

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1915

By: David and Kidd of the
Senate

3

and

4

Pfeiffer and Brewer of the
House

5

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7

8

[physician assistants - collaborative practice -
certain fee - primary care provider under certain
9 condition - certain emergency care - liability
protection - codification - effective date]

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12 AUTHOR: Add the following Senate Coauthor: Bergstrom

13 AMENDMENT NO. 1. Delete the stricken title, enacting clause and
entire bill and replace with:

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"An Act relating to professions and occupations;
amending 59 O.S. 2011, Sections 519.2, as amended by
16 Section 1, Chapter 163, O.S.L. 2015, 519.6, as
amended by Section 3, Chapter 163, O.S.L. 2015,
17 519.7, 519.8, as amended by Section 7, Chapter 428,
O.S.L. 2019, and 519.11, as amended by Section 5,
18 Chapter 163, O.S.L. 2015 (59 O.S. Supp. 2019,
Sections 519.2, 519.6, 519.8 and 519.11), which
19 relate to physician assistants; modifying
definitions; modifying provisions related to services
20 by physician assistants; requiring filing of certain
agreements with State Board of Medical Licensure and
21 Supervision; providing for multiple practice
agreements; requiring good standing; imposing duties
22 on State Board of Medical Licensure and Supervision;
prescribing report and contents thereof; modifying
23 provisions related to administrative rules; providing
for status of physician assistants; prescribing
24 requirements related to payment for services;

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1 prescribing requirements related to medical billing;
2 prohibiting certain practices or requirements by
3 insurance company or third-party payer; authorizing
4 rendition of certain medical care; providing for
5 immunity for certain liability; providing exception;
6 providing for construction of Physician Assistants
7 Act; and providing for codification.

8 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

9 SECTION 1. AMENDATORY 59 O.S. 2011, Section 519.2, as
10 amended by Section 1, Chapter 163, O.S.L. 2015 (59 O.S. Supp. 2019,
11 Section 519.2), is amended to read as follows:

12 Section 519.2 As used in the Physician Assistant Act:

13 1. "Board" means the State Board of Medical Licensure and
14 Supervision;

15 2. "Committee" means the Physician Assistant Committee;

16 3. "Practice of medicine" means services which require training
17 in the diagnosis, treatment and prevention of disease, including the
18 use and administration of drugs, and which are performed by
19 physician assistants so long as such services are within the
20 physician assistants' skill, form a component of the physician's
21 scope of practice, and are provided with physician supervision,
22 including authenticating ~~with the~~ by signature any form that may be
23 authenticated by the ~~supervising~~ delegating physician's signature
24 with prior delegation by the physician.

1 ~~Nothing in the Physician Assistant Act shall be construed to permit~~
2 ~~physician assistants to provide health care services independent of~~
3 ~~physician supervision;~~

4 4. "Patient care setting" means and includes, but is not
5 limited to, a physician's office, clinic, hospital, nursing home,
6 extended care facility, patient's home, ambulatory surgical center,
7 hospice facility or any other setting authorized by the ~~supervising~~
8 delegating physician;

9 5. "Physician assistant" means a health care professional,
10 qualified by academic and clinical education and licensed by the
11 State Board of Medical Licensure and Supervision, to practice
12 medicine with physician supervision;

13 6. "~~Supervising~~ Delegating physician" means an individual
14 holding a license in good standing as a physician from the State
15 Board of Medical Licensure and Supervision or the State Board of
16 Osteopathic Examiners, who supervises physician assistants and
17 delegates decision making pursuant to the practice agreement;

18 7. "Supervision" means overseeing or delegating the activities
19 ~~of, and accepting responsibility for,~~ the medical services rendered
20 by a physician assistant through a practice agreement between a
21 medical doctor or osteopathic physician performing procedures or
22 directly or indirectly involved with the treatment of a patient, and
23 the physician assistant working jointly toward a common goal of
24 providing services. Delegation shall be defined by the practice

