

2013 -- S 0281

=====
LC01094
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

—————
A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - PHYSICIAN ASSISTANTS

Introduced By: Senators Ottiano, Algieri, Hodgson, Nesselbush, and Sosnowski

Date Introduced: February 12, 2013

Referred To: Senate Health & Human Services

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-54-2 and 5-54-7 of the General Laws in Chapter 5-54 entitled
2 "Physician Assistants" are hereby amended to read as follows:

3 **5-54-2. Definitions.** -- As used in this chapter, the following words have the following
4 meanings:

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

6 (2) "Approved program" means a program for the education and training of physician
7 assistants formally approved by the American Medical Association's (A.M.A.'s) Committee on
8 Allied Health, Education and Accreditation, its successor, the Commission on Accreditation of
9 Allied Health Education Programs (CAAHEP) or its successor.

10 (3) "Approved program for continuing medical education" means a program for
11 continuing education approved by the American Academy of Physician Assistants (AAPA) or the
12 Accreditation Council for Continuing Medical Education of the American Medical Association
13 (AMA), or the American Academy of Family Physicians (AAPFP) or the American Osteopathic
14 Association Committee on Continuing Medical Education (AOACCME) or any other board
15 approved program.

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

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

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

19 (7) ~~"Formulary committee" means a committee empowered to develop a list of~~

1 ~~medications that physician assistants may prescribe.~~

2 (8) "Physician" means a person licensed under the provisions of chapter 29 or 37 of this
3 title.

4 (9) "Physician assistant" means a person who is qualified by academic and practical
5 training to provide those certain patient services under the supervision, control, responsibility and
6 direction of a licensed physician.

7 (10) "Supervision" means overseeing the activities of, and accepting the responsibility
8 for the medical services rendered by the physician assistants. Supervision is continuous, and
9 under the direct control of a licensed physician expert in the field of medicine in which the
10 physician assistants practice. The constant physical presence of the supervising physician or
11 physician designee is not required. It is the responsibility of the supervising physician and
12 physician assistant to assure an appropriate level of supervision depending on the services being
13 rendered. Each physician or group of physicians, or other health care delivery organization
14 excluding licensed hospital or licensed health care facilities controlled or operated by a licensed
15 hospital employing physician assistants must have on file at the primary practice site a copy of a
16 policy in the form of an agreement between the supervising physicians and physician assistants
17 delineating:

18 (i) The level of supervision provided by the supervising physician or designee with
19 particular reference to differing levels of supervision depending on the type of patient services
20 provided and requirements for communication between the supervising physician or designee and
21 the physician assistant.

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

24 (iii) A program for quality assurance for physician assistant services including
25 requirements for periodic review of the physician assistant services.

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

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

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

- 1 (i) Fraudulent or deceptive procuring or use of a license;
- 2 (ii) Representation of himself or herself as a physician;
- 3 (iii) Conviction of a crime involving moral turpitude; conviction of a felony; conviction
4 of a crime arising out of the practice of medicine. All advertising of medical business, which is
5 intended or has a tendency to deceive the public;
- 6 (iv) Abandonment of a patient;
- 7 (v) Dependence upon a controlled substance, habitual drunkenness, or rendering
8 professional services to a patient while intoxicated or incapacitated by the use of drugs;
- 9 (vi) Promotion of the sale of drugs, devices appliances, or goods or services provided for
10 a patient in a manner that exploits the patient for the financial gain of the physician assistant;
- 11 (vii) Immoral conduct of a physician assistant in the practice of medicine;
- 12 (viii) Willfully making and filing false reports or records;
- 13 (ix) Willful omission to file or record or willfully impeding or obstructing a filing or
14 recording, or inducing another person to omit to file or record medical or other reports as required
15 by law;
- 16 (x) Agreeing with clinical or bioanalytical laboratories to accept payments from these
17 laboratories for individual tests or test series for patients;
- 18 (xi) Practicing with an unlicensed physician or physician assistant or aiding or abetting
19 these unlicensed persons in the practice of medicine;
- 20 (xii) Offering, undertaking or agreeing to cure or treat a disease by a secret method,
21 procedure, treatment or medicine;
- 22 (xiii) Professional or mental incompetence;
- 23 (xiv) Surrender, revocation, suspension, limitation of privilege based on quality of care
24 provided, or any other disciplinary action against a license or authorization to practice in another
25 state or jurisdiction; or surrender, revocation, suspension, or any other disciplinary action relating
26 to membership on any medical staff or in any medical professional association, or society while
27 under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to
28 acts or conduct which would constitute grounds for action as stated in this chapter;
- 29 (xv) Any adverse judgment, settlement, or award arising from a medical liability claim
30 related to acts or conduct, which would constitute grounds for action as stated in this chapter;
- 31 (xvi) Failure to furnish the board, the administrator, investigator or representatives,
32 information legally requested by the board;
- 33 (xvii) Violation of any provisions of this chapter or the rules and regulations
34 promulgated by the director or an action, stipulation, or agreement of the board;

