

FIRST REGULAR SESSION

HOUSE BILL NO. 497

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SATER (Sponsor), DAY, PORTWOOD, FISHER, ROBB, MEINERS, HUNTER, WETER, WHORTON, DOUGHERTY, WOOD, WASSON, TILLEY, WALLACE, WELLS, SMITH (150) AND DIXON (Co-sponsors).

Read 1st time January 18, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1364L.01I

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Section A. Section 334.735, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 334.735, to read as follows: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

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

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

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

(4) "Department", the department of economic development or a designated agency thereof;

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

(6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and

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.

14 Accreditation or by its successor agency, who has passed the certifying examination administered
15 by the National Commission on Certification of Physician Assistants and has active certification
16 by the National Commission on Certification of Physician Assistants who provides health care
17 services delegated by a licensed physician. A person who has been employed as a physician
18 assistant for three years prior to August 28, 1989, who has passed the National Commission on
19 Certification of Physician Assistants examination, and has active certification of the National
20 Commission on Certification of Physician Assistants;

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

23 (8) "Supervision", control exercised over a physician assistant working within the same
24 [office] facility [of] **as the supervising physician fifty-five percent of the time a physician**
25 **assistant provides patient care**, except a physician assistant may make follow-up patient
26 examinations in hospitals, nursing homes, **patient homes**, and correctional facilities, each such
27 examination being reviewed, approved and signed by the supervising physician, **except as**
28 **provided by subsection 2 of this section. The supervising physician must be readily**
29 **available in person or via telecommunication during the time the physician assistant is**
30 **providing patient care.** The board shall promulgate rules pursuant to chapter 536, RSMo, for
31 [the proximity of practice between the physician assistant and the supervising physician and]
32 documentation of joint review of the physician assistant activity by the supervising physician and
33 the physician assistant. **The physician assistant shall be limited to practice at locations**
34 **where the supervising physician is no further than thirty miles by road using the most**
35 **direct route available, or in any other fashion so distanced as to create an impediment to**
36 **effective intervention and supervision of patient care or adequate review of services.**

37 2. **A supervising physician shall be working within the same facility for ten percent**
38 **of the time a physician assistant provides patient care while working in federally funded**
39 **clinics, including community health centers and rural health clinics; hospitals; nursing**
40 **homes or other long-term care facilities; correctional facilities; or clinics established for**
41 **treatment of sexually transmitted diseases; dialysis centers; schools or student health**
42 **centers; or migrant health facilities. The supervising physician shall be readily available**
43 **in person or via telecommunication during all times the physician assistant is providing**
44 **patient care. When physician assistants are practicing in settings which require ten**
45 **percent on-site supervision, the physician may be no farther than fifty miles by road, using**
46 **the most direct route available or in any other fashion so distanced so as to create an**
47 **impediment to effective intervention and supervision of patient care or adequate review**
48 **of services.**

49 **3.** The scope of practice of a physician assistant shall consist only of the following
50 services and procedures:

51 (1) Taking patient histories;

52 (2) Performing physical examinations of a patient;

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

55 (4) Performing routine therapeutic procedures;

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

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

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

63 (8) Assisting in surgery;

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

66 (10) Physician assistants shall not perform abortions.

67 **[3.] 4.** Physician assistants shall not prescribe nor dispense any drug, medicine, device
68 or therapy independent of consultation with the supervising physician, nor prescribe lenses,
69 prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual
70 power or visual efficiency of the human eye, nor administer or monitor general or regional block
71 anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing and dispensing
72 of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a
73 physician assistant supervision agreement which is specific to the clinical conditions treated by
74 the supervising physician and the physician assistant shall be subject to the following:

75 (1) A physician assistant shall not prescribe controlled substances;

76 (2) The types of drugs, medications, devices or therapies prescribed or dispensed by a
77 physician assistant shall be consistent with the scopes of practice of the physician assistant and
78 the supervising physician;

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

82 (4) A physician assistant or advanced practice nurse as defined in section 335.016,
83 RSMo, may request, receive and sign for noncontrolled professional samples and may distribute
84 professional samples to patients;

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

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

89 [4.] 5. A physician assistant shall clearly identify himself or herself as a physician
90 assistant and shall not use or permit to be used in the physician assistant's behalf the terms
91 "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon.
92 No physician assistant shall practice or attempt to practice without physician supervision or in
93 any location where the supervising physician is not immediately available for consultation,
94 assistance and intervention, except **as otherwise provided in this section, and** in an emergency
95 situation, nor shall any physician assistant bill a patient independently or directly for any services
96 or procedure by the physician assistant.

97 [5.] 6. For purposes of this section, the licensing of physician assistants shall take place
98 within processes established by the state board of registration for the healing arts through rule
99 and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536,
100 RSMo, establishing licensing and renewal procedures, supervision, supervision agreements, fees,
101 and addressing such other matters as are necessary to protect the public and discipline the
102 profession. An application for licensing may be denied or the license of a physician assistant
103 may be suspended or revoked by the board in the same manner and for violation of the standards
104 as set forth by section 334.100, or such other standards of conduct set by the board by rule or
105 regulation. Persons licensed pursuant to the provisions of chapter 335, RSMo, shall not be
106 required to be licensed as physician assistants. **All applicants for physician assistant licensure**
107 **who complete a physician assistant training program after January 1, 2008, shall have a**
108 **master's degree from a physician assistant program.**

109 [6.] 7. "Physician assistant supervision agreement" means a written agreement, jointly
110 agreed-upon protocols or standing order between a supervising physician and a physician
111 assistant, which provides for the delegation of health care services from a supervising physician
112 to a physician assistant and the review of such services.

113 [7.] 8. When a physician assistant supervision agreement is utilized to provide health
114 care services for conditions other than acute self-limited or well-defined problems, the
115 supervising physician or other physician designated in the supervision agreement shall see the
116 patient for evaluation and approve or formulate the plan of treatment for new or significantly
117 changed conditions as soon as practical, but in no case more than two weeks after the patient has
118 been seen by the physician assistant.

119 [8.] 9. At all times the physician is responsible for the oversight of the activities of, and
120 accepts responsibility for, health care services rendered by the physician assistant.

121 **10. It is the responsibility of the supervising physician to determine and document**
122 **the completion of at least a one-month period of time during which the licensed physician**
123 **assistant shall practice with a supervising physician continuously present before practicing**
124 **in a setting where a supervising physician is not continuously present.**

125 **11. It shall be void and against public policy to require any physician to enter into**
126 **any contract or other agreement to act as a supervising physician for any physician**
127 **assistant. A physician shall have the right to refuse to act as a supervising physician,**
128 **without penalty, for a particular physician assistant. No contract or other agreement shall**
129 **limit the supervising physician's ultimate authority over any protocols or standing orders**
130 **or in the delegation of the physician's authority to any physician assistant.**

131 **12. Physician assistants shall file with the board a copy of their physician assistant**
132 **agreement.**

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