1 agreement. The ~~constant~~ physical presence of the ~~supervising~~
2 delegating physician is not required as long as the ~~supervising~~
3 delegating physician and physician assistant are or can be easily in
4 contact with each other by telecommunication. At all times a
5 physician assistant shall be considered an agent of the delegating
6 physician;

7 8. "Telecommunication" means the use of electronic technologies
8 to transmit words, sounds or images for interpersonal communication,
9 clinical care (telemedicine) and review of electronic health
10 records; and

11 9. ~~"Application to practice" means a written description that~~
12 ~~defines the scope of practice and the terms of supervision of a~~
13 ~~physician assistant in a medical practice~~ "Practice agreement" means
14 a written agreement between a physician assistant and the delegating
15 physician concerning the scope of practice of the physician
16 assistant to only be determined by the delegating physician and the
17 physician assistant based on the education, training, skills and
18 experience of the physician assistant. The agreement shall involve
19 the joint formulation, discussion and agreement on the methods of
20 supervision and collaboration for diagnosis, consultation and
21 treatment of medical conditions.

22 SECTION 2. AMENDATORY 59 O.S. 2011, Section 519.6, as
23 amended by Section 3, Chapter 163, O.S.L. 2015 (59 O.S. Supp. 2019,
24 Section 519.6), is amended to read as follows:

1 Section 519.6 A. No health care services may be performed by a
2 physician assistant unless a current ~~application to practice,~~
3 ~~jointly filed by the supervising physician and physician assistant,~~
4 license is on file with and approved by the State Board of Medical
5 Licensure and Supervision. ~~The application shall include a~~
6 ~~description of the physician's practice, methods of supervising and~~
7 ~~utilizing the physician assistant, and names of alternate~~
8 ~~supervising physicians who will supervise the physician assistant in~~
9 ~~the absence of the primary supervising physician~~ All practice
10 agreements and any amendments shall be filed with the State Board of
11 Medical Licensure and Supervision within ten (10) business days of
12 being executed. Practice agreements may be filed electronically.
13 The State Board of Medical Licensure and Supervision shall not
14 charge a fee for filing or amendments of practice agreements.

15 B. A physician assistant may have practice agreements with
16 multiple allopathic or osteopathic physicians. Each physician shall
17 be in good standing with the State Board of Medical Licensure and
18 Supervision or the State Board of Osteopathic Examiners.

19 C. The ~~supervising~~ delegating physician need not be physically
20 present nor be specifically consulted before each delegated patient
21 care service is performed by a physician assistant, so long as the
22 ~~supervising~~ delegating physician and physician assistant are or can
23 be easily in contact with one another by means of telecommunication.
24 In all patient care settings, the ~~supervising~~ delegating physician

1 shall provide appropriate methods of ~~supervising the~~ participating
2 in health care services provided by the physician assistant
3 including:

4 a. being responsible for the formulation or approval of
5 all orders and protocols, whether standing orders,
6 direct orders or any other orders or protocols, which
7 direct the delivery of health care services provided
8 by a physician assistant, and periodically reviewing
9 such orders and protocols,

10 b. regularly reviewing the health care services provided
11 by the physician assistant and any problems or
12 complications encountered,

13 c. being available physically or through telemedicine or
14 direct telecommunications for consultation, assistance
15 with medical emergencies or patient referral,

16 d. reviewing a sample of outpatient medical records.

17 Such reviews shall take place at ~~the practice~~ a site
18 ~~as determined by the supervising~~ agreed upon between
19 the delegating physician and ~~with approval of the~~
20 ~~State Board of Medical Licensure and Supervision~~
21 physician assistant in the practice agreement which
22 may also occur using electronic or virtual
23 conferencing, and
24

1 e. that it remains clear that the physician assistant is
2 an agent of the ~~supervising~~ delegating physician; but,
3 in no event shall the ~~supervising~~ delegating physician
4 be an employee of the physician assistant.

5 ~~C.~~ D. In patients with newly diagnosed complex illnesses, the
6 physician assistant shall contact the ~~supervising~~ delegating
7 physician within forty-eight (48) hours of the physician assistant's
8 initial examination or treatment and schedule the patient for
9 appropriate evaluation by the ~~supervising~~ delegating physician as
10 directed by the physician. The ~~supervising~~ delegating physician
11 shall determine which conditions qualify as complex illnesses based
12 on the clinical setting and the skill and experience of the
13 physician assistant.

