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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS

Introduced By: Senators Ottiano, Pichardo, Crowley, Miller, and Cote

Date Introduced: February 12, 2015

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-54-2, 5-54-3, 5-54-5 and 5-54-8 of the General Laws in Chapter
2 5-54 entitled "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) [Deleted by P.L. 2013, ch. 320, § 1 and P.L. 2013, ch. 420, § 1].

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

3 (9) "Physician assistant" means a person who is qualified by academic and practical
4 training to ~~provide those certain patient services under~~ practice medicine with the supervision,
5 ~~control, responsibility and direction~~ of a licensed physician expert in the field of medicine in
6 which the physician assistant practices.

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

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

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

30 ~~(v)~~(iv) 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 **5-54-3. Exemptions.** -- The provisions of this chapter do not apply to services performed

11 in any of the following areas:

- 12 (1) The practice of dentistry or dental hygiene as defined in chapter 31.1 of this title.
- 13 (2) The practice of chiropractic medicine.
- 14 (3) The practice of optometry as defined in chapter 35 of this title.
- 15 (4) A physician assistant student enrolled in ~~a physician assistant or surgeon assistant~~ [an](#)
- 16 [approved](#) educational program while performing duties in conjunction with a formal training
- 17 program clinical rotation under the auspices of a recognized degree granting institution.
- 18 (5) Technicians, or other assistants or employees of physicians who perform delegated
- 19 tasks in the office of a physician but who are not rendering services as physician assistant or
- 20 identifying themselves as a physician assistant.

21 **5-54-5. Board of licensure.** -- (a) The director of the department of health, with the

22 approval of the governor, shall appoint a board consisting of ~~seven (7)~~ [nine \(9\)](#) persons, residents

23 of the state, to constitute a board of licensure for physician assistants with the duties, powers, and

24 authority as stated in this chapter, and that board shall be composed of the following:

- 25 (1) Two (2) members shall be licensed physicians under the provisions of chapter 37 of
- 26 this title who have been actively engaged in the practice of medicine;
- 27 (2) One member is a chief executive officer of a health care facility located and licensed
- 28 in the state or his or her designee who is not licensed in any health care profession;
- 29 (3) Two (2) members who are representatives of the general public not employed in any
- 30 health-related field; and
- 31 (4) ~~Two (2)~~ [Four \(4\)](#) members shall be [licensed](#) physician assistants.

32 (b) Members shall be appointed for terms of three (3) years each with no member

33 serving more than two (2) consecutive terms.

34 (c) In his or her initial appointment, the director shall designate the members of the

1 board of licensure for physician assistants as follows: two (2) members to serve for terms of three
2 (3) years; two (2) members to serve for a term of two (2) years; and three (3) members to serve
3 for a term of one year. Any additional appointments shall serve for one year.

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

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

8 **5-54-8. ~~Permitted health care practices by physician assistants.~~ --- Permitted medical**
9 **practices by physician assistants.** -- (a) Physician assistants shall practice with physician

10 supervision and shall be considered the agents of their supervising physicians in the performance
11 of all practice-related activities. Whenever any provision of general or public law, or regulation,
12 requires a signature, certification, stamp, verification, affidavit or endorsement by a physician, it
13 shall be deemed to include a signature, certification, stamp, verification, affidavit or endorsement
14 by a physician assistant; provided, however, that nothing in this section shall be construed to
15 expand the scope of practice of physician assistants. Physician assistants may perform those
16 duties and responsibilities consistent with the limitations of this section, including prescribing of
17 drugs and medical devices, which are delegated by their supervising physician(s). Physician
18 assistants may request, receive, sign for and distribute professional samples of drugs and medical
19 devices to patients only within the limitations of this section. Notwithstanding any other
20 provisions of law, a physician assistant may perform ~~health care~~ medical services when those
21 services are rendered under the supervision of a licensed physician.

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

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

1 ~~maintenance organization or other health care delivery organization.~~

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO BUSINESSES AND PROFESSIONS

1 This act would revise the definition and supervision standards of physician assistants,
2 amend the number and composition of the board of licensure of physician assistants, by adding
3 two additional licensed physician assistants as members, and more precisely identify the scope of
4 practice of physician assistants by providing that physician assistants may perform medical
5 services.

6 This act would take effect upon passage.

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