer, physician group practice, and the credentialing and  
15 privileging systems of a licensed hospital, health center or ambulatory care center. A physician  
16 must be accessible at all times for consultation by the physician assistant.

17 ~~(5)(6)~~ "Director" means the director of the department of health.

18 ~~(6)(7)~~ "Division" means the division of professional regulation, department of health.

19 ~~(7)(8)~~ [Deleted by P.L. 2013, ch. 320, § 1 and P.L. 2013, ch. 420, § 1].

20 ~~(8)(9)~~ "Physician" means a person licensed under the provisions of chapter 29 or 37 of  
21 this title.

22 ~~(9)(10)~~ "Physician assistant" or "PA" means a person who is qualified by academic and  
23 practical training to provide ~~those certain patient~~ medical and surgical services ~~under the~~  
24 ~~supervision, control, responsibility and direction of a licensed physician~~ in collaboration with  
25 physicians.

26 ~~(10) "Supervision" means overseeing the activities of, and accepting the responsibility for~~  
27 ~~the medical services rendered by the physician assistants. Supervision is continuous, and under~~  
28 ~~the direct control of a licensed physician expert in the field of medicine in which the physician~~  
29 ~~assistants practice. The constant physical presence of the supervising physician or physician~~  
30 ~~designee is not required. It is the responsibility of the supervising physician and physician~~  
31 ~~assistant to assure an appropriate level of supervision depending on the services being rendered.~~  
32 ~~Each physician or group of physicians, or other health care delivery organization excluding~~  
33 ~~licensed hospital or licensed health care facilities controlled or operated by a licensed hospital~~  
34 ~~employing physician assistants must have on file at the primary practice site a copy of a policy in~~

1 ~~the form of an agreement between the supervising physicians and physician assistants delineating:~~

2 (i) ~~The level of supervision provided by the supervising physician or designee with~~  
3 ~~particular reference to differing levels of supervision depending on the type of patient services~~  
4 ~~provided and requirements for communication between the supervising physician or designee and~~  
5 ~~the physician assistant.~~

6 (ii) ~~A job description for the physician assistant listing patient care responsibilities and~~  
7 ~~procedures to be performed by the physician assistant.~~

8 (iii) ~~A program for quality assurance for physician assistant services including~~  
9 ~~requirements for periodic review of the physician assistant services.~~

10 (iv) ~~Requirements for supervision of physician assistants employed or extended medical~~  
11 ~~staff privileges by licensed hospitals or other licensed health care facilities or employed by other~~  
12 ~~health care delivery agencies shall be delineated by the medical staff by laws and/or applicable~~  
13 ~~governing authority of the facility.~~

14 (v) ~~The supervising physician or physician designee must be available for easy~~  
15 ~~communication and referral at all times.~~

16 (11) "Unprofessional conduct" includes, but is not limited to, the following items or any  
17 combination and may be defined by regulations established by the board with prior approval of  
18 the director:

19 (i) Fraudulent or deceptive procuring or use of a license;

20 (ii) Representation of himself or herself as a physician;

21 (iii) Conviction of a crime involving moral turpitude; conviction of a felony; conviction  
22 of a crime arising out of the practice of medicine. All advertising of medical business, which is  
23 intended or has a tendency to deceive the public;

24 (iv) Abandonment of a patient;

25 (v) Dependence upon a controlled substance, habitual drunkenness, or rendering  
26 professional services to a patient while intoxicated or incapacitated by the use of drugs;

27 (vi) Promotion of the sale of drugs, devices appliances, or goods or services provided for  
28 a patient in a manner that exploits the patient for the financial gain of the physician assistant;

29 (vii) Immoral conduct of a physician assistant in the practice of medicine;

30 (viii) Willfully making and filing false reports or records;

31 (ix) Willful omission to file or record or willfully impeding or obstructing a filing or  
32 recording, or inducing another person to omit to file or record medical or other reports as required  
33 by law;

34 (x) Agreeing with clinical or bioanalytical laboratories to accept payments from these

