

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **58-70a-102**, as last amended by Laws of Utah 2017, Chapter 309

32 **58-70a-201**, as last amended by Laws of Utah 2010, Chapter 37

33 **58-70a-302**, as last amended by Laws of Utah 2020, Chapter 339

34 **58-70a-305**, as last amended by Laws of Utah 2019, Chapter 349

35 **58-70a-306**, as last amended by Laws of Utah 2020, Chapter 339

36 **58-70a-501**, as last amended by Laws of Utah 2017, Chapter 309

37 **58-70a-502**, as last amended by Laws of Utah 2014, Chapter 72

38 **58-70a-503**, as last amended by Laws of Utah 2020, Chapter 25

39

40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **58-70a-102** is amended to read:

42 **58-70a-102. Definitions.**

43 In addition to the definitions in Section **58-1-102**, as used in this chapter:

44 (1) "Board" means the Physician Assistant Licensing Board created in Section
45 **58-70a-201**.

46 ~~[(2) (a) "Delegation of services agreement" means written criteria jointly developed by
47 a physician assistant's supervising physician and substitute supervising physicians and the
48 physician assistant, that permits a physician assistant, working under the direction or review of
49 the supervising physician, to assist in the management of common illnesses and injuries.]~~

50 ~~[(b) The agreement defines the working relationship and delegation of duties between
51 the supervising physician and the physician assistant as specified by division rule and shall
52 include:]~~

53 ~~[(i) the prescribing of controlled substances;]~~

54 ~~[(ii) the degree and means of supervision;]~~

55 ~~[(iii) the frequency and mechanism of quality review, including the mechanism for
56 review of patient data and documentation of the review, as determined by the supervising
57 physician and the physician assistant;]~~

58 ~~[(iv) procedures addressing situations outside the scope of practice of the physician~~

59 assistant; and]

60 [~~(v) procedures for providing backup for the physician assistant in emergency~~
61 ~~situations.~~]

62 [~~(3) "Direct supervision" means the supervising physician is:~~]

63 [~~(a) physically present at the point of patient treatment on site where the physician~~
64 ~~assistant he is supervising is practicing; and]~~

65 [~~(b) immediately available for consultation with the physician assistant.~~]

66 (2) "Competence" means possessing the requisite cognitive, non-cognitive, and
67 communicative abilities and qualities to perform effectively within the scope of practice of the
68 physician assistant's practice while adhering to professional and ethical standards.

69 (3) "Physician" means the same as that term is defined in Section [58-67-102](#).

70 (4) "Physician assistant" means an individual who is licensed to practice medicine
71 under this chapter.

72 (5) "Physician assistant's facility" means a facility or practice described in Section
73 [58-70a-501.5](#).

74 [~~(4)] (6) "Practice as a physician assistant" means[:~~(a)~~] the professional activities and
75 conduct of a physician assistant, also known as a PA, in diagnosing, treating, advising, or
76 prescribing for any human disease, ailment, injury, infirmity, deformity, pain, or other
77 condition[:~~dependent upon and under the supervision of a supervising physician or substitute~~
78 ~~supervising physician in accordance with a delegation of services agreement; and~~].~~

79 [~~(b) the physician assistant acts as the agent of the supervising physician or substitute~~
80 ~~supervising physician when acting in accordance with a delegation of services agreement.~~]

81 [~~(5) "Substitute supervising physician" means an individual who meets the~~
82 ~~requirements of a supervising physician under this chapter and acts as the supervising physician~~
83 ~~in the absence of the supervising physician.~~]

84 [~~(6) "Supervising physician" means an individual who:~~]

85 [~~(a) is currently licensed to practice under Title 58, Chapter 67, Utah Medical Practice~~
86 ~~Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;~~]

87 [~~(b) acts as the primary supervisor of a physician assistant and takes responsibility for~~
88 ~~the professional practice and conduct of a physician assistant in accordance with this chapter;~~
89 ~~and]~~

90 ~~[(c) is not an employee of the physician assistant whom the individual supervises.]~~

91 ~~[(7) "Supervision" means the supervising physician is available for consultation with~~
92 ~~the physician assistant, either personally or by other means permitting direct verbal~~
93 ~~communication between the physician and the physician assistant.]~~

94 ~~[(8)]~~ (7) "Unlawful conduct" means the same as that term is [as] defined in Sections
95 58-1-501 and 58-70a-502.

