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HOUSE BILL NO. 746
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Health and Human Services
on _____)
(Patron Prior to Substitute—Delegate Henson)

A BILL to amend and reenact §§ 54.1-2951.1, 54.1-2952, and 54.1-2952.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-2952.01, relating to physician assistants; authorization to practice without a practice agreement.

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2951.1, 54.1-2952, and 54.1-2952.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-2952.01 as follows:

§ 54.1-2951.1. Requirements for licensure and practice as a physician assistant; licensure by endorsement.

A. The Board shall promulgate regulations establishing requirements for licensure as a physician assistant that shall include the following:

- 1. Successful completion of a physician assistant program or surgical physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant;
- 2. Passage of the certifying examination administered by the National Commission on Certification of Physician Assistants; and
- 3. Documentation that the applicant for licensure has not had his license or certification as a physician assistant suspended or revoked and is not the subject of any disciplinary proceedings in another jurisdiction.

B. The Board may issue a license by endorsement to an applicant for licensure as a physician assistant if the applicant (i) is the spouse of an active duty member of the Armed Forces of the United States or the Commonwealth, (ii) holds current certification from the National Commission on Certification of Physician Assistants, and (iii) holds a license as a physician assistant that is in good standing, or that is eligible for reinstatement if lapsed, under the laws of another state.

C. Except as provided in subsection E or permitted pursuant to § 54.1-2952.01, every physician assistant shall practice as part of a patient care team and shall provide care in accordance with a written or electronic practice agreement with one or more patient care team physicians or patient care team podiatrists.

A practice agreement shall include acts pursuant to § 54.1-2952, provisions for the periodic review of patient charts or electronic health records, guidelines for collaboration and consultation among the parties to

32 the agreement and the patient, periodic joint evaluation of the services delivered, and provisions for
33 appropriate physician input in complex clinical cases, in patient emergencies, and for referrals.

34 A practice agreement may include provisions for periodic site visits by a patient care team physician or
35 patient care team podiatrist who is part of the patient care team at a location other than where the licensee
36 regularly practices. Such visits shall be in the manner and at the frequency as determined by the patient care
37 team physician or patient care team podiatrist who is part of the patient care team.

38 D. Except as provided in subsection E, evidence of a practice agreement shall be maintained by the
39 physician assistant and provided to the Board upon request. The practice agreement may be maintained in
40 writing or electronically and may be a part of credentialing documents, practice protocols, or procedures.

41 E. Physician assistants employed by a hospital as defined in § 32.1-123 or employed in (i) a state facility
42 as defined in § 37.2-100 operated by the Department of Behavioral Health and Developmental Services or (ii)
43 a federally qualified health center designated by the Centers for Medicare and Medicaid Services may
44 practice without a separate practice agreement if the credentialing and privileging requirements of the
45 applicable facility include a practice arrangement that incorporates the components of a practice agreement
46 set forth in the provisions of subsection C, including requiring and designating a patient care team physician
47 or podiatrist, and the patient care team requirements of § 54.1-2952. Such physician assistants shall continue
48 to practice as part of a patient care team in collaboration and consultation with patient care team physicians or
49 patient care team podiatrists.

50 **§ 54.1-2952. Role of patient care team physician or patient care team podiatrist on patient care**
51 **teams; services that may be performed by physician assistants; responsibility of licensee; employment**
52 **of physician assistants.**

53 A. A patient care team physician or patient care team podiatrist licensed under this chapter may serve on a
54 patient care team with physician assistants and shall provide collaboration and consultation to such physician
55 assistants. No patient care team physician or patient care team podiatrist shall be allowed to collaborate or
56 consult with more than six physician assistants on a patient care team at any one time.

57 Service as part of a patient care team by a patient care team physician or patient care team podiatrist shall
58 not, by the existence of such service alone, establish or create vicarious liability for the actions or inactions of
59 other team members.

60 B. Physician assistants may practice medicine to the extent and in the manner authorized by the Board. A
61 patient care team physician or patient care team podiatrist shall be available at all times to collaborate and

62 consult with physician assistants, *except physician assistants who are authorized to practice without a*
63 *practice agreement pursuant to § 54.1-2952.01.* Each patient care team shall identify the relevant physician
64 assistant's scope of practice and an evaluation process for the physician assistant's performance.

65 C. Physician assistants appointed as medical examiners pursuant to § 32.1-282 may practice without a
66 written or electronic practice agreement.

