SLS 19RS-223 ORIGINAL

2019 Regular Session

SENATE BILL NO. 166

BY SENATOR LAFLEUR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH SERVICES. Provides relative to physician assistants. (8/1/19)

1	AN ACT
2	To amend and reenact R.S. 37:1360.21(B) and (D), 1360.22(4), (5), (7), and (8),
3	1360.23(A), (C), (D) and (G), 1360.28(A), the introductory paragraph of (B), and
4	(B)(3), the introductory paragraph of 1360.29(A), (A)(2), (3) and (4), and (B),
5	1360.30(B), 1360.31(A), (B), (C)(1), (2)(a)(ii), (iii) and (iv), and (D), and 1360.32,
6	and to repeal R.S. 37:1360.23(I), relative to physician assistants, to provide for
7	collaboration between a physician assistant and physician; to provide for the
8	physician assistants professional liability; to provide for definitions; and to provide
9	for related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 37:1360.21(B) and (D), 1360.22(4), (5), (7), and (8), 1360.23(A), (C),
12	(D) and (G), 1360.28(A), the introductory paragraph of (B), and (B)(3), the introductory
13	paragraph of 1360.29(A), (A)(2), (3) and (4), and (B), 1360.30(B), 1360.31(A), (B), (C)(1),
14	(2)(a)(ii), (iii) and (iv), and (D), and 1360.32 are hereby amended and reenacted to read as
15	follows:
16	§1360.21. Legislative intent
17	* * *

1	B. Physician assistants are health care professionals qualified by academic
2	and clinical education and licensed by the Louisiana State Board of Medical
3	Examiners to provide health care services at the direction and under the supervision
4	of in collaboration with a physician or a group of physicians approved by the board
5	as a supervising physician.
6	* * *
7	D. It is the intent of this Part to encourage and permit the utilization of
8	physician assistants by physicians and assist in the development of the physician
9	assistant profession and allow for innovative developments of programs for the
10	education of physician assistants. It is also the purpose of this Part to provide for a
11	system of licensing physician assistants and regulating their relationship with
12	supervising physicians so that a high quality of service is assured.
13	§1360.22. Definitions
14	As used in this Part:
15	* * *
16	(4) "Physician" means a person who is licensed to practice medicine in this
17	state and who has been approved by the board to collaborate with a physician
18	<u>assistant</u> .
19	(5) "Physician assistant" means a health professional qualified by academic
20	and clinical education and licensed by the Louisiana State Board of Medical
21	Examiners to provide health care services at the direction and under the supervision
22	of in collaboration with a physician or a group of physicians approved by the board
23	as a supervising collaborating physician.
24	* * *
25	(7) "Supervising Collaborating physician" means a physician who has been
26	approved by the board to supervise collaborate with a physician assistant.
27	(8) "Supervision" "Collaboration" means responsible direction and control,
28	with the supervising physician assuming legal liability for the services a cooperative
29	working relationship between a physician and a physician assistant to jointly

contribute to providing patient care as rendered by the physician assistant in the course and scope of the physician assistant's employment. Such supervision collaboration shall not be construed in every case to require the physical presence of the supervising physician. However, the supervising physician and physician assistant must have the capability to be in contact with each other by either telephone or other telecommunications device. Supervision Collaboration shall exist when the supervising physician responsible for the patient gives informed concurrence of the action of a physician assistant, whether given prior to or after the action, and when a medical treatment plan or action is made in accordance with written clinical practice guidelines or protocols set forth by the supervising physician. The level and method of supervision collaboration shall be at the physician and physician assistant level, shall be documented and reviewed annually, and shall reflect the acuity of the patient care and nature of the procedure.

* * *

§1360.23. Powers and duties of the board

A. The board shall have and exercise all powers and duties previously granted to it, subject to the provisions of Title 36 of the Louisiana Revised Statutes of 1950. The powers and authority granted to the board by this Part shall be subject to the provisions of Title 36 of the Louisiana Revised Statutes of 1950, and particularly R.S. 36:259(A) and 803. Except as otherwise provided by this Part, the board shall also have the power, in consultation with the Physician Assistants Advisory Committee, to make rules and regulations pertaining to the approval and regulation of physician assistants and the approval and regulation of physicians applying to become supervising physicians collaborate with physician assistants.