96 ~~[(9)]~~ (8) "Unprofessional conduct" [is] means "unprofessional conduct":

97 (a) as defined in Sections 58-1-501 and 58-70a-503; and [as may be further defined by
98 rule.]

99 (b) as further defined by the division by rule.

100 Section 2. Section 58-70a-201 is amended to read:

101 **58-70a-201. Board.**

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

104 (a) ~~[(three)]~~ two licensed physicians~~[-at least two of whom are individuals who are~~
105 ~~supervising or who have supervised a physician assistant]~~ who currently work or have
106 previously worked collaboratively with a physician assistant;

107 (b) ~~[(three)]~~ four physician assistants, one of whom is involved in the administration of
108 an approved physician assistant education program within the state; and

109 (c) one person from the general public.

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

111 (3) (a) The duties and responsibilities of the board are in accordance with Sections
112 58-1-202 and 58-1-203. ~~[In addition, the]~~

113 (b) The board shall designate one of its members on a permanent or rotating basis to:

114 ~~[(a)]~~ (i) assist the division in reviewing complaints concerning the unlawful or
115 unprofessional conduct of a licensee; and

116 ~~[(b)]~~ (ii) advise the division in [its] the division's investigation of these complaints.

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

120 (b) The board member described in Subsection (4)(a) may be disqualified:

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

123 ~~[(b)]~~ (ii) upon challenge for cause raised on the record by any party to the adjudicative
 124 proceeding.

125 Section 3. Section **58-70a-302** is amended to read:

126 **58-70a-302. Qualifications for licensure.**

127 Each applicant for licensure as a physician assistant shall:

128 (1) submit an application in a form prescribed by the division;

129 (2) pay a fee determined by the department under Section [63J-1-504](#);

130 (3) have successfully completed a physician assistant program accredited by ~~[the]~~:

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

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

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

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

135 (4) have passed the licensing examinations required by division rule made in

136 collaboration with the board; and

137 (5) meet with the board and representatives of the division, if requested, for the
 138 purpose of evaluating the applicant's qualifications for licensure~~[-and]~~.

139 ~~[(6)(a) if the applicant desires to practice in Utah, complete a form provided by the
 140 division indicating:]~~

141 ~~[(i) the applicant has completed a delegation of services agreement signed by the
 142 physician assistant and the supervising physician; and]~~

143 ~~[(ii) the agreement is on file at the Utah practice sites; or]~~

144 ~~[(b) complete a form provided by the division indicating the applicant is not practicing
 145 in Utah and, prior to practicing in Utah, the applicant will meet the requirements of Subsection
 146 (6)(a).]~~

147 Section 4. Section **58-70a-305** is amended to read:

148 **58-70a-305. Exemptions from licensure.**

149 (1) In addition to the exemptions from licensure in Section [58-1-307](#),~~[the following
 150 persons]~~ an individual described in Subsection (2) may engage in acts included within the
 151 definition of practice as a physician assistant, subject to the stated circumstances and

152 limitations, without being licensed under this chapter[;].

153 ~~[(+)]~~ (2) Subsection (1) applies to a student enrolled in an accredited physician
154 assistant education program while engaged in activities as a physician assistant:

- 155 (a) that are a part of the education program;
- 156 (b) that are conducted at an affiliated medical facility under the direct supervision of a:
- 157 (i) physician associated with the program; or
- 158 (ii) licensed physician assistant associated with the medical faculty; and
- 159 (c) for which the program accepts in writing the responsibility for the student[; ~~and~~].

