

Updated Sponsors

House Bill 3642

Sponsored by Representatives NATHANSON, GREENLICK; Representatives BARKER, BARNHART, BOONE, BUCKLEY, DEMBROW, DOHERTY, FREDERICK, HOLVEY, HOYLE, KOMP, KOTEK, MATTHEWS, NOLAN, ROBLAN, STIEGLER, TOMEI, VANORMAN, WITT (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows supervising physician organization to collectively supervise physician assistant. Defines "supervising physician organization."

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to physician assistants; amending ORS 409.565, 677.495, 677.500, 677.510, 677.515, 677.518,
3 677.535, 677.545 and 743A.044; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 677.495 is amended to read:

6 677.495. As used in ORS 677.495 to 677.545, unless the context requires otherwise:

7 (1) "Agent" means a physician designated by the supervising physician of a physician assistant
8 who supervises the medical services of the physician assistant for a predetermined period of time.

9 (2) "Committee" means the Physician Assistant Committee created in ORS 677.540.

10 (3) "Physician assistant" means a person who is licensed in accordance with ORS 677.505 to
11 677.525.

12 (4) **"Supervising physician" means a physician licensed to practice medicine under this**
13 **chapter who supervises a physician assistant.**

14 (5) **"Supervising physician organization" means a group of supervising physicians that**
15 **collectively supervises a physician assistant.**

16 [(4)] (6) "Supervision" means the routine direction and regular review by the supervising phy-
17 sician **or supervising physician organization**, as determined to be appropriate by the Oregon
18 Medical Board, of the medical services provided by the physician assistant. [*The practice description*
19 *shall provide for the maintenance of direct, verbal communication either in person or by means de-*
20 *scribed in ORS 677.515 (4)(a) but the description shall not require the physical presence at all times*
21 *of the supervising physician.*]

22 **SECTION 2.** ORS 677.500 is amended to read:

23 677.500. It is the intent of the Legislative Assembly in requiring the licensure of physician as-
24 sistants that there be reasonable utilization of the physician assistant by the supervising physician
25 **or supervising physician organization.**

26 **SECTION 3.** ORS 677.510 is amended to read:

27 677.510. (1) A person licensed to practice medicine under this chapter shall not use the services
28 of a physician assistant without the prior approval of the Oregon Medical Board.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **(2) A supervising physician or a supervising physician organization may apply to the**
 2 **board to use the services of a physician assistant.** The application shall:

3 **(a)** State the name of the physician assistant[,];

4 **(b)** Describe the manner and extent to which the physician assistant’s services would be used
 5 and supervised[,];

6 **(c) Include a practice description that provides for the maintenance of direct, verbal**
 7 **communication between the physician assistant and one or more supervising physicians ei-**
 8 **ther in person or by means described in ORS 677.515 (4);**

9 **(d)** State the education, training and experience of the physician assistant; and

10 **(e)** Provide such other information in such a form as the board may require.

11 **[(2)] (3)** The board may approve or reject an application, or it may modify the proposed use of
 12 the services of the physician assistant and approve the application as modified. **The board may not**
 13 **require that a supervising physician be physically present at all times.**

14 **(4)** When it appears to the board that the services of a physician assistant are being used in a
 15 manner inconsistent with the approval granted, the board may withdraw its approval. If a hearing
 16 is requested by the **supervising physician, the supervising physician organization** or the physi-
 17 cian assistant upon the rejection of an application[,], or upon the withdrawal of an approval, a
 18 hearing shall be conducted in accordance with ORS 677.200.

19 **[(3)(a)] (5) [The] A** supervising physician may have a different specialty from the physician as-
 20 sistant.

