

HOUSE BILL NO. 1764

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions

on _____)

(Patron Prior to Substitute--Delegate Head)

A BILL to amend and reenact §§ 54.1-2951.1, 54.1-2952, 54.1-2952.1, and 54.1-2953 of the Code of Virginia, relating to physician assistants; practice agreement exemption; elimination of practice ratio for physicians and physician assistants.

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2951.1, 54.1-2952, 54.1-2952.1, and 54.1-2953 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2951.1. Requirements for licensure and practice as a physician assistant; licensure by endorsement.

A. The Board shall promulgate regulations establishing requirements for licensure as a physician assistant that shall include the following:

1. Successful completion of a physician assistant program or surgical physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant;

2. Passage of the certifying examination administered by the National Commission on Certification of Physician Assistants; and

3. Documentation that the applicant for licensure has not had his license or certification as a physician assistant suspended or revoked and is not the subject of any disciplinary proceedings in another jurisdiction.

B. The Board may issue a license by endorsement to an applicant for licensure as a physician assistant if the applicant (i) is the spouse of an active duty member of the Armed Forces of the United States or the Commonwealth, (ii) holds current certification from the National Commission on

26 Certification of Physician Assistants, and (iii) holds a license as a physician assistant that is in good
27 standing, or that is eligible for reinstatement if lapsed, under the laws of another state.

28 ~~C. Every~~ Except as provided in subsection E, every physician assistant shall practice as part of a
29 patient care team and shall provide care in accordance with a written or electronic practice agreement with
30 one or more patient care team physicians or patient care team podiatrists.

31 A practice agreement shall include acts pursuant to § 54.1-2952, provisions for the periodic review
32 of patient charts or electronic health records, guidelines for collaboration and consultation among the
33 parties to the agreement and the patient, periodic joint evaluation of the services delivered, and provisions
34 for appropriate physician input in complex clinical cases, in patient emergencies, and for referrals.

35 A practice agreement may include provisions for periodic site visits by a patient care team
36 physician or patient care team podiatrist who is part of the patient care team at a location other than where
37 the licensee regularly practices. Such visits shall be in the manner and at the frequency as determined by
38 the patient care team physician or patient care team podiatrist who is part of the patient care team.

39 ~~D. Evidence~~ Except as provided in subsection E, evidence of a practice agreement shall be
40 maintained by the physician assistant and provided to the Board upon request. The practice agreement
41 may be maintained in writing or electronically and may be a part of credentialing documents, practice
42 protocols, or procedures.

43 E. Physician assistants practicing in (i) a hospital as defined in § 32.1-123, (ii) a state facility as
44 defined in § 37.2-100 operated by the Department of Behavioral Health and Developmental Services, or
45 (iii) a federally qualified health center designated by the Centers for Medicare and Medicaid Services may
46 practice without a separate practice agreement if the credentialing and privileging requirements of the
47 applicable facility include a practice arrangement that incorporates the components of a practice
48 agreement set forth in the provisions of subsection C and the patient care team requirements of § 54.1-
49 2952. Such physician assistants shall continue to practice as part of a patient care team in collaboration
50 and consultation with patient care team physicians or patient care team podiatrists.

51 **§ 54.1-2952. Role of patient care team physician or patient care team podiatrist on patient**
52 **care teams; services that may be performed by physician assistants; responsibility of licensee;**
53 **employment of physician assistants.**

54 A. A patient care team physician or patient care team podiatrist licensed under this chapter may
55 serve on a patient care team with physician assistants and shall provide collaboration and consultation to
56 such physician assistants. No patient care team physician or patient care team podiatrist shall be allowed
57 to collaborate or consult with more than six physician assistants on a patient care team at any one time.

58 Service as part of a patient care team by a patient care team physician or patient care team podiatrist
59 shall not, by the existence of such service alone, establish or create vicarious liability for the actions or
60 inactions of other team members.

61 B. Physician assistants may practice medicine to the extent and in the manner authorized by the
62 Board. A patient care team physician or patient care team podiatrist shall be available at all times to
63 collaborate and consult with physician assistants. Each patient care team shall identify the relevant
64 physician assistant's scope of practice and an evaluation process for the physician assistant's performance.

65 C. Physician assistants appointed as medical examiners pursuant to § 32.1-282 may practice
66 without a written or electronic practice agreement.

67 D. Any professional corporation or partnership of any licensee, any hospital and any commercial
68 enterprise having medical facilities for its employees that are supervised by one or more physicians or
69 podiatrists may employ one or more physician assistants in accordance with the provisions of this section.

