

1 ENGROSSED SENATE
2 BILL NO. 1915

By: David and Kidd of the
Senate

3 and

4 Pfeiffer and Brewer of the
5 House

6
7 [physician assistants - collaborative practice -
8 certain fee - primary care provider under certain
9 condition - certain emergency care - liability
10 protection - codification - effective date]

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

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

15 Section 519.2. As used in the Physician Assistant Act:

16 1. "Board" means the State Board of Medical Licensure and
17 Supervision;

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

19 3. "Practice of medicine" means services which require training
20 in the diagnosis, treatment and prevention of disease, including the
21 use and administration of drugs, and which are performed by
22 physician assistants so long as such services are within the
23 physician assistants' skill, form a component of the physician's
24 scope of practice, and are provided with ~~supervision~~ physician

1 collaboration, including authenticating ~~with the~~ by signature any
2 form that may be authenticated by the ~~supervising~~ collaborating
3 physician's signature with prior delegation by the physician.
4 Nothing in the Physician Assistant Act shall be construed to permit
5 a physician ~~assistants~~ assistant to provide health care services
6 ~~independent of physician supervision~~ unless collaborating with the
7 physician assistant's identified physician or physicians;

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

13 5. "Physician assistant" means a health care professional,
14 qualified by academic and clinical education and licensed by the
15 State Board of Medical Licensure and Supervision, to practice
16 medicine with physician ~~supervision~~ collaboration;

17 6. ~~"Supervising physician"~~ "Collaborating physician" means an
18 individual holding a license as a physician from the State Board of
19 Medical Licensure and Supervision or the State Board of Osteopathic
20 Examiners, who ~~supervises~~ collaborates with physician assistants;

21 7. ~~"Supervision"~~ "Collaboration" means ~~overseeing the~~
22 ~~activities of, and accepting responsibility for, the medical~~
23 ~~services rendered by a physician assistant~~ an agreement between a
24 medical doctor or osteopathic physician performing the procedure or

1 directly involved with the treatment of a patient and the physician
2 assistant working jointly toward a common goal of providing services
3 for the same patient. The collaboration shall be defined by the
4 practice agreement. The constant physical presence of the
5 ~~supervising~~ collaborating physician is not required as long as the
6 ~~supervising~~ collaborating physician and physician assistant are or
7 can be easily in contact with each other by telecommunication;

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

12 9. ~~"Application to practice" means a written description that~~
13 ~~defines the scope of practice and the terms of supervision of a~~
14 ~~physician assistant in a medical practice~~ "Practice agreement" means
15 an agreement between a physician assistant and the collaborating
16 physician or physicians concerning the scope of practice of the
17 physician assistant to be determined at the practice level based on
18 the education, training, skills and experience of the physician
19 assistant. The agreement shall involve the joint formulation,
20 discussion and agreement on the method of collaboration for
21 diagnosis, consultation and 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
2 a 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.~~

10 B. A physician assistant may have practice agreements with
11 multiple allopathic or osteopathic physicians. Each physician shall
12 be in good standing with the State Board of Medical Licensure and
13 Supervision or the State Board of Osteopathic Examiners.

14 C. The ~~supervising~~ collaborating physician need not be
15 physically present nor be specifically consulted before each
16 delegated patient care service is performed by a physician
17 assistant, so long as the ~~supervising~~ collaborating physician and
18 physician assistant are or can be easily in contact with one another
19 by means of telecommunication. In all patient care settings, the
20 ~~supervising~~ collaborating physician shall provide appropriate
21 methods of ~~supervising the~~ participating in health care services
22 provided by the physician assistant including:

23 a. being responsible for the formulation or approval of
24 all orders and protocols, whether standing orders,

1 direct orders or any other orders or protocols, which
2 direct the delivery of health care services provided
3 by a physician assistant, and periodically reviewing
4 such orders and protocols,

5 b. regularly reviewing the health care services provided
6 by the physician assistant and any problems or
7 complications encountered,

8 c. being available physically or through telemedicine or
9 direct telecommunications for consultation, assistance
10 with medical emergencies or patient referral,

11 d. reviewing a sample of outpatient medical records.

