

2014 -- H 7948

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LC005178
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

Introduced By: Representatives Kazarian, Blazejewski, Naughton, Melo, and Amore

Date Introduced: March 19, 2014

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 5-37 of the General Laws entitled "Board of Medical Licensure and
2 Discipline" is hereby amended by adding thereto the following section:

3 **5-37-33. Prescription for birth control pills - Mandatory testing.** – [Any licensed](#)
4 [physician providing samples of and/or prescribing birth control pills to any patient eighteen \(18\)](#)
5 [years of age or older must perform the appropriate testing, including, but not limited to, an APC](#)
6 [assay to determine whether the patient has the condition known as factor five \(v\) Leiden before](#)
7 [the physician provides the samples and/or issues a prescription slip to the patient for filling at any](#)
8 [pharmacy and noting the results of the testing thereon.](#)

9 SECTION 2. Section 5-54-8 of the General Laws in Chapter 5-54 entitled "Physician
10 Assistants" is hereby amended to read as follows:

11 **5-54-8. Permitted health care practices by physician assistants.** -- (a) Physician
12 assistants shall practice with physician supervision and shall be considered the agents of their
13 supervising physicians in the performance of all practice-related activities. Whenever any
14 provision of general or public law, or regulation, requires a signature, certification, stamp,
15 verification, affidavit or endorsement by a physician, it shall be deemed to include a signature,
16 certification, stamp, verification, affidavit or endorsement by a physician assistant; provided,
17 however, that nothing in this section shall be construed to expand the scope of practice of
18 physician assistants. Physician assistants may perform those duties and responsibilities consistent

1 with the limitations of this section, including prescribing of drugs and medical devices, which are
2 delegated by their supervising physician(s). Physician assistants may request, receive, sign for
3 and distribute professional samples of drugs and medical devices to patients only within the
4 limitations of this section. Notwithstanding any other provisions of law, a physician assistant may
5 perform health care services when those services are rendered under the supervision of a licensed
6 physician.

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

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

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

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

29 (f) Any licensed physician assistant providing samples of and/or prescribing birth control
30 pills to any patient eighteen (18) years of age or older must perform the appropriate testing,
31 including, but not limited to, an APC assay to determine whether the patient has the condition
32 known as factor five (v) Leiden before the physician provides the samples and/or issues a
33 prescription slip to the patient for filling at any pharmacy and noting the results of the testing
34 thereon.

1 SECTION 3. Section 5-19.1-19 of the General Laws in Chapter 5-19.1 entitled
2 "Pharmacies" is hereby amended to read as follows:

3 **5-19.1-19. Pharmacists -- Substitution of drugs.** – (a) Pharmacists when dispensing a
4 prescription shall, unless requested otherwise by the individual presenting the prescription in
5 writing, substitute drugs containing all the same active chemical ingredients of the same strength,
6 quantity, and dosage form as the drug requested by the prescriber from approved prescription
7 drug products in accordance with the provisions of section 21-31-16, unless ordered by the
8 prescribing physician to dispense as brand name necessary on the prescription form, or if the
9 prescriber gives oral direction to that effect to the dispensing pharmacist. The requirements of this
10 section shall not apply to an order to dispense a drug for immediate administration to a licensed
11 hospital, nursing facility or hospice facility in-patient. The pharmacist will make a product
12 selection from approved prescription drug products and shall pass the savings on to the ultimate
13 consumer. When a drug product selection is made, the pharmacist shall indicate the product
14 dispensed on the written prescription or on the oral prescription, which has been reduced to
15 writing, or product information may be maintained on a computerized system if information is
16 readily retrievable.

17 (b) Any licensed pharmacist under this chapter shall not dispense birth control pills to any
18 customer eighteen (18) years of age or older unless the customer presents a prescription from a
19 licensed physician and/or physician assistant for same with a notation thereon that the customer
20 has received testing to detect factor five (v) Leiden and the results of same.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require that licensed physicians and/or physician assistants perform
2 testing to determine if a patient has a condition known as factor five (v) Lieden before providing
3 samples of and/or a prescription for birth control pills with a notation as to the test results. This
4 act would further prevent licensed pharmacists from dispensing birth control pills unless the
5 prescription slip contains the results of the factor five (v) Lieden test.

6 This act would take effect upon passage.

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