

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1735

By: **Pfeiffer**

7  
8                               COMMITTEE SUBSTITUTE

9           An Act relating to physician assistants; amending 59  
10       O.S. 2011, Sections 519.2, as amended by Section 1,  
11       Chapter 163, O.S.L. 2015, 519.6, as amended by  
12       Section 3, Chapter 163, O.S.L. 2015, 519.7, 519.8, as  
13       amended by Section 7, Chapter 428, O.S.L. 2019 and  
14       519.11, as amended by Section 5, Chapter 163, O.S.L.  
15       2015 (59 O.S. Supp. 2019, Sections 519.2, 519.6,  
16       519.8 and 519.11), which relate to physician  
17       assistants, temporary license and construction of  
18       act; providing for collaborative practice; modifying,  
19       adding and deleting definitions; removing and  
20       modifying certain requirements of physician  
21       assistant; eliminating certain fee; providing that  
22       physician assistant is considered primary care  
23       provider under certain condition; authorizing  
24       physician assistant to bill insurance and receive  
      payment; requiring certain identification;  
      prohibiting certain requirements; authorizing  
      provision of certain emergency care; providing  
      certain liability protection; clarifying language;  
      providing for codification; and providing an  
      effective date.

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

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

Section 519.2 As used in the Physician Assistant Act:

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

2. "Committee" means the Physician Assistant Committee;

3. "Practice of medicine" 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 so long as such services are within the physician assistants' skill, form a component of the physician's scope of practice, and are provided with ~~supervision~~ physician collaboration, including authenticating ~~with the~~ by signature any form that may be authenticated by the ~~supervising~~ collaborating physician's signature with prior delegation by the physician.

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

4. "Patient care setting" means and includes, but is not limited to, a physician's office, clinic, hospital, nursing home, extended care facility, patient's home, ambulatory surgical center,

1 hospice facility or any other setting authorized by the ~~supervising~~  
2 collaborating physician;

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

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

11 7. ~~"Supervision"~~ "Collaboration" means ~~overseeing the~~  
12 ~~activities of, and accepting responsibility for, the medical~~  
13 ~~services rendered by a physician assistant. The constant physical~~  
14 ~~presence of the supervising physician is not required as long as the~~  
15 ~~supervising physician and physician assistant are or can be easily~~  
16 ~~in contact with each other by telecommunication~~ an agreement between  
17 a medical doctor or osteopathic physician performing the procedure  
18 or directly involved with the treatment of a patient and the  
19 physician assistant working jointly toward a common goal providing  
20 services for the same patient. The collaboration shall be defined by  
21 the practice agreement;

22 8. "Telecommunication" means the use of electronic technologies  
23 to transmit words, sounds or images for interpersonal communication,  
24

1 clinical care (telemedicine) and review of electronic health  
2 records; and

3 9. ~~"Application to practice" means a written description that~~  
4 ~~defines the scope of practice and the terms of supervision of a~~  
5 ~~physician assistant in a medical practice~~ "Practice agreement" means  
6 an agreement between a physician assistant and the collaborating  
7 physician or physicians concerning the scope of practice of the  
8 physician assistant to be determined at the practice level based on  
9 the education, training, skills and experience of the physician  
10 assistant. The agreement shall involve the joint formulation,  
11 discussion and agreement of the method of collaboration for  
12 diagnosis, consultation and treatment of medical conditions.

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

16 Section 519.6 A. No health care services may be performed by a  
17 physician assistant unless a current ~~application to practice,~~  
18 ~~jointly filed by the supervising physician and physician assistant,~~  
19 license is on file with and approved by the State Board of Medical  
20 Licensure and Supervision. ~~The application shall include a~~  
21 ~~description of the physician's practice, methods of supervising and~~  
22 ~~utilizing the physician assistant, and names of alternate~~  
23 ~~supervising physicians who will supervise the physician assistant in~~  
24 ~~the absence of the primary supervising physician.~~

1       B. A physician assistant may have practice agreements with  
2 multiple allopathic or osteopathic physicians. Each physician shall  
3 be in good standing with the State Board of Medical Licensure and  
4 Supervision or the State Board of Osteopathic Examiners.

5       C. The ~~supervising~~ collaborating physician need not be  
6 physically present nor be specifically consulted before each  
7 delegated patient care service is performed by a physician  
8 assistant, so long as the ~~supervising~~ collaborating physician and  
9 physician assistant are or can be easily in contact with one another  
10 by means of telecommunication. In all patient care settings, the  
11 ~~supervising~~ collaborating physician shall provide appropriate  
12 methods of ~~supervising the~~ participating in health care services  
13 provided by the physician assistant including:

- 14           a. being responsible for the formulation or approval of  
15               all orders and protocols, whether standing orders,  
16               direct orders or any other orders or protocols, which  
17               direct the delivery of health care services provided  
18               by a physician assistant, and periodically reviewing  
19               such orders and protocols,  
20           b. regularly reviewing the health care services provided  
21               by the physician assistant and any problems or  
22               complications encountered,

1 c. being available physically or through telemedicine or  
2 direct telecommunications for consultation, assistance  
3 with medical emergencies or patient referral,

4 d. reviewing a sample of outpatient medical records.

