

1 **SENATE FLOOR VERSION**

2 February 24, 2020

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1915

By: David of the Senate

and

Pfeiffer of the House

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

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

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

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

18 1. "Board" means the State Board of Medical Licensure and
19 Supervision;

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

21 3. "Practice of medicine" means services which require training
22 in the diagnosis, treatment and prevention of disease, including the
23 use and administration of drugs, and which are performed by
24 physician assistants so long as such services are within the

1 physician assistants' skill, form a component of the physician's
2 scope of practice, and are provided with ~~supervision~~ physician
3 collaboration, including authenticating ~~with the~~ by signature any
4 form that may be authenticated by the ~~supervising~~ collaborating
5 physician's signature with prior delegation by the physician.

6 Nothing in the Physician Assistant Act shall be construed to permit
7 a physician ~~assistants~~ assistant to provide health care services
8 ~~independent of physician supervision~~ unless collaborating with the
9 physician assistant's identified physician or physicians;

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

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

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

23 7. ~~"Supervision"~~ "Collaboration" means ~~overseeing the~~
24 ~~activities of, and accepting responsibility for, the medical~~

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

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

14 9. ~~"Application to practice" means a written description that~~
15 ~~defines the scope of practice and the terms of supervision of a~~
16 ~~physician assistant in a medical practice~~ "Practice agreement" means
17 an agreement between a physician assistant and the collaborating
18 physician or physicians concerning the scope of practice of the
19 physician assistant to be determined at the practice level based on
20 the education, training, skills and experience of the physician
21 assistant. The agreement shall involve the joint formulation,
22 discussion and agreement on the method of collaboration for
23 diagnosis, consultation and treatment of medical conditions.
24

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

4 Section 519.6. A. No health care services may be performed by
5 a physician assistant unless a current ~~application to practice,~~
6 ~~jointly filed by the supervising physician and physician assistant,~~
7 license is on file with and approved by the State Board of Medical
8 Licensure and Supervision. ~~The application shall include a~~
9 ~~description of the physician's practice, methods of supervising and~~
10 ~~utilizing the physician assistant, and names of alternate~~
11 ~~supervising physicians who will supervise the physician assistant in~~
12 ~~the absence of the primary supervising physician.~~

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

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

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

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

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

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

15 d. reviewing a sample of outpatient medical records.

16 Such reviews shall take place at the practice site ~~as~~
17 ~~determined by the supervising physician~~ and with
18 approval of the State Board of Medical Licensure and
19 Supervision, and

20 e. that it remains clear that the physician assistant is
21 an agent of the ~~supervising~~ collaborating physician;
22 but, in no event shall the ~~supervising~~ collaborating
23 physician be an employee of the physician assistant.
24

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

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

20 E. 1. A physician assistant ~~under the direction of a~~
21 ~~supervising~~ in collaboration with the physician assistant's
22 identified physician or physicians may prescribe written and oral
23 prescriptions and orders. The physician assistant may prescribe
24 drugs, including controlled medications in Schedules II through V

1 pursuant to Section 2-312 of Title 63 of the Oklahoma Statutes, and
2 medical supplies and services as delegated by the ~~supervising~~
3 collaborating physician and as approved by the State Board of
4 Medical Licensure and Supervision after consultation with the State
5 Board of Pharmacy on the Physician Assistant Drug Formulary.

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

15 ~~F.~~ F. A physician assistant may perform health care services in
16 patient care settings as authorized by the ~~supervising~~ collaborating
17 physician.

18 ~~F.~~ G. Each physician assistant licensed under the Physician
19 Assistant Act shall keep his or her license available for inspection
20 at the primary place of business and shall, when engaged in
21 professional activities, identify himself or herself as a physician
22 assistant.

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

1 Section 519.7. The Secretary of the State Board of Medical
2 Licensure and Supervision is authorized to grant temporary approval
3 of a license ~~and application to practice~~ to any ~~physician and~~
4 physician assistant who ~~have jointly~~ has filed a license ~~and~~
5 ~~application to practice~~ which meets the requirements set forth by
6 the Board. Such temporary licensure approval ~~to practice~~ shall be
7 reviewed at the next regularly scheduled meeting of the Board. The
8 temporary approval may be approved, extended or rejected by the
9 Board. If rejected, the temporary approval shall expire
10 immediately.

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

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

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

24 1. Initial licensure;

2. License renewal;
3. Late license renewal; and
4. ~~Application to practice; and~~
5. ~~Disciplinary hearing.~~

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

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

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

C. Nothing in the Physician Assistant Act shall be construed to permit a physician assistant to practice medicine or prescribe drugs and medical supplies in this state except when such actions are performed ~~under the supervision~~ in collaboration with and at the

1 direction of a physician or physicians approved by the State Board
2 of Medical Licensure and Supervision.

3 D. Nothing herein shall be construed to require licensure under
4 ~~this act~~ the Physician Assistant Act of a physician assistant
5 student enrolled in a physician assistant educational program
6 accredited by the Accreditation Review Commission on Education for
7 the Physician Assistant.

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

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

16 Notwithstanding any other provision of law or regulation, a
17 physician assistant shall be considered to be a primary care
18 provider when the physician assistant is practicing in the medical
19 specialties required for a physician to be a primary care provider.

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

23 A. Payment for services within the physician assistant's scope
24 of practice by a health insurance plan shall be made when ordered or

1 performed by the physician assistant, if the same service would have
2 been covered if ordered or performed by a physician. A physician
3 assistant shall be authorized to bill for and receive direct payment
4 for the medically necessary services the physician assistant
5 delivers.

6 B. To ensure accountability and transparency for patients,
7 payers and the healthcare system, a physician assistant shall be
8 identified as the rendering professional in the billing and claims
9 process when the physician assistant delivers medical or surgical
10 services to patients.

11 C. No insurance company or third-party payer shall impose a
12 practice, education or collaboration requirement that is
13 inconsistent with or more restrictive than existing physician
14 assistant state laws or regulations.

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

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

24

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
10 February 24, 2020 - DO PASS AS AMENDED

11
12
13
14
15
16
17
18
19
20
21
22
23
24