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

161 ~~[(a) does not diagnose, advise, independently treat, or prescribe to or on behalf of any~~
162 ~~person; and]~~

163 ~~[(b) for whom the supervising physician accepts responsibility.]~~

164 Section 5. Section **58-70a-306** is amended to read:

165 **58-70a-306. Temporary license.**

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

169 (2) (a) The applicant shall submit to the division evidence of completion of a physician
170 assistant program as defined in Subsection **58-70a-302**(3).

171 (b) (i) The temporary license shall be issued for a period not to exceed 120 days to
172 allow the applicant to pass the Physician Assistant National Certifying Examination.

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

174 ~~[(c) A physician assistant holding a temporary license may work only under the direct~~
175 ~~supervision of an approved supervising or substitute supervising physician in accordance with~~
176 ~~a delegation of services agreement, and all patient charts shall be reviewed and countersigned~~
177 ~~by the supervising or substitute supervising physician.]~~

178 (c) A temporary license holder shall work under the direct supervision of:

- 179 (i) a physician;
- 180 (ii) a physician assistant; or
- 181 (iii) an individual licensed to engage in the practice of advanced practice registered
182 nursing as defined in Section 58-31b-102.

183 Section 6. Section **58-70a-501** is amended to read:

184 **58-70a-501. Scope of practice.**

185 (1) (a) A physician assistant may provide any medical services that are not specifically
186 prohibited under this chapter or rules adopted under this chapter, and that are~~[(a)]~~ within the
187 physician assistant's skills and scope of competence~~[;]~~.

188 ~~[(b) within the usual scope of practice of the physician assistant's supervising
189 physician; and]~~

190 ~~[(c) provided under the supervision of a supervising physician and in accordance with a
191 delegation of services agreement.]~~

192 (b) A physician assistant shall consult, collaborate with, and refer to appropriate
193 members of the health care team:

194 (i) as indicated by the patient's condition;

195 (ii) based on the physician assistant's education, experience, and competencies; and

196 (iii) the applicable standard of care.

197 (c) The degree of collaboration under Subsection (1)(b) shall be determined at the
198 physician assistant's practice, including decisions made by the physician assistant's:

199 (i) employer;

200 (ii) group;

201 (iii) hospital service; or

202 (iv) health care facility credentialing and privileging system.

203 (d) The services provided by a physician assistant includes, but is not limited to:

204 (i) obtaining a comprehensive health history;

205 (ii) performing a physical examination;

206 (iii) evaluating, diagnosing, managing, and providing medical treatment;

207 (iv) ordering, performing, and interpreting diagnostic studies and therapeutic
208 procedures;

209 (v) educating a patient on health promotion and disease prevention;

210 (vi) providing a consultation upon request; and

211 (vii) writing medical orders.

212 (e) A physician assistant may, within the physician assistant's scope of practice:

213 (i) provide a service in any health care facility or program including:

- 214 (A) a hospital;
- 215 (B) a nursing care facility;
- 216 (C) an assisted living facility; and
- 217 (D) hospice;
- 218 (ii) obtain informed consent;
- 219 (iii) supervise, delegate, and assign therapeutic and diagnostic measures;
- 220 (iv) certify the health or disability of a patient for any local, state, or federal program;

221 and

222 (v) authenticate through a signature, certification, stamp, verification, affidavit, or
223 endorsement any document that may be authenticated by a physician.

224 (f) A physician assistant is responsible for the care that the physician assistant
225 provides.

226 (2) (a) A physician assistant~~[, in accordance with a delegation of services agreement,]~~
227 may prescribe or administer an appropriate controlled substance if~~[-(a)-]~~ the physician assistant
228 holds a Utah controlled substance license and a DEA registration~~[-and].~~

229 ~~[(b) the prescription or administration of the controlled substance is within the~~
230 ~~prescriptive practice of the supervising physician and also within the delegated prescribing~~
231 ~~stated in the delegation of services agreement.]~~

232 (b) A physician assistant may prescribe, dispense, order, administer, and procure a drug
233 or medical device.