67 D. Any professional corporation or partnership of any licensee, any hospital and any commercial
68 enterprise having medical facilities for its employees that are supervised by one or more physicians or
69 podiatrists may employ one or more physician assistants in accordance with the provisions of this section.

70 Activities shall be performed in a manner consistent with sound medical practice and the protection of the
71 health and safety of the patient. Such activities shall be set forth in a practice agreement or by the
72 credentialing and privileging practice arrangement requirements of a facility described in subsection E of
73 § 54.1-2951.1 and may include health care services that are educational, diagnostic, therapeutic, or
74 preventive, including establishing a diagnosis, providing treatment, and performing procedures. Prescribing
75 or dispensing of drugs may be permitted as provided in § 54.1-2952.1. In addition, a physician assistant may
76 perform initial and ongoing evaluation and treatment of any patient in a hospital, including its emergency
77 department, in accordance with the practice agreement or the credentialing and privileging practice
78 arrangement requirements of a facility described in subsection E of § 54.1-2951.1, including tasks performed,
79 relating to the provision of medical care in an emergency department.

80 A patient care team physician or the on-duty emergency department physician shall be available at all
81 times for collaboration and consultation with both the physician assistant and the emergency department
82 physician. No person shall have responsibility for any physician assistant who is not employed by the person
83 or the person's business entity.

84 E. No physician assistant shall perform any acts beyond those set forth in the practice agreement or
85 authorized as part of the patient care team *unless such physician assistant is authorized to practice without a*
86 *practice agreement pursuant to § 54.1-2952.01.* No physician assistant practicing in a hospital shall render
87 care to a patient unless the physician responsible for that patient is available for collaboration or consultation,
88 pursuant to regulations of the Board.

89 F. Notwithstanding the provisions of § 54.1-2956.8:1, a licensed physician assistant who (i) is working in
90 the field of radiology or orthopedics as part of a patient care team, (ii) has been trained in the proper use of
91 equipment for the purpose of performing radiologic technology procedures consistent with Board regulations,
92 and (iii) has successfully completed the exam administered by the American Registry of Radiologic

93 Technologists for physician assistants for the purpose of performing radiologic technology procedures may
94 use fluoroscopy for guidance of diagnostic and therapeutic procedures.

95 **§ 54.1-2952.01. Physician assistants; authorization to practice without a practice agreement.**

96 *A. For the purposes of this section:*

97 *"Attestation" means a written certification, signed and stated by a physician licensed by the Board,*
98 *affirming that the physician assistant completed the equivalent of at least three years of full-time clinical*
99 *experience in a specific clinical specialty or practice area in collaboration and consultation with the*
100 *physician, practiced in accordance with applicable standards of care, had on-call experience as applicable,*
101 *and has the necessary experience to fulfill the duties set forth in subsection F.*

102 *"Clinical experience" means the postgraduate delivery of health care directly to patients pursuant to a*
103 *practice agreement with a patient care team physician.*

104 *"Full-time clinical experience" means 1,800 hours per year of clinical experience.*

105 *B. A physician assistant who has completed the equivalent of at least three years of full-time clinical*
106 *experience may practice within the specific clinical specialty or practice area of that experience without a*
107 *written or electronic practice agreement upon receipt by the physician assistant of an attestation from the*
108 *patient care team physician or patient care team podiatrist who provided collaboration and consultation to*
109 *the physician assistant on a patient care team pursuant to subsection A of § 54.1-2952 stating:*

110 *1. That the patient care team physician or patient care team podiatrist has served as a patient care team*
111 *physician or patient care team podiatrist, respectively, on a patient care team with the physician assistant*
112 *pursuant to a practice agreement meeting the requirements of §§ 54.1-2952 and 54.1-2952.1;*

113 *2. That while a party to such practice agreement, the patient care team physician or patient care team*
114 *podiatrist routinely practiced with a patient population and in a practice area included within the physician*
115 *assistant's scope of practice; and*

116 *3. The period of time for which the patient care team physician or patient care team podiatrist practiced*
117 *with the physician assistant under such a practice agreement.*

118 *C. A copy of the attestation required pursuant to subsection B shall be submitted to the Board together*
119 *with a fee established by the Board. A physician assistant may submit attestations from more than one patient*
120 *care team physician with whom the physician assistant practiced during the equivalent of three years of full-*
121 *time clinical experience required pursuant to subsection B, provided that all attestations are submitted to the*
122 *Board at the same time. Upon receipt of such attestation or attestations and verification that a physician*
123 *assistant satisfies the requirements of this section, the Board shall issue to the physician assistant a new*