14 ~~D.~~ E. 1. A physician assistant under the direction of a
15 ~~supervising~~ delegating physician may prescribe written and oral
16 prescriptions and orders. The physician assistant may prescribe
17 drugs, including controlled medications in Schedules II through V
18 pursuant to Section 2-312 of Title 63 of the Oklahoma Statutes, and
19 medical supplies and services as delegated by the ~~supervising~~
20 delegating physician and as approved by the State Board of Medical
21 Licensure and Supervision after consultation with the State Board of
22 Pharmacy on the Physician Assistant Drug Formulary.

23 2. A physician assistant may write an order for a Schedule II
24 drug for immediate or ongoing administration on site. Prescriptions

1 and orders for Schedule II drugs written by a physician assistant
2 must be included on a written protocol determined by the ~~supervising~~
3 delegating physician and approved by the medical staff committee of
4 the facility or by direct verbal order of the ~~supervising~~ delegating
5 physician. Physician assistants may not dispense drugs, but may
6 request, receive, and sign for professional samples and may
7 distribute professional samples to patients.

8 ~~F.~~ F. A physician assistant may perform health care services in
9 patient care settings as authorized by the ~~supervising~~ delegating
10 physician.

11 ~~F.~~ G. Each physician assistant licensed under the Physician
12 Assistant Act shall keep his or her license available for inspection
13 at the primary place of business and shall, when engaged in
14 professional activities, identify himself or herself as a physician
15 assistant.

16 H. A physician assistant shall be bound by the provisions
17 contained in Sections 725.1 through 725.5 of Title 59 of the
18 Oklahoma Statutes.

19 SECTION 3. AMENDATORY 59 O.S. 2011, Section 519.7, is
20 amended to read as follows:

21 Section 519.7 A. The Secretary of the State Board of Medical
22 Licensure and Supervision is authorized to grant temporary approval
23 of a license ~~and application to practice to any physician and~~
24 physician assistant who ~~have jointly~~ has filed a license ~~and~~

1 ~~application to practice~~ which meets the requirements set forth by
2 the Board. Such temporary licensure approval ~~to practice~~ shall be
3 reviewed at the next regularly scheduled meeting of the Board. The
4 temporary approval may be approved, extended or rejected by the
5 Board. If rejected, the temporary approval shall expire
6 immediately.

7 B. The State Board of Medical Licensure and Supervision shall
8 collect the following data and publish a report compiling such data
9 on an annual basis:

10 1. Whether the physician assistant practices at the same
11 location as the delegating physician;

12 2. The type of facility in which the physician assistant
13 practices;

14 3. Number of physicians the physician assistant has a practice
15 agreement with;

16 4. Number of physician assistants physicians have a practice
17 agreement with;

18 5. Number of years a physician assistant has been practicing;
19 and

20 6. Number of licensed physician assistants in Oklahoma.

21 SECTION 4. AMENDATORY 59 O.S. 2011, Section 519.8, as
22 amended by Section 7, Chapter 428, O.S.L. 2019 (59 O.S. Supp. 2019,
23 Section 519.8), is amended to read as follows:

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1 Section 519.8 A. Licenses issued to physician assistants shall be
2 renewed annually on a date determined by the State Board of Medical
3 Licensure and Supervision. Each application for renewal shall
4 document that the physician assistant has earned at least twenty
5 (20) hours of continuing medical education during the preceding
6 calendar year. Such continuing medical education shall include not
7 less than one (1) hour of education in pain management or one (1)
8 hour of education in opioid use or addiction.