* * *

C. The board shall have the authority to approve or reject an application by a licensed physician or physicians to act as a supervising physician collaborate with a physician assistant, within the bounds of this Part and rules and regulations promulgated by the board.

1	D. The board shall make and enforce orders, rules, and regulations for the
2	revocation or suspension of approval of licensure to act as a physician assistant, and
3	for the revocation and suspension of approval of supervising collaborating
4	physicians.
5	* * *
6	G. A physician, approved by the board as a supervising physician to
7	collaborate with a physician assistant, practicing in a private practice, group
8	practice, partnership, professional medical corporation, or employed by a hospital
9	or other health care organization or entity may be the primary supervising
10	collaborating physician for up to eight physician assistants. Physician assistants may
11	be employed by a group practice or partnership of physicians or a professional
12	medical corporation duly qualified under R.S. 12:901 et seq., as amended, or a
13	hospital or other health care organization or entity, as long as such physician
14	assistants are being supervised by a qualified supervising collaborating with a
15	board approved physician.
16	* * *
17	I. Notwithstanding any other provision of this Part to the contrary, any person
18	who before and on June 16, 1993, is currently practicing as a physician assistant
19	under supervision of a licensed physician shall be licensed as a physician assistant.
20	* * *
21	§1360.28. Supervision of Collaboration with physician assistants
22	A. Supervision of a Collaboration with a physician assistant shall be
23	continuous but shall not be construed as necessarily requiring the physical presence
24	of the supervising physician at the time and place that the services are rendered.
25	B. It is the obligation and responsibility of each supervising physician and
26	physician assistant to ensure:
27	* * *
28	(3) That the relationship of, and access to, the supervising physician is
29	defined.

1	
2	§1360.29. Supervising physician Physician qualifications and registration
3	A. A physician supervising collaborating with a physician assistant shall:
4	* * *
5	(2) Notify the board of his intent to supervise collaborate with a physician
6	assistant.
7	(3) Submit a statement to the board that he will exercise supervision over
8	collaborate with the physician assistant in accordance with any rules and regulations
9	adopted by the board and that he will retain professional and legal responsibility for
10	the care rendered by the physician assistant.
11	(4) Maintain a written agreement with the physician assistant in compliance
12	with R.S. 37:1360.22(8) that includes a statement that the physician shall exercise
13	supervision over collaborate with the physician assistant in accordance with this
14	Part. The agreement shall be signed by the supervising physician and physician
15	assistant, updated annually, kept on file at the practice site, and available to the board
16	upon request.
17	B. Physicians seeking to supervise collaborate with a physician assistant
18	shall be required to appear before the board upon their first application and
19	notification to the board of their intention to supervise collaborate with a physician
20	assistant when the board finds discrepancies in the physician's application or when
21	the physician is currently or has been previously subject to adverse licensure,
22	certification, or registration actions.
23	§1360.30. Notification of intent to practice
24	* * *
25	B. A physician assistant shall notify the board of any changes in or additions
26	to relative to his supervising collaborating physicians within fifteen days of the date
27	of such change or addition.
28	§1360.31. Services performed by physician assistants
29	A.(1) A physician assistant performs medical services when such services are

rendered under the supervision of a supervising in collaboration with a physician. A physician assistant may perform those duties and responsibilities that are delegated to him by his supervising physician. A physician assistant is considered to be and is deemed the agent of his supervising physician in the performance of all practice-related activities, including but not limited to assisting in surgery and the ordering and interpretation of diagnostic and other medical services. The level and method of supervision collaboration shall be at the physician and physician assistant level, shall be documented and reviewed annually, and shall reflect the acuity of the patient care and the nature of a procedure. A physician assistant shall not practice without supervision collaboration except in life-threatening emergencies and in emergency situations such as man-made and natural disaster relief efforts.