- 1 laboratories for individual tests or test series for patients;
- 2 (xi) Practicing with an unlicensed physician or physician assistant or aiding or abetting  
3 these unlicensed persons in the practice of medicine;
- 4 (xii) Offering, undertaking or agreeing to cure or treat a disease by a secret method,  
5 procedure, treatment or medicine;
- 6 (xiii) Professional or mental incompetence;
- 7 (xiv) Surrender, revocation, suspension, limitation of privilege based on quality of care  
8 provided, or any other disciplinary action against a license or authorization to practice in another  
9 state or jurisdiction; or surrender, revocation, suspension, or any other disciplinary action relating  
10 to membership on any medical staff or in any medical professional association, or society while  
11 under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to  
12 acts or conduct which would constitute grounds for action as stated in this chapter;
- 13 (xv) Any adverse judgment, settlement, or award arising from a medical liability claim  
14 related to acts or conduct, which would constitute grounds for action as stated in this chapter;
- 15 (xvi) Failure to furnish the board, the administrator, investigator or representatives,  
16 information legally requested by the board;
- 17 (xvii) Violation of any provisions of this chapter or the rules and regulations promulgated  
18 by the director or an action, stipulation, or agreement of the board;
- 19 (xviii) Cheating or attempting to subvert the certifying examination;
- 20 (xix) Violating any state or federal law or regulation relating to controlled substances;
- 21 (xx) Medical malpractice;
- 22 (xxi) Sexual contact between a physician assistant and patient during the existence of the  
23 physician assistant/patient relationship;
- 24 (xxii) Providing services to a person who is making a claim as a result of a personal  
25 injury, who charges or collects from the person any amount in excess of the reimbursement to the  
26 physician assistant by the insurer as a condition of providing or continuing to provide services or  
27 treatment.

28 **5-54-3. Exemptions.**

29 The provisions of this chapter do not apply to services performed in any of the following  
30 areas:

- 31 (1) The practice of dentistry or dental hygiene as defined in chapter 31.1 of this title.  
32 (2) The practice of chiropractic medicine.  
33 (3) The practice of optometry as defined in chapter 35 of this title.  
34 (4) A physician assistant student enrolled in a physician assistant ~~or surgeon assistant~~

1 educational program while performing duties in conjunction with a formal training program  
2 clinical rotation under the auspices of a recognized degree granting institution.

3 (5) Technicians, or other assistants or employees of physicians who perform delegated  
4 tasks in the office of a physician but who are not rendering services as physician assistant or  
5 identifying themselves as a physician assistant.

6 **5-54-5. Board of licensure.**

7 (a) The director of the department of health, with the approval of the governor, shall  
8 appoint a board consisting of seven (7) persons, residents of the state, to constitute a board of  
9 licensure for physician assistants with the duties, powers, and authority as stated in this chapter,  
10 and that board shall be composed of the following:

11 (1) Two (2) members shall be licensed physicians under the provisions of chapter 37 of  
12 this title who have been actively engaged in the practice of medicine;

13 (2) ~~One member is a chief executive officer of a health care facility located and licensed~~  
14 ~~in the state or his or her designee who is not licensed in any health care profession;~~

15 (3) Two (2) members who are representatives of the general public not employed in any  
16 health-related field; and

17 (4) ~~Two (2)~~ Three (3) members shall be physician assistants.

18 (b) Members shall be appointed for terms of three (3) years each with no member serving  
19 more than two (2) consecutive terms.

20 (c) In his or her initial appointment, the director shall designate the members of the board  
21 of licensure for physician assistants as follows: two (2) members to serve for terms of three (3)  
22 years; two (2) members to serve for a term of two (2) years; and three (3) members to serve for a  
23 term of one year. Any additional appointments shall serve for one year.

24 (d) The director of the department of health may remove any member of the board for  
25 cause.

26 (e) Vacancies shall be filled for the unexpired portion of any term in the same manner as  
27 the original appointment.

28 **5-54-6. Board of licensure -- Organization and meetings -- Compensation of**  
29 **members.**

30 The board shall elect its own chairperson annually and shall meet at the call of the  
31 administrator, the chairperson or upon the request of two (2) or more members of the board. A  
32 quorum shall consist of at least ~~three (3)~~ four (4) members present. The board shall approve  
33 programs for continuing medical education. Board members shall serve without compensation.

34 **5-54-7. Board of licensure -- Powers and duties.**

1 (a) The board shall administer, coordinate, and enforce the provisions of this chapter,  
2 evaluate the qualifications of applicants, supervise any examination of applicants deemed  
3 necessary, recommend to the director the commencement of disciplinary hearings in accordance  
4 with chapter 35 of title 42 and the provisions of this chapter, and investigate persons engaging in  
5 practices which violate the provisions of this chapter. This authority shall specifically encompass  
6 practicing physician assistants, ~~supervisory~~ collaborating physicians, and those health care  
7 agencies employing physician assistants. The board shall investigate all persons and agencies  
8 engaging in practices which violate the provisions in this chapter.

9 (b) The board shall conduct hearings of a non-disciplinary nature and shall keep the  
10 records and minutes that are necessary to an orderly dispatch of business.