- 1 (xviii) Cheating or attempting to subvert the certifying examination;
- 2 (xix) Violating any state or federal law or regulation relating to controlled substances;
- 3 (xx) Medical malpractice;
- 4 (xxi) Sexual contact between a physician assistant and patient during the existence of the
- 5 physician assistant/patient relationship;
- 6 (xxii) Providing services to a person who is making a claim as a result of a personal
- 7 injury, who charges or collects from the person any amount in excess of the reimbursement to the
- 8 physician assistant by the insurer as a condition of providing or continuing to provide services or
- 9 treatment.

10 **5-54-7. Board of licensure -- Powers and duties.** -- (a) The board shall administer,

11 coordinate, and enforce the provisions of this chapter, ~~approve programs for the training of~~

12 ~~physician assistants~~, evaluate the qualifications of applicants, supervise any examination of

13 applicants deemed necessary, recommend to the director the commencement of disciplinary

14 hearings in accordance with chapter 35 of title 42 and the provisions of this chapter, and

15 investigate persons engaging in practices which violate the provisions of this chapter. This

16 authority shall specifically encompass practicing physician assistants, supervisory physicians, and

17 those health care agencies employing physician assistants. The board shall investigate all persons

18 and agencies engaging in practices which violate the provisions in this chapter.

19 (b) The board shall conduct hearings of a non-disciplinary nature and shall keep the

20 records and minutes that are necessary to an orderly dispatch of business.

21 (c) The board, with the approval of the director of the department of health, shall adopt

22 rules and regulations necessary to carry into effect the provisions of this chapter and may amend

23 or repeal them.

24 (d) Regular meetings of the board shall be held at any time and places that the board

25 prescribes and special meetings shall be held upon the call of the chairperson; provided, that at

26 least one regular meeting is held each year.

27 (e) The conferral or enumeration of specific powers in this chapter shall not be construed

28 as a limitation of the general powers conferred by this section.

29 (f) The board shall recommend to the director for registration those persons meeting the

30 criteria stated by this chapter.

31 (g) The board shall recommend to the director the revocation or suspension of the

32 registration of any physician assistant who does not conform to the requirements of this chapter

33 or regulations adopted under this chapter.

34 (h) In accordance with its authority under subsection (a) of this section the board shall

1 make recommendations to the director for discipline of supervising physicians and employing
2 health care agencies found wanting in their use of physician assistants.

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

4 SECTION 2. This act shall take effect upon passage.

=====
LC01094
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO BUSINESSES AND PROFESSIONS - PHYSICIAN ASSISTANTS

- 1 This act would remove the powers of the department of health board of licensure to
- 2 approve programs for the training of physician assistants.
- 3 This act would take effect upon passage.

=====
LC01094
=====