9 B. The Board shall promulgate, in the manner established by its
10 rules, fees for the following:

- 11 1. Initial licensure;
- 12 2. License renewal;
- 13 3. Late license renewal; and
- 14 4. ~~Application to practice; and~~
- 15 5. ~~Disciplinary hearing.~~

16 SECTION 5. AMENDATORY 59 O.S. 2011, Section 519.11, as
17 amended by Section 5, Chapter 163, O.S.L. 2015 (59 O.S. Supp. 2019,
18 Section 519.11), is amended to read as follows:

19 Section 519.11 A. Nothing in the Physician Assistant Act shall
20 be construed to prevent or restrict the practice, services or
21 activities of any persons of other licensed professions or personnel
22 supervised by licensed professions in this state from performing
23 work incidental to the practice of their profession or occupation,
24 if that person does not represent himself as a physician assistant.

1 B. Nothing stated in the Physician Assistant Act shall prevent
2 any hospital from requiring the physician assistant ~~and/or the~~
3 ~~supervising~~ or the delegating physician to meet and maintain certain
4 staff appointment and ~~eredentialling~~ credentialing qualifications
5 for the privilege of practicing as, or utilizing, a physician
6 assistant in the hospital.

7 C. Nothing in the Physician Assistant Act shall be construed to
8 permit a physician assistant to practice medicine or prescribe drugs
9 and medical supplies in this state except when such actions are
10 performed under the supervision and at the direction of a physician
11 or physicians approved by the State Board of Medical Licensure and
12 Supervision.

13 D. Nothing herein shall be construed to require licensure under
14 ~~this act~~ the Physician Assistant Act of a physician assistant
15 student enrolled in a physician assistant educational program
16 accredited by the Accreditation Review Commission on Education for
17 the Physician Assistant.

18 E. Notwithstanding any other provision of law, no one who is
19 not a physician licensed to practice medicine in ~~the state of~~
20 ~~Oklahoma~~ this state may perform acts restricted to such physicians
21 pursuant to the provisions of Section 1-731 of Title 63 of the
22 Oklahoma Statutes. This paragraph is inseverable.

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1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 521.1 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 Notwithstanding any other provision of law or regulation, a
5 physician assistant shall be considered to be a primary care
6 provider when the physician assistant is practicing in the medical
7 specialties required for a physician to be a primary care provider.

8 SECTION 7. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 521.2 of Title 59, unless there
10 is created a duplication in numbering, reads as follows:

11 A. Payment for services within the physician assistant's scope
12 of practice by a health insurance plan shall be made when ordered or
13 performed by the physician assistant, if the same service would have
14 been covered if ordered or performed by a physician. An in-network
15 physician assistant shall be authorized to bill for and receive
16 direct payment for the medically necessary services the physician
17 assistant delivers.

18 B. To ensure accountability and transparency for patients,
19 payers and the health care system, an in-network physician assistant
20 shall be identified as the rendering professional in the billing and
21 claims process when the physician assistant delivers medical or
22 surgical services to patients.

23 C. No insurance company or third-party payer shall impose a
24 practice, education, or collaboration requirement that is

1 inconsistent with or more restrictive than existing physician
2 assistant state laws or regulations.

3 SECTION 8. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 521.3 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A physician assistant licensed in this state or licensed or
7 authorized to practice in any other U.S. jurisdiction or who is
8 credentialed as a physician assistant by a federal employer who is
9 responding to a need for medical care created by an emergency or a
10 state or local disaster may render such care that the physician
11 assistant is able to provide.

12 B. A physician assistant so responding who voluntarily and
13 gratuitously, and other than in the ordinary course of employment or
14 practice, renders emergency medical assistance shall not be liable
15 for civil damages for any personal injuries that result from acts or
16 omissions which may constitute ordinary negligence. The immunity
17 granted by this section shall not apply to acts or omissions
18 constituting gross, willful or wanton negligence.

19 SECTION 9. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 521.4 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 Nothing in the Physician Assistant Act shall be construed to
23 permit a physician assistant to:

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1 1. Provide health care services independent of physician
2 supervision; or

3 2. Maintain or operate an independent practice without a
4 practice agreement between a physician assistant and a delegating
5 physician."

6 Passed the House of Representatives the 14th day of May, 2020.

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9 _____
Presiding Officer of the House of
10 Representatives

11 Passed the Senate the ____ day of _____, 2020.

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