

1 **PHYSICIAN ASSISTANT AMENDMENTS**

2 2010 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis S. Bramble**

5 House Sponsor: Rebecca D. Lockhart

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions in the Utah Code relating to physician assistants.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ changes membership requirements for the Physician Assistant Licensing Board;
- 13 ▶ updates the names of the national accrediting boards;
- 14 ▶ permits a supervising physician to delegate to a licensed physician assistant, on a
- 15 temporary basis, the supervision of physician assistant students;
- 16 ▶ extends a temporary license up to 120 days to physician assistant students to pass
- 17 the national exam;
- 18 ▶ modifies definitions; and
- 19 ▶ makes technical changes.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **58-70a-201**, as enacted by Laws of Utah 1997, Chapter 229

27 **58-70a-302**, as last amended by Laws of Utah 2009, Chapter 183

28 **58-70a-305**, as enacted by Laws of Utah 1997, Chapter 229

29 **58-70a-306**, as enacted by Laws of Utah 1997, Chapter 229

30 **58-70a-503**, as enacted by Laws of Utah 1997, Chapter 229



31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **58-70a-201** is amended to read:

34 **58-70a-201. Board.**

35 (1) There is created the Physician Assistant Licensing Board, which consists of seven
36 members:

37 (a) [~~four~~] three licensed physicians, at least two of whom are individuals who are
38 supervising or who have supervised a physician assistant[~~], and one of whom may be a member~~
39 ~~of a physician licensing board under Section 58-67-201 or 58-68-201];~~

40 (b) [~~one~~] three physician [~~assistant; (c) one person who~~] assistants, one of whom is
41 involved in the administration of an approved physician assistant education program within the
42 state; and

43 [~~(c)~~] (c) one person from the general public.

44 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

45 (3) The duties and responsibilities of the board are in accordance with Sections
46 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a
47 permanent or rotating basis to:

48 (a) assist the division in reviewing complaints concerning the unlawful or
49 unprofessional conduct of a licensee; and

50 (b) advise the division in its investigation of these complaints.

51 (4) A board member who has, under Subsection (3), reviewed a complaint or advised
52 in its investigation may be disqualified from participating with the board when the board serves
53 as a presiding officer in an adjudicative proceeding concerning the complaint. The board
54 member may be disqualified:

55 (a) on [~~his~~] the member's own motion, due to actual or perceived bias or lack of
56 objectivity; or

57 (b) upon challenge for cause raised on the record by any party to the adjudicative

58 proceeding.

59 Section 2. Section **58-70a-302** is amended to read:

60 **58-70a-302. Qualifications for licensure.**

61 Each applicant for licensure as a physician assistant shall:

- 62 (1) submit an application in a form prescribed by the division;
- 63 (2) pay a fee determined by the department under Section 63J-1-504;
- 64 (3) be of good moral character;
- 65 (4) have successfully completed a physician assistant program accredited by the

66 [~~Commission on Accreditation of Allied Health Education Programs~~];

67 (a) Accreditation Review Commission on Education for the Physician Assistant; or

68 (b) if prior to January 1, 2001, either the:

69 (i) Committee on Accreditation of Allied Health Education Programs; or

70 (ii) Committee on Allied Health Education and Accreditation;

71 (5) have passed the licensing examinations required by division rule made in
72 collaboration with the board;

73 (6) meet with the board and representatives of the division, if requested, for the
74 purpose of evaluating the applicant's qualifications for licensure; and

75 (7) (a) if the applicant desires to practice in Utah, complete a form provided by the
76 division indicating:

77 (i) the applicant has completed a delegation of services agreement signed by the
78 physician assistant, supervising physician, and substitute supervising physicians; and

79 (ii) the agreement is on file at the Utah practice sites; or

80 (b) complete a form provided by the division indicating the applicant is not practicing
81 in Utah and, prior to practicing in Utah, the applicant will meet the requirements of Subsection
82 (7)(a).

83 Section 3. Section **58-70a-305** is amended to read:

84 **58-70a-305. Exemptions from licensure.**

85 In addition to the exemptions from licensure in Section 58-1-307, the following persons

86 may engage in acts included within the definition of practice as a physician assistant, subject to
87 the stated circumstances and limitations, without being licensed under this chapter:

88 (1) a student enrolled in an accredited physician assistant education program while
89 engaged in activities as a physician assistant:

90 (a) that are a part of the education program;

91 (b) that are conducted under the direct supervision of a:

92 (i) physician associated with the program; ~~and~~ or

93 (ii) licensed physician assistant, at the request of the supervising physician and on a
94 temporary basis, as defined by rule;

95 (c) for which the program accepts in writing the responsibility for the student; and

96 (2) ~~[a person acting as]~~ a "medical assistant," as defined in Sections 58-67-102 and
97 58-68-102, ~~and~~ who:

98 (a) is working under the direct supervision of a physician;

99 (b) does not diagnose, advise, independently treat, or prescribe to or on behalf of any
100 person; and

101 (c) for whom the supervising physician accepts responsibility.

102 Section 4. Section **58-70a-306** is amended to read:

103 **58-70a-306. Temporary license.**

104 (1) An applicant for licensure as a physician assistant who has met all qualifications for
105 licensure except passing an examination component as required in Section 58-70a-302, may
106 apply for and be granted a temporary license to practice under Subsection (2).

107 (2) (a) The applicant shall submit to the division evidence of completion of a physician
108 assistant program as defined in Subsection 58-70a-302(4).

109 (b) (i) The temporary license shall be issued ~~[for a period ending on the earlier of the~~
110 ~~date of the next succeeding physician assistant examination, if the applicant does not take that~~
111 ~~examination, or 10 days after the date examination results of the next succeeding physician~~
112 ~~assistant examination are available to those taking the examination.] for a period not to exceed
113 120 days to allow the applicant to pass the Physician Assistant National Certifying~~

114 Examination.

115 (ii) The temporary license may not be renewed or extended.

116 (c) A physician assistant holding a temporary license may work only under the direct
117 supervision of an approved supervising or substitute supervising physician in accordance with
118 a delegation of services agreement, and all patient charts shall be reviewed and countersigned
119 by the supervising or substitute supervising physician.

120 Section 5. Section **58-70a-503** is amended to read:

121 **58-70a-503. Unprofessional conduct.**

122 "Unprofessional conduct" includes:

123 (1) violation of a patient confidence to any person who does not have a legal right and
124 a professional need to know the information concerning the patient;

125 (2) knowingly prescribing, selling, giving away, or directly or indirectly administering,
126 or offering to prescribe, sell, furnish, give away, or administer any prescription drug except for
127 a legitimate medical purpose upon a proper diagnosis indicating use of that drug in the amounts
128 prescribed or provided;

129 (3) prescribing prescription drugs for himself or administering prescription drugs to
130 himself, except those that have been legally prescribed for him by a licensed practitioner and
131 that are used in accordance with the prescription order for the condition diagnosed;

132 (4) failure to maintain at the practice site a delegation of services agreement that
133 accurately reflects current practices; [~~and~~]

134 (5) failure to make the delegation of services agreement available to the division for
135 review upon request[-]; and

136 (6) in a practice that has physician assistant ownership interests, failure to allow the
137 supervising physician the independent final decision making authority on patient treatment
138 decisions, as set forth in the delegation of services agreement or as defined by rule.