12 Such reviews shall take place at the practice site ~~as~~
13 ~~determined by the supervising physician~~ and with
14 approval of the State Board of Medical Licensure and
15 Supervision, and

16 e. that it remains clear that the physician assistant is
17 an agent of the ~~supervising~~ collaborating physician;
18 but, in no event shall the ~~supervising~~ collaborating
19 physician be an employee of the physician assistant.

20 ~~C. In patients with newly diagnosed complex illnesses, the~~
21 ~~physician assistant shall contact the supervising physician within~~
22 ~~forty-eight (48) hours of the physician assistant's initial~~
23 ~~examination or treatment and schedule the patient for appropriate~~
24 ~~evaluation by the supervising physician as directed by the~~

1 ~~physician. The supervising physician shall determine which~~
2 ~~conditions qualify as complex illnesses based on the clinical~~
3 ~~setting and the skill and experience of the physician assistant.~~

4 D. A physician assistant shall collaborate with, consult with
5 or refer to the appropriate member of the healthcare team as
6 indicated by the patient's condition, the education, experience and
7 competencies of the physician assistant and the standard of care.
8 The degree of collaboration shall be determined by the practice
9 which may include decisions made by the physician, employer, group,
10 hospital service and the credentialing and privileging systems of
11 licensed facilities. A physician assistant shall be responsible for
12 the care provided by that physician assistant and a written
13 agreement relating to the items in the Physician Assistant Act is
14 not required.

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

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

10 ~~E.~~ F. A physician assistant may perform health care services in
11 patient care settings as authorized by the ~~supervising~~ collaborating
12 physician.

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

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

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

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

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

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

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

- 19 1. Initial licensure;
- 20 2. License renewal;
- 21 3. Late license renewal; and
- 22 4. ~~Application to practice; and~~
- 23 ~~5.~~ Disciplinary hearing.

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

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

10 B. Nothing stated in the Physician Assistant Act shall prevent
11 any hospital from requiring the physician assistant ~~and/or the~~
12 ~~supervising~~ or the collaborating physician to meet and maintain
13 certain staff appointment and ~~credentialing~~ credentialing
14 qualifications for the privilege of practicing as, or utilizing, a
15 physician assistant in the hospital.

16 C. Nothing in the Physician Assistant Act shall be construed to
17 permit a physician assistant to practice medicine or prescribe drugs
18 and medical supplies in this state except when such actions are
19 performed ~~under the supervision~~ in collaboration with and at the
20 direction of a physician or physicians approved by the State Board
21 of Medical Licensure and Supervision.

22 D. Nothing herein shall be construed to require licensure under
23 ~~this act~~ the Physician Assistant Act of a physician assistant
24 student enrolled in a physician assistant educational program

1 accredited by the Accreditation Review Commission on Education for
2 the Physician Assistant.

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

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

11 Notwithstanding any other provision of law or regulation, a
12 physician assistant shall be considered to be a primary care
13 provider when the physician assistant is practicing in the medical
14 specialties required for a physician to be a primary care provider.

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

18 A. Payment for services within the physician assistant's scope
19 of practice by a health insurance plan shall be made when ordered or
20 performed by the physician assistant, if the same service would have
21 been covered if ordered or performed by a physician. A physician
22 assistant shall be authorized to bill for and receive direct payment
23 for the medically necessary services the physician assistant
24 delivers.

1 B. To ensure accountability and transparency for patients,
2 payers and the healthcare system, a physician assistant shall be
3 identified as the rendering professional in the billing and claims
4 process when the physician assistant delivers medical or surgical
5 services to patients.

6 C. No insurance company or third-party payer shall impose a
7 practice, education or collaboration requirement that is
8 inconsistent with or more restrictive than existing physician
9 assistant state laws or regulations.

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

13 A. A physician assistant licensed in this state or licensed or
14 authorized to practice in any other U.S. jurisdiction or who is
15 credentialed as a physician assistant by a federal employer who is
16 responding to a need for medical care created by an emergency or a
17 state or local disaster may render such care that the physician
18 assistant is able to provide.

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

3 SECTION 9. This act shall become effective January 1, 2021.

4 Passed the Senate the 11th day of March, 2020.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,
9 2020.

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Presiding Officer of the House
of Representatives

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