11 (c) The board, with the approval of the director of the department of health, shall adopt  
12 rules and regulations necessary to carry into effect the provisions of this chapter and may amend  
13 or repeal them.

14 (d) Regular meetings of the board shall be held at any time and places that the board  
15 prescribes and special meetings shall be held upon the call of the chairperson; provided, that at  
16 least one regular meeting is held each year.

17 (e) The conferral or enumeration of specific powers in this chapter shall not be construed  
18 as a limitation of the general powers conferred by this section.

19 (f) The board shall recommend to the director for registration those persons meeting the  
20 criteria stated by this chapter.

21 (g) The board shall recommend to the director the revocation or suspension of the  
22 ~~registration~~ license of any physician assistant who does not conform to the requirements of this  
23 chapter or regulations adopted under this chapter.

24 (h) In accordance with its authority under subsection (a) of this section the board shall  
25 make recommendations to the director for discipline of supervising physicians and employing  
26 health care agencies found wanting in their use of physician assistants.

27 (i) The board shall approve programs for continuing medical education.

28 **5-54-8. Permitted health care practices by physician assistants.**

29 (a) Physician assistants shall practice in collaboration with ~~physician~~ physicians  
30 ~~supervision and shall be considered the agents of their supervising physicians in the performance~~  
31 ~~of all practice related activities.~~ A physician assistant may provide any medical or surgical  
32 services that are within the physician assistant's skills, education and training. Whenever any  
33 provision of general or public law, or regulation, requires a signature, certification, stamp,  
34 verification, affidavit or endorsement by a physician, it shall be deemed to include a signature,

1 certification, stamp, verification, affidavit or endorsement by a physician assistant; ~~provided,~~  
2 ~~however, that nothing in this section shall be construed to expand the scope of practice of~~  
3 ~~physician assistants.~~ Physician assistants may perform those duties and responsibilities consistent  
4 with the limitations of this section, including prescribing, administering, procuring and dispensing  
5 of drugs and medical devices, ~~which are delegated by their supervising physician(s).~~ Physician  
6 assistants may request, receive, sign for and distribute professional samples of drugs and medical  
7 devices to patients only within the limitations of this section. Notwithstanding any other  
8 provisions of law, a physician assistant may ~~perform health care~~ provide medical and surgical  
9 services when those services are rendered ~~under the supervision of~~ in collaboration with a  
10 licensed physician.

11 (b) ~~Physician assistants, depending upon their level of professional training and~~  
12 ~~experience, as determined by a supervising physician, may perform health care services~~  
13 ~~consistent with their expertise and that of the supervising physician, who is a licensed physician~~  
14 ~~in solo practice, in group practice, or in health care facilities.~~

15 (c) Physician assistants may write prescriptions and medical orders to the extent provided  
16 in this paragraph. When ~~employed by or~~ extended medical staff privileges by a licensed hospital  
17 or other licensed health care facility in accordance with subsection (e) of this section, a physician  
18 assistant may write medical orders for inpatients as delineated by the medical staff bylaws of the  
19 facility as well as its credentialing process and applicable governing authority. Physician  
20 assistants ~~employed directly by physicians, health maintenance organizations or other health care~~  
21 ~~delivery organizations~~ may prescribe legend medications including schedule II, III, IV and V  
22 medications under chapter 28 of title 21 of the Rhode Island Uniform Controlled Substances Act,  
23 medical therapies, medical devices and medical diagnostics ~~according to guidelines established~~  
24 ~~by the employing physician, health maintenance organization or other health care delivery~~  
25 ~~organization.~~

26 (d) When ~~supervised by a~~ collaborating with a physician licensed under chapter 29 of this  
27 title, the service rendered by the physician assistant shall be limited to the foot. The "foot" is  
28 defined as the pedal extremity of the human body and its articulations, and includes the tendons  
29 and muscles of the lower leg only as they are involved in conditions of the foot.