(2) A physician assistant may inject local anesthetic agents subcutaneously, including digital blocks or apply topical anesthetic agents when delegated to do so by a supervising physician. However, nothing in this Part shall otherwise permit a physician assistant to administer local anesthetics perineurally, pericurally, epidurally, intrathecally, or intravenously unless such physician assistant is a certified registered nurse anesthetist and meets the requirements in R.S. 37:930.

B. The practice of a physician assistant shall include the performance of medical services within the scope of his education, training, and experience, which are delegated by the supervising physician.

C.(1) A physician assistant may prescribe, order, and administer drugs to the extent delegated by the supervising physician except as provided pursuant to R.S. 37:930 relative to anesthetics. Drugs which may be prescribed, ordered, and administered by a physician assistant or a health care professional licensed pursuant to Chapter 12 of this Title are those listed in Schedules II, III, IV, and V of R.S. 40:964 and legend drugs, which are defined as any drug or drug product bearing on the label of the manufacturer or distributor, as required by the Food and Drug Administration, the statement "Caution: Federal law prohibits dispensing without a prescription". A physician assistant authorized to prescribe controlled substances

1 shall register with the United States Drug Enforcement Administration. 2 (2)(a)3 4 (ii) Hold an active unrestricted license issued by the Louisiana State Board of Medical Examiners. 5 (iii) Be authorized to prescribe as delegated by the supervising physician. 6 (iv) Apply for a controlled dangerous substance license from the Louisiana 7 8 Board of Pharmacy and register with the United States Drug Enforcement Agency, 9 if delegated authority to prescribe Schedule II, III, IV, or V drugs by the supervising 10 physician. 11 12 D. The activities listed above may be performed in any setting authorized by 13 the supervising physician including but not limited to clinics, hospitals, ambulatory 14 surgical centers, patient homes, nursing homes, other institutional settings, and 15 health manpower shortage areas. 16 §1360.32. Assumption of Physician assistant professional liability When a physician assistant is supervised by a physician or group practice of 17 18 physicians or a professional medical corporation or a hospital or other health care 19 organization or entity, the physician assistant shall be supervised by and be the legal 20 responsibility of the supervising physician or group practice or professional medical 21 corporation or other hospital or other health care organization or entity and the supervising physician. The legal responsibility for the physician assistant's patient 22 23 care activities, including care and treatment that is provided in health care facilities, 24 shall remain be that of the physician assistant. supervising physician, group practice 25 of physicians, or a professional medical corporation or a hospital or other health care

organization or entity.

Section 2. R.S. 37:1360.23(I) is hereby repealed.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

DIGEST 2019 Regular Session

LaFleur

SB 166 Original

<u>Present law</u> provides for the licensure and regulation of physician assistants by the Louisiana State Board of Medical Examiners (LSBME). <u>Proposed law</u> retains <u>present law</u>.

<u>Present law</u> provides that a physician assistant shall provide healthcare services at the direction and under the supervision of a LSBME approved supervising physician. <u>Proposed law</u> retains physician involvement in the delivery of health care and LSBME approval, but changes the relationship from one of supervision to one of collaboration.

<u>Present law</u> provides that the supervising physician is legally responsibility for the physician assistant's patient care activities. <u>Proposed law</u> removes professional liability from the physician and places all legal responsibility for the activities of the physician assistant on the physician assistant.

Effective August 1, 2019.

(Amends R.S. 37:1360.21(B) and (D), 1360.22(4), (5), (7), and (8), 1360.23(A), (C), (D) and (G), 1360.28(A), (B)(intro para), and (B)(3), 1360.29(A)(intro para), (A)(2), (3) and (4), and (B), 1360.30(B), 1360.31(A), (B), (C)(1), (2)(a)(ii), (iii) and (iv), and (D), and 1360.32; repeals R.S. 37:1360.23(I))