124 *license that includes a designation indicating that the physician assistant is authorized to practice without a*
125 *practice agreement.*

126 *D. In the event that a physician assistant is unable to obtain the attestation required by subsection B, the*
127 *Board may accept other evidence demonstrating that the physician assistant has met the requirements of*
128 *subsection B in accordance with regulations adopted by the Board.*

129 *E. A physician assistant who obtains licensure by endorsement pursuant to § 54.1-2951.1 or who*
130 *exercises a privilege to practice pursuant to the Physician Assistant Licensure Compact (§ 54.1-2953.1) shall*
131 *only be authorized to practice without a practice agreement pursuant to the requirements of this section if he*
132 *submits an attestation to the Board confirming he has completed the equivalent of three years of full-time*
133 *clinical experience in a specific clinical specialty or practice area as required pursuant to this section. A*
134 *physician assistant who does not meet the specific requirement of this section for independent practice in the*
135 *Commonwealth shall remain subject to the practice agreement requirement of § 54.1-2952 regardless of his*
136 *independent status in another jurisdiction.*

137 *F. A physician assistant authorized to practice without a practice agreement pursuant to this section*
138 *shall:*

139 *1. Practice (i) within the scope of the physician assistant's clinical and professional training, (ii) within*
140 *the limits of the physician assistant's knowledge and experience, and (iii) in a manner consistent with the*
141 *applicable standards of care;*

142 *2. Consult and collaborate with other health care providers based on the clinical conditions of the patient*
143 *to whom health care is provided; and*

144 *3. Establish a plan for referral of complex medical cases and emergencies to physicians or other*
145 *appropriate health care providers.*

146 **§ 54.1-2952.1. Prescription of certain controlled substances and devices by licensed physician**
147 **assistants.**

148 *A. In accordance with the provisions of this section and pursuant to the requirements of Chapter 33*
149 *(§ 54.1-3300 et seq.), a licensed physician assistant shall have the authority to prescribe controlled substances*
150 *and devices as set forth in Chapter 34 (§ 54.1-3400 et seq.) and (i) as provided in a practice agreement ~~or~~, (ii)*
151 *as provided by the credentialing and privileging practice arrangement requirements of a facility described in*
152 *subsection E of § 54.1-2951.1, or (iii) in accordance with such physician assistant's authorization to practice*
153 *without a practice agreement pursuant to § 54.1-2952.01. Such practice agreements or arrangements, if*
154 *necessary, shall include a statement of the controlled substances the physician assistant is or is not authorized*

155 to prescribe and may restrict such prescriptive authority as deemed appropriate by the patient care team
156 physician or patient care team podiatrist.

157 B. It is unlawful for the physician assistant to prescribe controlled substances or devices pursuant to this
158 section unless such prescription is *authorized by the requirements of this section and (i) authorized by the*
159 *practice agreement or, (ii) authorized by the credentialing and privileging practice arrangement requirements*
160 *of a facility described in subsection E of § 54.1-2951.1 and the requirements in this section, or (iii) made in*
161 *accordance with such physician assistant's authorization to practice without a practice agreement pursuant*
162 *to § 54.1-2952.01.*

163 C. The Board of Medicine, in consultation with the Board of Pharmacy, shall promulgate such regulations
164 governing the prescriptive authority of physician assistants as are deemed reasonable and necessary to ensure
165 an appropriate standard of care for patients.

166 The regulations promulgated pursuant to this section shall include, at a minimum, (i) such requirements as
167 may be necessary to ensure continued physician assistant competency, which may include continuing
168 education, testing, and any other requirement and shall address the need to promote ethical practice, an
169 appropriate standard of care, patient safety, the use of new pharmaceuticals, and appropriate communication
170 with patients, and (ii) a requirement that the physician assistant disclose to his patients his name, address, and
171 telephone number and that he is a physician assistant. If a patient or his representative requests to speak with
172 the patient care team physician or patient care team podiatrist, the physician assistant shall arrange for
173 communication between the parties or provide the necessary information *unless the physician assistant is*
174 *authorized to practice without a practice agreement pursuant to § 54.1-2952.01.*

175 D. This section shall not prohibit a licensed physician assistant from administering controlled substances
176 in compliance with the definition of "administer" in § 54.1-3401 or from receiving and dispensing
177 manufacturers' professional samples of controlled substances in compliance with the provisions of this
178 section.