234 (c) A physician assistant may plan and initiate a therapeutic regimen that may include
235 ordering and prescribing:

236 (i) non-pharmacological interventions, including durable medical equipment, nutrition,
237 blood, and blood products; and

238 (ii) diagnostic support services, including home health care, hospice, physical therapy,
239 and occupational therapy.

240 (3) A physician assistant with less than 2,000 hours of post-graduate clinical practice
241 experience shall practice under written policies and procedures established at a practice level
242 that describe:

243 (a) how collaboration will occur under Subsection (1); and

244 (b) methods for evaluating the physician assistant's competency, knowledge, and skills.

245 (4) Notwithstanding any other provision of state law, a physician assistant may provide
 246 mental health care and mental health therapy and treatment in a non-psychiatric practice setting
 247 if the services are consistent with:

248 (a) customary and accepted practices in similar practice settings; and

249 (b) applicable standards of care.

250 ~~[(3)]~~ (5) A physician assistant shall, while practicing as a physician assistant, wear an
 251 identification badge showing the physician assistant's license classification as a physician
 252 assistant.

253 ~~[(4)]~~ (6) A physician assistant may not:

254 ~~[(a) independently charge or bill a patient, or others on behalf of the patient, for~~
 255 ~~services rendered;]~~

256 ~~[(b)]~~ (a) identify himself or herself to any person in connection with activities allowed
 257 under this chapter other than as a physician assistant; or

258 ~~[(c)]~~ (b) use the title [~~"doctor"~~] "doctor of osteopathic medicine," "medical doctor," or
 259 "physician," or by any knowing act or omission lead or permit anyone to believe the physician
 260 assistant is a physician.

261 Section 7. Section **58-70a-502** is amended to read:

262 **58-70a-502. Unlawful conduct.**

263 [~~"Unlawful conduct" includes engaging in practice as a licensed physician assistant~~
 264 ~~while not under the supervision of a supervising physician or substitute supervising physician.]~~

265 Reserved.

266 Section 8. Section **58-70a-503** is amended to read:

267 **58-70a-503. Unprofessional conduct.**

268 (1) "Unprofessional conduct" includes:

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

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

275 (c) prescribing prescription drugs for oneself or administering prescription drugs to

276 oneself, except those that have been legally prescribed for the physician assistant by a licensed
277 practitioner and that are used in accordance with the prescription order for the condition
278 diagnosed;

279 ~~[(d) failure to maintain at the practice site a delegation of services agreement that~~
280 ~~accurately reflects current practices;]~~

281 ~~[(e) failure to make the delegation of services agreement available to the division for~~
282 ~~review upon request;]~~

283 ~~[(f) in a practice that has physician assistant ownership interests, failure to allow the~~
284 ~~supervising physician the independent final decision making authority on patient treatment~~
285 ~~decisions, as set forth in the delegation of services agreement or as defined by rule;]~~

286 ~~[(g) (d) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing~~
287 ~~Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable; [or]~~
288 ~~and~~

289 ~~[(h) (e) falsely making an entry in, or altering, a medical record with the intent to~~
290 ~~conceal:~~

291 (i) a wrongful or negligent act or omission of an individual licensed under this chapter
292 or an individual under the direction or control of an individual licensed under this chapter; or

293 (ii) conduct described in Subsections (1)(a) through ~~[(g) (d)] (d)~~ or Subsection
294 [58-1-501\(1\)](#).

295 (2) ~~(a)~~ "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
296 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider, as that term
297 is defined in Section [26-61a-102](#), recommending the use of medical cannabis.

298 ~~[(3) (b)] (b)~~ Notwithstanding Subsection (2)~~(a)~~, the division, in consultation with the board
299 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall
300 define unprofessional conduct for a physician assistant described in Subsection (2)~~(a)~~.