21 **(6) A supervising physician organization may supervise any number of physician assist-**
 22 **ants. The board may not adopt rules limiting the number of physician assistants that a**
 23 **supervising physician organization may supervise.**

24 **(7) If a physician assistant is not supervised by a supervising physician organization, the**
 25 **[A] physician assistant may be supervised by no more than four supervising physicians. A super-**
 26 **vising physician who is not acting as part of a supervising physician organization may super-**
 27 **vising four physician assistants. A supervising physician who is not acting as part of a supervising**
 28 **physician organization may designate a physician to serve as the agent of the supervising physi-**
 29 **cian for a predetermined period of time.**

30 **[(b)] (8)** The board may review and approve applications from physicians serving federally des-
 31 ignated underserved populations, or physicians in federally designated health professional shortage
 32 areas, federally designated medically underserved areas or areas designated as medically disadvan-
 33 taged and in need of primary health care providers by the Director of the Oregon Health Authority
 34 or the Office of Rural Health to supervise more than four physician assistants, and applications from
 35 physician assistants to be supervised by more than four physicians. A physician assistant may render
 36 services in an emergency room and other hospital settings, a nursing home, a corrections institution
 37 and any site included in the practice description.

38 **[(4)] (9)** A licensed physician assistant may make application to the board for emergency drug
 39 dispensing authority. The board shall consider the criteria adopted by the Physician Assistant
 40 Committee under ORS 677.545 (4) in reviewing the application. Such emergency dispensing shall be
 41 of drugs prepared or prepackaged by a licensed pharmacist, manufacturing drug outlet or wholesale
 42 drug outlet authorized to do so under ORS chapter 689.

43 **[(5)] (10)** A physician assistant for whom an application under *[subsection (1) of]* this section has
 44 been approved by the board on or after January 2, 2006, shall submit to the board, within 24 months
 45 after the approval, documentation of completion of:

1 (a) A pain management education program approved by the board and developed in conjunction
2 with the Pain Management Commission established under ORS 409.500; or

3 (b) An equivalent pain management education program, as determined by the board.

4 **SECTION 4.** ORS 677.515 is amended to read:

5 677.515. (1) This chapter does not prohibit a person from rendering medical services:

6 (a) If the person has satisfactorily completed an educational program for physician assistants[,]
7 approved by the Oregon Medical Board[, *for physician assistants*];

8 (b) If the services are rendered under the supervision and control of a [*person licensed under this*
9 *chapter to practice medicine*] **supervising physician or supervising physician organization** and the
10 use of the physician assistant's services has been approved by the board as provided by ORS 677.510;
11 and

12 (c) If the person is licensed as a physician assistant as provided by ORS 677.495 and 677.505 to
13 677.525.

14 (2) This chapter does not prohibit a student enrolled in an approved program for educating
15 physician assistants from rendering medical services if the services are rendered in the course of
16 the program.

17 (3) Notwithstanding subsections (1) and (2) of this section, the degree of independent judgment
18 that a physician assistant may exercise shall be determined by the supervising physician, **or**
19 **supervising physician organization**, and the physician assistant in accordance with a practice
20 description approved by the board.

21 (4) A physician assistant may provide medical services to patients in a setting where a super-
22 vising physician does not regularly practice if the following conditions exist:

23 (a) Direct communication **between the physician assistant and one or more supervising**
24 **physicians** either in person or by telephone, radio, radiotelephone, television or similar means is
25 maintained; and

26 (b) The medical services provided by the physician assistant are reviewed by a supervising
27 physician **or supervising physician organization** on a regularly scheduled basis as determined by
28 the board.

29 (5) A supervising physician, upon the approval of the board and in accordance with the rules
30 established by the board, may delegate to the physician assistant the authority to administer and
31 dispense limited emergency medications and to prescribe medications pursuant to this section and
32 ORS 677.535 to 677.545. Neither the board nor the Physician Assistant Committee shall limit the
33 privilege of administering, dispensing and prescribing to population groups federally designated as
34 underserved, or to geographic areas of the state that are federally designated health professional
35 shortage areas, federally designated medically underserved areas or areas designated as medically
36 disadvantaged and in need of primary health care providers by the Director of the Oregon Health
37 Authority or the Office of Rural Health. All prescriptions written pursuant to this subsection shall
38 bear the name, office address and telephone number of the supervising physician.

39 (6) Nothing in this chapter is intended to require or prohibit a physician assistant from prac-
40 ticing in a hospital licensed pursuant to ORS 441.015 to 441.089.

