

SHORT TITLE: Professions and occupations; changing credentialing  
for physician assistants; emergency

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 59

By: Robinson

AS INTRODUCED

An Act relating to professions and occupations;

amending Sections 2, 3, 4, 5, 8, 9 and 10, Chapter 289, O.S.L. 1993 (59 O.S. Supp. 1996, Sections 519.2, 519.3, 519.4, 519.5, 519.8, 519.9 and 519.10), which relate to physician assistants; changing credentialing process for physician assistants from certification to licensing; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 2, Chapter 289, O.S.L. 1993 (59 O.S. Supp. 1996, Section 519.2), is amended to read as follows:

Section 519.2 As used in ~~this act~~ the Physician Assistant Act:

1. "Board" means the State Board of Medical Licensure and Supervision;
2. "Committee" means the Physician Assistant Committee;
3. "Health care services" means services which require training in the diagnosis, treatment and prevention of disease, including the use and administration of drugs, and which are performed by physician assistants under the supervision and at the direction of physicians. Such services include:
  - a. initially approaching a patient of any age group in a patient care setting to elicit a detailed history,

- performing a physical examination, delineating problems and recording the data,
- b. assisting the physician in conducting rounds in acute and long-term inpatient care settings, developing and implementing patient management plans, recording progress notes and assisting in the provision of continuity of care in other patient care settings,
  - c. ordering, performing or interpreting, at least to the point of recognizing deviations from the norm, common laboratory, radiological, cardiographic and other routine diagnostic procedures used to identify pathophysiologic processes,
  - d. ordering or performing routine procedures such as injections, immunizations, suturing and wound care, and managing simple conditions produced by infection, trauma or other disease processes,
  - e. assisting in the management of more complex illness and injuries, which may include assisting surgeons in the conduct of operations and taking initiative in performing evaluation and therapeutic procedures in response to life-threatening situations,
  - f. instructing and counseling patients regarding compliance with prescribed therapeutic regimens, normal growth and development, family planning, emotional problems of daily living and health maintenance, and
  - g. facilitating the referral of patients to the community's health and social service agencies when appropriate;

4. "Patient care setting" means a physician's office, clinic, hospital, nursing home, extended care facility or a patient's home;

5. "Physician assistant" means a health care professional, qualified by academic and clinical education and ~~certified~~ licensed by the State Board of Medical Licensure and Supervision, to provide health care services in any patient care setting at the direction and under the supervision of a physician or group of physicians;

6. "Physician Assistant Drug Formulary" means a list of drugs and other medical supplies, approved by the State Board of Medical Licensure and Supervision after consultation with the State Board of Pharmacy, for which physician assistants are permitted to transmit written and oral prescriptions and order on behalf of their supervising physicians;

7. "Remote patient care setting" means an outpatient clinic or physician's office that qualifies as a Rural Health Clinic, Federally Qualified Health Center, other nonprofit community-based health center, or other patient care setting approved by the State Board of Medical Licensure and Supervision, and which provides service to a medically underserved population, as defined by the appropriate government agency;

8. "Supervising physician" means an individual holding a license as a physician from the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners, who supervises physician assistants; and

9. "Supervision" means overseeing and accepting the responsibility for the health care services performed by a physician assistant.

SECTION 2. AMENDATORY Section 3, Chapter 289, O.S.L. 1993 (59 O.S. Supp. 1996, Section 519.3), is amended to read as follows:

Section 519.3 A. There is hereby created the Physician Assistant Committee, which shall be composed of seven (7) members. Two members of the Committee shall be physician assistants appointed by the State Board of Medical Licensure and Supervision from a list

of qualified individuals submitted by the Oklahoma Academy of Physician Assistants. One member shall be a physician appointed by the Board from its membership. One member shall be a physician appointed by the Board from a list of qualified individuals submitted by the Oklahoma State Medical Association and who is not a member of the Board. One member shall be a physician appointed by the State Board of Osteopathic Examiners from its membership. One member shall be a physician appointed by the State Board of Osteopathic Examiners from a list of qualified individuals submitted by the Oklahoma Osteopathic Association and who is not a member of said board. One member shall be a licensed pharmacist appointed by the Board of Pharmacy.

B. The term of office for each member of the Committee shall be five (5) years. Provided, of those members initially appointed to the Committee by the Board, two shall serve three-year terms and two shall serve five-year terms, as designated by the Board; of those members initially appointed to the Committee by the State Board of Osteopathic Examiners, one shall serve a two-year term and one shall serve a four-year term, as designated by said board; and the member initially appointed by the Board of Pharmacy shall serve a five-year term.

C. The Committee shall meet at least quarterly. At the initial meeting of the Committee, members shall elect a ~~chairperson~~ chair. The ~~chairperson~~ chair shall represent the Committee at all meetings of the Board. Four members shall constitute a quorum for the purpose of conducting official business of the Committee.

D. The State Board of Medical Licensure and Supervision is hereby granted the power and authority to promulgate rules, which are in accordance with the provisions of Section 519.1 et seq. of this act title, governing the requirements for ~~certification~~ licensure as a physician assistant, as well as to establish standards for training, approve institutions for training, and

regulate the standards of practice of a physician assistant after ~~certification~~ licensure, including the power of revocation of a ~~certificate~~ license.

