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## DIGEST

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HB 442 Original

2021 Regular Session

Bagley

**Abstract:** Amends, enacts, and repeals various laws pertaining to the licensed profession of physician assistant.

Present law creates and provides for the licensed profession of physician assistant. Provides for licensure of physician assistants by the La. State Board of Medical Examiners and for healthcare services that physician assistants are authorized to perform. Requires continuous supervision of physician assistants by supervising physicians and provides for obligations and responsibilities of such physicians. Proposed law amends, enacts, and repeals provisions throughout present law relative to physician assistants.

Proposed law revises legislative intent concerning laws relative to the physician assistant profession.

Proposed law revises the definition of physician assistant in present law to read as follows:

"Physician assistant" and "PA" mean a health professional qualified by academic and clinical education, experience, and competencies who is and licensed by the Louisiana State Board of Medical Examiners to provide healthcare services to the citizens of Louisiana, and who has passed the PA national certifying examination administered by the National Commission on Certification of Physician Assistants or its successors. A PA who has passed the requisite certifying examination may use the title "physician assistant-certified" and "PA-C".

Proposed law retains present law requiring that physician assistants be licensed by the La. State Board of Medical Examiners.

Proposed law repeals from present law all of the following:

- (1) Provisions requiring supervision of physician assistants by supervising physicians.
- (2) The defined term "supervising physician" and all provisions relating to such physicians.
- (3) Provisions authorizing the La. State Board of Medical Examiners to grant working permits to certain physician assistant applicants who have not yet taken the national certifying examination or have taken the examination and are awaiting results.

Proposed law defines "practice agreement" to mean the agreement between the practice site and the physician assistant as to the approved functions of the physician assistant.

With respect to services performed by a physician assistant, referred to hereafter as a "PA", proposed law revises present law to authorize a PA to do all of the following:

- (1) Provide healthcare services for which he is prepared by education, training, and experience and is competent to perform in accordance with his practice agreement. Proposed law provides that such services may include, without limitation, all of the following:
  - (a) Obtaining and performing a comprehensive health history and physical examination.
  - (b) Evaluating, diagnosing, managing, and providing treatment plans.
  - (c) Educating a patient on health promotion and disease prevention.
  - (d) Ordering and evaluating a diagnostic study and therapeutic procedure as authorized by his practice agreement.
  - (e) Performing therapeutic procedures as authorized by his practice agreement.
  - (f) Assisting in surgery.
  - (g) Prescribing, administering, procuring, and dispensing legend drugs and medical devices and durable medical equipment.
  - (h) Prescribing Schedule II through V drugs in accordance with registration with the federal Drug Enforcement Administration.
  - (i) Ordering, where appropriate, home health care or hospice services or treatment.
  - (j) Providing consultation upon request.
- (2) Obtain informed consent.
- (3) Order, delegate, and assign therapeutic and diagnostic measures to licensed or unlicensed personnel.
- (4) Certify the health or disability of a patient as required by any local, state, or federal program.
- (5) Request, receive, and sign for a professional sample, and distribute a professional sample to a patient.
- (6) Be reimbursed directly for healthcare services provided.
- (7) Provide healthcare services as a volunteer for a charitable organization or at a public or private event, including a religious event, youth camp, community event, or similar event if all of the following conditions apply:

- (a) He receives no compensation for such services.
  - (b) He provides healthcare services in a manner that is consistent with his education, training, experience, and competence.
- (8) Provide healthcare services in emergency situations, including man-made and natural disaster relief efforts, or as appropriate during declarations of emergency by local, state, or federal officials.

With respect to professional liability, proposed law revises present law to stipulate that the legal responsibility for patient care activities of a PA, including care and treatment provided in healthcare facilities, shall be that of the PA.

Proposed law stipulates that a managed care organization with which the PA is a network provider shall not require a clinical supervisory relationship between a PA and another healthcare provider.

Proposed law provides that a PA may practice at any of the following locations and settings:

- (1) Any healthcare organization.
- (2) Any healthcare facility with a credentialing and privileging system.
- (3) Any private or group health care practice.
- (4) Any professional medical corporation.
- (5) Any healthcare facility or practice not included in (1) through (4) above which is approved by the board.

Proposed law requires that a practice agreement, as defined in proposed law, be created for each practicing PA based on his documented education, training, experiences, and demonstrated ability to perform. Provides that delineations of privileges are to be approved by the practice site and are intended to ensure patient safety and promote quality of care.

With respect to PA scope of practice, proposed law revises present law to provide that the scope of a PA's practice shall be defined by the practice agreement, which agreement shall conform to all of the following requirements:

- (1) The practice agreement shall be determined at the practice site and may include decisions made by the employer, group, hospital service, and the credentialing and privileging systems of a licensed facility.
- (2) The practice agreement shall be reviewed and updated annually.
- (3) The practice agreement shall be readily available for inspection by the La. State Board of

Medical Examiners.

Proposed law requires that a PA consult with, or refer to, the appropriate member of the healthcare team:

- (1) As indicated by the condition of the patient and protocols of the practice site.
- (2) Based on the education, training, experience, and competencies of the PA.
- (3) The applicable standard of care.

Proposed law makes technical changes in present law as necessary to conform with proposed law.

(Amends R.S. 17:500(B)(1), 1201(A)(2), and 1206(A)(1) and R.S. 37:1360.21, 1360.22(1), (3), and (5), 1360.23(A), (B), and (D), 1360.24(A)(intro. para.) and (3)-(5) and (B), 1360.26, 1360.27(A)(intro. para.) and (B), 1360.30, 1360.32, 1360.33(intro. para.), (5), and (6), 1360.34(intro. para.), (4), and (5), 1360.35, 1360.36, 1360.37(C), and 1360.38; Adds R.S. 37:1360.22(10) and 1360.31.1; Repeals R.S. 37:1360.22(6)-(9), 1360.23(C), (F), (G), and (I), 1360.24(C) and (D), 1360.28, 1360.29, and 1360.31)