5 Such reviews shall take place at the practice site ~~as~~  
6 ~~determined by the supervising physician~~ and with  
7 approval of the State Board of Medical Licensure and  
8 Supervision, and

9 e. that it remains clear that the physician assistant is  
10 an agent of the ~~supervising~~ collaborating physician;  
11 but, in no event shall the ~~supervising~~ collaborating  
12 physician be an employee of the physician assistant.

13 ~~C. In patients with newly diagnosed complex illnesses, the~~  
14 ~~physician assistant shall contact the supervising physician within~~  
15 ~~forty-eight (48) hours of the physician assistant's initial~~  
16 ~~examination or treatment and schedule the patient for appropriate~~  
17 ~~evaluation by the supervising physician as directed by the~~  
18 ~~physician. The supervising physician shall determine which~~  
19 ~~conditions qualify as complex illnesses based on the clinical~~  
20 ~~setting and the skill and experience of the physician assistant.~~

21 D. A physician assistant shall collaborate with, consult with  
22 or refer to the appropriate member of the healthcare team as  
23 indicated by the patient's condition, education, experience and  
24 competencies of the physician assistant and the standard of care.

1 The degree of collaboration shall be determined by the practice  
2 which may include decisions made by the physician, employer, group,  
3 hospital service or the credentialing and privileging systems of  
4 licensed facilities. A physician assistant shall be responsible for  
5 the care provided by that physician assistant and a written  
6 agreement relating to the items in the Physician Assistant Act is  
7 not required.

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

18 2. A physician assistant may write an order for a Schedule II  
19 drug for immediate or ongoing administration on site. Prescriptions  
20 and orders for Schedule II drugs written by a physician assistant  
21 must be included on a written protocol determined by the ~~supervising~~  
22 collaborating physician and approved by the medical staff committee  
23 of the facility or by direct verbal order of the ~~supervising~~  
24 collaborating physician. Physician assistants may not dispense

1 drugs, but may request, receive, and sign for professional samples  
2 and may distribute professional samples to patients.

3 F. A physician assistant may perform health care services in  
4 patient care settings as authorized by the ~~supervising~~ collaborating  
5 physician.

6 ~~F.~~ G. Each physician assistant licensed under the Physician  
7 Assistant Act shall keep his or her license available for inspection  
8 at the primary place of business and shall, when engaged in  
9 professional activities, identify himself or herself as a physician  
10 assistant.

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

13 Section 519.7 The Secretary of the State Board of Medical  
14 Licensure and Supervision is authorized to grant temporary approval  
15 of a license ~~and application to practice~~ to any ~~physician and~~  
16 physician assistant who ~~have jointly~~ has filed a license ~~and~~  
17 ~~application to practice~~ which meets the requirements set forth by  
18 the Board. Such temporary licensure approval ~~to practice~~ shall be  
19 reviewed at the next regularly scheduled meeting of the Board. The  
20 temporary approval may be approved, extended or rejected by the  
21 Board. If rejected, the temporary approval shall expire  
22 immediately.



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

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

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

- 14       1. Initial licensure;  
15       2. License renewal;  
16       3. Late license renewal; and  
17       4. ~~Application to practice; and~~  
18       5. ~~Disciplinary hearing.~~

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

22       Section 519.11 A. Nothing in the Physician Assistant Act shall  
23 be construed to prevent or restrict the practice, services or  
24 activities of any persons of other licensed professions or personnel

1 supervised by licensed professions in this state from performing  
2 work incidental to the practice of their profession or occupation,  
3 if that person does not represent himself as a physician assistant.

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

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

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

21 E. Notwithstanding any other provision of law, no one who is  
22 not a physician licensed to practice medicine in the state of  
23 Oklahoma may perform acts restricted to such physicians pursuant to  
24

1 the provisions of Section 1-731 of Title 63 of the Oklahoma  
2 Statutes. This paragraph is inseverable.

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

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

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

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

20 B. To ensure accountability and transparency for patients,  
21 payers and the healthcare system, a physician assistant shall be  
22 identified as the rendering professional in the billing and claims  
23 process when the physician assistant delivers medical or surgical  
24 services to patients.

1 C. No insurance company or third-party payer shall impose a  
2 practice, education or collaboration requirement that is  
3 inconsistent with or more restrictive than existing physician  
4 assistant state laws or regulations.

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

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

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

21 SECTION 9. This act shall become effective January 1, 2021.  
22

23 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/25/2020 - DO PASS,  
24 As Amended and Coauthored.