E. The State Board of Medical Licensure and Supervision is hereby granted the power and authority to investigate all complaints, hold hearings, subpoena witnesses and initiate prosecution concerning violations of Section 519.1 et seq. of this act title. When such complaints involve physicians licensed by the State Board of Osteopathic Examiners, the State Board of Osteopathic Examiners shall be officially notified of such complaints.

F. 1. The Committee shall advise the Board on matters pertaining to physician assistants, including, but not limited to:

- a. educational standards required to practice as a physician assistant,
- b. ~~certification~~ licensure requirements required to practice as a physician assistant,
- c. methods and requirements to assure the continued competence of physician assistants after ~~certification~~ licensure,
- d. the drugs and other medical supplies for which physician assistants are permitted to transmit prescriptions and order on behalf of their supervising physicians,
- e. the grounds for revocation or suspension of a ~~certificate~~ license for a physician assistant,
- f. education and experience requirements to receive approval to practice in remote patient care settings, and
- g. all other matters which may pertain to the practice of physician assistants.

2. The Committee shall review and make recommendations to the Board on all applications for ~~certification~~ licensure as a physician

assistant and all applications to practice which shall be approved by the Board. When considering applicants for ~~certification~~ licensure, to establish standards of training or approve institutions for training, the Committee shall include the Director, or designee, of all Physician Assistant educational programs conducted by institutions of higher education in the state as members.

3. The Committee shall assist and advise the Board in all hearings involving physician assistants who are deemed to be in violation of Section 519.1 et seq. of this act title or the rules of the Board.

SECTION 3. AMENDATORY Section 4, Chapter 289, O.S.L. 1993 (59 O.S. Supp. 1996, Section 519.4), is amended to read as follows:

Section 519.4 To be eligible for ~~certification~~ licensure as a physician assistant pursuant to the provisions of Section 519.1 et seq. of this act title an applicant shall:

1. Be of good moral character;
2. Have graduated from an accredited physician assistant program recognized by the State Board of Medical Licensure and Supervision; and
3. Successfully pass an examination for physician assistants recognized by the Board.

SECTION 4. AMENDATORY Section 5, Chapter 289, O.S.L. 1993 (59 O.S. Supp. 1996, Section 519.5), is amended to read as follows:

Section 519.5 The Secretary of the State Board of Medical Licensure and Supervision is authorized to grant temporary authorization to any individual, except for individuals who have taken and failed to successfully complete the examination, to practice as a physician assistant who otherwise meets the requirements for ~~certification~~ licensure as a physician assistant

except for successful completion of the examination. The temporary authorization shall be valid for a period of one (1) year from the date of issuance or until the results of the applicant's examination are available, whichever occurs first.

SECTION 5. AMENDATORY Section 8, Chapter 289, O.S.L. 1993 (59 O.S. Supp. 1996, Section 519.8), is amended to read as follows:

Section 519.8 A. ~~Certificates~~ Licenses issued to physician assistants shall be renewed annually on a date determined by the State Board of Medical Licensure and Supervision. Each application for renewal shall document that the physician assistant has earned at least twenty (20) hours of continuing medical education during the preceding calendar year.

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

1. Initial ~~certificate fee~~ licensure;
2. ~~Certificate~~ License renewal fee;
3. Late ~~certificate~~ license renewal fee;
4. Application to practice fee; and
5. Disciplinary hearing fee.

SECTION 6. AMENDATORY Section 9, Chapter 289, O.S.L. 1993 (59 O.S. Supp. 1996, Section 519.9), is amended to read as follows:

Section 519.9 The Secretary of the State Board of Medical Licensure and Supervision is authorized to grant temporary authorization to any individual, except for individuals who have taken and failed to successfully complete the examination, to practice as a physician assistant who otherwise meets the requirements for ~~certification~~ licensure as a physician assistant except for successful completion of the examination. The temporary authorization shall be valid for a period of one (1) year from the

date of issuance or until the results of the applicant's examination are available, whichever occurs first.

SECTION 7. AMENDATORY Section 10, Chapter 289, O.S.L. 1993 (59 O.S. Supp. 1996, Section 519.10), is amended to read as follows:

Section 519.10 Any person who holds herself or himself out as a physician assistant or uses the title "Physician Assistant" ~~unless certified~~ without being licensed, or who otherwise violates the provisions of Section 519.1 et seq. of this act title shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty Dollars (\$50.00), nor more than Five Hundred Dollars (\$500.00), ~~or~~ by imprisonment in the county jail for not less than five (5) days, nor more than thirty (30) days, or by both such fine and imprisonment. Each day of a violation of the provisions of Section 519.1 et seq. of this act title ~~is continuing~~ shall ~~be punishable as~~ constitute a separate and distinct offense. Conviction shall also be grounds for the suspension or revocation of the license of a duly licensed physician assistant ~~certificate~~.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-1-0419

CJ