70 Activities shall be performed in a manner consistent with sound medical practice and the protection
71 of the health and safety of the patient. Such activities shall be set forth in a practice agreement or by the
72 credentialing and privileging practice arrangement requirements of a facility described in subsection E of
73 § 54.1-2951.1 and may include health care services that are educational, diagnostic, therapeutic, or
74 preventive, including establishing a diagnosis, providing treatment, and performing procedures.
75 Prescribing or dispensing of drugs may be permitted as provided in § 54.1-2952.1. In addition, a physician
76 assistant may perform initial and ongoing evaluation and treatment of any patient in a hospital, including
77 its emergency department, in accordance with the practice agreement or the credentialing and privileging

78 practice arrangement requirements of a facility described in subsection E of § 54.1-2951.1, including tasks
79 performed, relating to the provision of medical care in an emergency department.

80 A patient care team physician or the on-duty emergency department physician shall be available
81 at all times for collaboration and consultation with both the physician assistant and the emergency
82 department physician. No person shall have responsibility for any physician assistant who is not employed
83 by the person or the person's business entity.

84 E. No physician assistant shall perform any acts beyond those set forth in the practice agreement
85 or authorized as part of the patient care team. No physician assistant practicing in a hospital shall render
86 care to a patient unless the physician responsible for that patient is available for collaboration or
87 consultation, pursuant to regulations of the Board.

88 F. Notwithstanding the provisions of § 54.1-2956.8:1, a licensed physician assistant who (i) is
89 working in the field of radiology or orthopedics as part of a patient care team, (ii) has been trained in the
90 proper use of equipment for the purpose of performing radiologic technology procedures consistent with
91 Board regulations, and (iii) has successfully completed the exam administered by the American Registry
92 of Radiologic Technologists for physician assistants for the purpose of performing radiologic technology
93 procedures may use fluoroscopy for guidance of diagnostic and therapeutic procedures.

94 **§ 54.1-2952.1. Prescription of certain controlled substances and devices by licensed physician**
95 **assistants.**

96 A. In accordance with the provisions of this section and pursuant to the requirements of Chapter
97 33 (§ 54.1-3300 et seq.), a licensed physician assistant shall have the authority to prescribe controlled
98 substances and devices as set forth in Chapter 34 (§ 54.1-3400 et seq.) and as provided in a practice
99 agreement or by the credentialing and privileging practice arrangement requirements of a facility
100 described in subsection E of § 54.1-2951.1. Such practice agreements shall include a statement of the
101 controlled substances the physician assistant is or is not authorized to prescribe and may restrict such
102 prescriptive authority as deemed appropriate by the patient care team physician or patient care team
103 podiatrist.

104 B. It ~~shall be~~ is unlawful for the physician assistant to prescribe controlled substances or devices
105 pursuant to this section unless such prescription is authorized by the practice agreement or by the
106 credentialing and privileging practice arrangement requirements of a facility described in subsection E of
107 § 54.1-2951.1 and the requirements in this section.

108 C. The Board of Medicine, in consultation with the Board of Pharmacy, shall promulgate such
109 regulations governing the prescriptive authority of physician assistants as are deemed reasonable and
110 necessary to ensure an appropriate standard of care for patients.

111 The regulations promulgated pursuant to this section shall include, at a minimum, (i) such
112 requirements as may be necessary to ensure continued physician assistant competency, which may include
113 continuing education, testing, and any other requirement and shall address the need to promote ethical
114 practice, an appropriate standard of care, patient safety, the use of new pharmaceuticals, and appropriate
115 communication with patients, and (ii) a requirement that the physician assistant disclose to his patients his
116 name, address, and telephone number and that he is a physician assistant. If a patient or his representative
117 requests to speak with the patient care team physician or patient care team podiatrist, the physician
118 assistant shall arrange for communication between the parties or provide the necessary information.

119 D. This section shall not prohibit a licensed physician assistant from administering controlled
120 substances in compliance with the definition of "administer" in § 54.1-3401 or from receiving and
121 dispensing manufacturers' professional samples of controlled substances in compliance with the
122 provisions of this section.

123 **§ 54.1-2953. Renewal, revocation, suspension, and refusal.**

124 The Board may revoke, suspend, or refuse to renew a license to practice as a physician assistant
125 for any of the following:

- 126 1. Any action by a physician assistant constituting unprofessional conduct pursuant to § 54.1-2915;
- 127 2. Practice by a physician assistant other than as part of a patient care team, including practice
128 without entering into a practice agreement with one or more patient care team physicians or patient care
129 team podiatrists, except as provided in subsection E of § 54.1-2951.1;