41 (7) Prescriptions for medications prescribed by a physician assistant in accordance with this
42 section and ORS 475.005, 677.010, 677.500, 677.510 and 677.535 to 677.545 and dispensed by a licensed
43 pharmacist may be filled by the pharmacist according to the terms of the prescription, and the filling
44 of such a prescription shall not constitute evidence of negligence on the part of the pharmacist if
45 the prescription was dispensed within the reasonable and prudent practice of pharmacy.

1 **SECTION 5.** ORS 677.518 is amended to read:

2 677.518. A physician assistant, practicing under the supervision of a [*person licensed to practice*
3 *medicine under this chapter*] **supervising physician or a supervising physician organization**, is
4 authorized to complete and sign death certificates. Death certificates signed by a physician assistant
5 shall be accepted as fulfilling all of the laws dealing with death certificates. A physician assistant
6 who signs a death certificate must comply with all provisions of ORS 432.307.

7 **SECTION 6.** ORS 677.535 is amended to read:

8 677.535. The Oregon Medical Board may grant a limited license to a physician assistant if:

9 (1) The applicant meets the qualifications of the board, the application file is complete and no
10 derogatory information has been submitted but board approval is pending; or

11 (2) The physician assistant is changing employment or **changing supervising physicians or**
12 **supervising physician organizations.**

13 **SECTION 7.** ORS 677.545 is amended to read:

14 677.545. The Physician Assistant Committee shall:

15 (1) Review all applications for physician assistants' licensure and for renewal thereof.

16 (2) Review applications of physician assistants for dispensing privileges.

17 (3) Recommend approval or disapproval of applications submitted under subsection (1) or (2) of
18 this section to the Oregon Medical Board.

19 (4) Recommend criteria to be used in granting dispensing privileges under ORS 677.515.

20 (5) Recommend the formulary for prescriptive privileges that may include all or parts of Sched-
21 ules II, III, IV and V controlled substances and the procedures for physician assistants [*and*],
22 supervising physicians **and supervising physician organizations** to follow in exercising the
23 prescriptive privileges.

24 (6) Recommend the approval, disapproval or modification of the application for prescriptive
25 privileges for any physician assistant. An application for Schedule II controlled substances
26 prescriptive privileges must be submitted to the Oregon Medical Board by the physician assistant's
27 supervising physician **or supervising physician organization** and must be accompanied by the
28 practice description of the physician assistant. The Schedule II controlled substances prescriptive
29 privileges of a physician assistant shall be limited by the practice description approved by the board
30 and may be restricted further by the supervising physician **or supervising physician organization**
31 at any time. The supervising physician **or supervising physician organization** shall notify the
32 physician assistant and the board of any additional restrictions imposed by the supervising physician
33 **or supervising physician organization**, and the practice description on file with the board shall
34 be amended to reflect the additional restrictions imposed. To be eligible for Schedule II controlled
35 substances prescriptive privileges, a physician assistant must be certified by the National Commis-
36 sion on Certification of Physician Assistants and must complete all required continuing medical ed-
37 ucation coursework.

38 **SECTION 8.** ORS 409.565 is amended to read:

39 409.565. A person required to complete one pain management education program established
40 under ORS 409.510 shall complete the program:

41 (1) Within 24 months of January 2, 2006;

42 (2) Within 24 months of the first renewal of the person's license after January 2, 2006; or

43 (3) For a physician assistant for whom an application under ORS 677.510 [(1)] has been approved
44 before January 2, 2006, within 24 months after January 2, 2006.

45 **SECTION 9.** ORS 743A.044 is amended to read:

1 743A.044. (1) An insurer may not refuse a claim solely on the ground that the claim was sub-
2 mitted by a physician assistant rather than by [*the*] a supervising physician for the physician as-
3 sistant.

4 (2) This section is exempt from ORS 743A.001.

5 **SECTION 10. This 2010 Act being necessary for the immediate preservation of the public**
6 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**
7 **on its passage.**

8
