

Sample Executive Order Language Waiving Statutory Physician Supervision Requirements During a Declared Public Health Emergency or Disaster

Below is sample language waiving statutory supervision requirements during a public health emergency or disaster and allowing a physician assistant (PA) to provide medical treatment, without physician supervision, to patients within the affected areas of the state, provided that the treatment is within the scope of the PA's education, training and experience.

Waiver of Requirements Contained in the State's Physician Assistant (PA) Practice Act Related to Physician Supervision of PAs

Provision of medical care:

A physician assistant (PA) licensed in this state [U.S. territory or jurisdiction], or licensed or authorized to practice in any other U.S. jurisdiction, or who is credentialed as a PA by a federal employer, who is responding to a need for medical care created by a public health emergency (defined as an emergency need for medical services to respond to a disaster, significant outbreak of an infectious disease, bioterrorist attack or other significant or catastrophic event), or a state or local disaster (defined as a sudden, calamitous event that seriously disrupts the functioning of a community or society and causes human, material, and economic or environmental losses), may render such care without physician supervision, chart review, or physician on site requirements as it is defined in state statute governing PA practice, provided that the treatment is within the scope of the PA's education, training and experience. This waiver includes, but is not limited to, the ability of PAs to order, supervise and interpret all diagnostic tests, order all medications currently allowed by state law and DEA authorization and to provide medical services via telemedicine with PAs as the distant site consultant.

Release of liability:

No PA licensed in this state [territory or jurisdiction], or licensed or authorized to practice in other states, territories or jurisdictions of the United States, or who is credentialed as a PA by a federal employer, who voluntarily and gratuitously, and other than in the ordinary course of employment or practice, renders emergency medical assistance shall be liable for civil damages for any personal injuries that result from acts or omissions by those persons in rendering emergency care, which may constitute ordinary negligence. The immunity granted by this Order [or this Section] shall not apply to acts or omissions constituting gross, willful or wanton negligence, or when the medical assistance is rendered at any hospital, physician's office or other healthcare delivery entity where those services are normally rendered.