30 (e) Hospitals and other licensed health care facilities have discretion to grant privileges to  
31 a physician assistant and to define the scope of privileges or services which a physician assistant  
32 may deliver in a facility. ~~In no event shall those privileges, if granted, exceed the privileges~~  
33 ~~granted to the supervising physician.~~

34 (f) A physician assistant shall not undertake or represent that he or she is qualified to

1 [provide a medical or surgical care service that he or she knows or reasonably should know to be](#)  
2 [outside his or her competence or is prohibited by law.](#)

3 [\(g\) Notwithstanding any other provision of law or regulation, a physician assistant shall](#)  
4 [be considered to be a primary care provider when the physician assistant is practicing in the](#)  
5 [medical specialties required for a physician to be a primary care provider.](#)

6 **5-54-9. Criteria for licensure as a physician assistant.**

7 The board shall recommend to the director for licensure as a physician assistant an  
8 applicant who:

9 (1) Is of good character and reputation;

10 (2) Graduated from a physician assistant training program certified by the AMA's  
11 Committee on Allied Health, Education, and Accreditation, its successor, the Commission on  
12 Accreditation of Allied Health Education Programs (CAAHEP), its successor or the Accreditation  
13 Review Commission on Education for the Physician Assistant (ARC-PA) or its successor.

14 (3) Passed ~~a certifying examination approved by~~ the National Commission on  
15 Certification of Physician Assistants [physician assistant national certification examination](#) or any  
16 other national ~~certifying~~ exam approved by the board.

17 (4) Submitted a completed application together with the required fee as set forth in § 23-  
18 1-54.

19 **5-54-16. Penalty for misrepresentation.**

20 No person who is not licensed as a physician assistant may use the title of "Physician  
21 Assistant" or ["PA" or](#) hold himself or herself out as a physician assistant. Any person who  
22 violates the provisions of this section shall be punished by a fine of not less than two hundred  
23 dollars (\$200) nor more than five hundred dollars (\$500), nor more than one year imprisonment,  
24 or by both the fine and imprisonment.

25 **5-54-22. Continuing medical education.**

26 Every physician assistant licensed to practice within the state shall be required to have  
27 satisfactorily completed ~~ten (10)~~ [twenty-five \(25\)](#) hours of approved continuing medical  
28 education annually. The annual period for accumulation of continuing education hours  
29 commences on the first day of October and runs through the last day of September beginning in  
30 1996. Beginning with the annual renewal period commencing the first day of October 1997 the  
31 administrator shall not renew the certificate of licensure until satisfactory evidence of the  
32 completion of the required continuing medical education is provided to the division.

33 **5-54-27. Participation in disaster and emergency care.**

34 A person licensed under the provisions of this chapter or members of the same profession



1 licensed to practice in other states of the United States or members of the same profession  
2 credentialed by a federal employer who voluntarily and gratuitously, and other than in the  
3 ordinary course of his or her employment or practice, renders emergency medical assistance  
4 during an emergency or a state or local disaster may render such care without ~~supervision~~  
5 collaboration as set forth in ~~subdivision 5-54-2(10)~~ § 5-54-2(5), or with such supervision as is  
6 available. ~~Any physician who supervises a physician assistant providing medical care in response~~  
7 ~~to such an emergency or state or local disaster shall not be required to meet the supervising~~  
8 ~~physician requirements set forth in subdivision 5-54-2(10).~~

9 SECTION 2. Chapter 5-54 of the General Laws entitled "Physician Assistants" is hereby  
10 amended by adding thereto the following section:

11 **5-54-28. Participation in charitable and voluntary care.**

12 A physician assistant licensed in this state, or licensed or authorized to practice in any  
13 other U.S. jurisdiction, or who is credentialed by a federal employer or meets the licensure  
14 requirements of his or her requisite federal agency as a physician assistant may volunteer to  
15 render such care that he or she is able to provide at a children's summer camp or for a public or  
16 community event or in a licensed ambulatory health center providing free care. Such care must be  
17 rendered without compensation or remuneration. It is the obligation of the physician assistant to  
18 assure adequate and appropriate professional liability coverage.

19 SECTION 3. Section 5-54-12.1 of the General Laws in Chapter 5-54 entitled "Physician  
20 Assistants" is hereby repealed.

21 **~~5-54-12.1. Continuing medical education.~~**

22 ~~Every physician assistant licensed to practice within the state shall be required to have~~  
23 ~~satisfactorily completed ten (10) hours of approved continuing medical education annually. The~~  
24 ~~annual period for accumulation of continuing medical education hours commences on the first~~  
25 ~~day of September and runs through the thirty first day of August beginning in 1996. Beginning~~  
26 ~~with the annual renewal period commencing the first day of August 1997 the administrator shall~~  
27 ~~not renew the certificate of licensure until satisfactory evidence of completion of the required~~  
28 ~~continuing medical education is provided to the division.~~

29 SECTION 4. This act shall take effect upon passage.

=====  
LC001806  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO BUSINESSES AND PROFESSIONS - PHYSICIAN ASSISTANTS

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- 1           This act would update the laws relating to physician assistants to reflect current standards
- 2   and terminology.
- 3           This act would take effect upon passage.

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