

IN THE SENATE

SENATE BILL NO. 1093

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PHYSICIAN ASSISTANTS; AMENDING SECTION 54-1807A, IDAHO CODE,  
2 TO PROVIDE REQUIREMENTS REGARDING PHYSICIAN ASSISTANTS WHO PRACTICE AT  
3 CERTAIN FACILITIES OR PRACTICES OR WHO OWN A MEDICAL PRACTICE.  
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 54-1807A, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 54-1807A. PHYSICIAN ASSISTANTS -- ~~SUPERVISING PHYSICIANS~~ -- PHYSI-  
9 CIAN ASSISTANT ADVISORY COMMITTEE. (1) Physician assistants must be li-  
10 censed by the board prior to the commencement of activities which may involve  
11 the practice of medicine in this state. The licensure requirements for  
12 physician assistants shall include passage of an examination acceptable to  
13 the board and submission of a completed application to the board on forms  
14 furnished by the board. All applicants for original licensure as a physi-  
15 cian assistant shall submit to a fingerprint-based criminal history check  
16 of the Idaho central criminal database and the federal bureau of investiga-  
17 tion criminal history database. Each applicant shall submit a full set of  
18 the applicant's fingerprints on forms supplied by the board which shall be  
19 forwarded by the board to the Idaho department of law enforcement and to the  
20 federal bureau of investigation identification division. ~~Upon licensure,~~  
21 ~~the board shall authorize each physician assistant to assist a physician or~~  
22 ~~group of physicians who are qualified and approved by the board to supervise~~  
23 ~~physician assistants to engage in activities as limited by the board.~~ The  
24 board shall fix a license fee. All physician assistants shall renew their  
25 licenses annually or biannually.

26 (2) ~~After a supervising physician or alternate supervising physician~~  
27 ~~receives board approval to supervise a physician assistant, the physician~~  
28 ~~may delegate medical services to the physician assistant as set forth in~~  
29 ~~the delegation of services agreement on forms approved by and filed with~~  
30 ~~the board. The physician assistant may perform delegated medical services~~  
31 ~~in any setting authorized by the supervising physician or alternate super-~~  
32 ~~vising physician and the board, including clinics, hospitals, ambulatory~~  
33 ~~surgical centers, patient homes, nursing homes and other health care in-~~  
34 ~~stitutions~~ A physician assistant may practice at a licensed health care  
35 facility, a facility with a credentialing and privileging system, a physi-  
36 cian-owned facility or practice, or another facility or practice allowed by  
37 this chapter. A physician assistant shall collaborate with, consult with,  
38 or refer to the appropriate member of the facility health care team as in-  
39 dicated by: the condition of the patient; the education, experience, and  
40 competence of the physician assistant; and the community standard of care.  
41 The degree and nature of collaboration shall be determined by the facility  
42 or practice in which the physician assistant works and shall be set forth in

1 facility bylaws or procedures for facilities that have credentialing and  
2 privileging systems or in a written collaborative practice agreement for all  
3 other facilities and practices. Such provisions may provide for collabora-  
4 tive oversight to be provided by the employer, group, hospital service, or  
5 the credentialing and privileging systems of a licensed facility, but at a  
6 minimum shall require a physician assistant to collaborate with one (1) or  
7 more physicians licensed pursuant to this chapter. Such physicians need not  
8 be identified individually in the facility bylaws or procedures or collabo-  
9 rative practice agreement if more than one (1) physician works in the facil-  
10 ity or practice. A physician assistant is responsible for the care provided  
11 by the physician assistant and is responsible for obtaining professional li-  
12 ability insurance if the physician assistant is not covered by the facility  
13 or practice in which the physician assistant works. A physician assistant  
14 may be employed by nonphysician health care providers if the physician as-  
15 sistant has a written collaborative practice agreement with one (1) or more  
16 physicians licensed pursuant to this chapter. Both the physician assistant  
17 and the physician who are parties to a collaborative practice agreement must  
18 comply with all requirements of this chapter and board rules. The collabora-  
19 tive practice agreement shall be provided to the board upon request.

20 (3) ~~The supervising physician and alternate supervising physician are~~  
21 ~~responsible for all aspects of the performance of a physician assistant,~~  
22 ~~whether or not the supervising physician or alternate supervising physician~~  
23 ~~actually pays the physician assistant a salary, and are responsible for~~  
24 ~~supervising the physician assistant and ensuring that the medical services~~  
25 ~~performed by the physician assistant are within the physician assistant's~~  
26 ~~scope of training and experience and have been properly delegated by the~~  
27 ~~supervising physician or alternate supervising physician.~~

28 (4) ~~Supervision by a supervising physician or alternate supervising~~  
29 ~~physician shall be continuous but shall not be construed as necessarily~~  
30 ~~requiring the constant physical presence of the supervising physician or~~  
31 ~~alternate supervising physician at the time and place where medical services~~  
32 ~~are performed by the physician assistant.~~

33 (5) ~~A supervising physician or alternate supervising physician shall~~  
34 ~~not delegate to a physician assistant the performance of any medical ser-~~  
35 ~~vices for which the supervising physician or alternate supervising physi-~~  
36 ~~cian does not have training or experience and does not perform.~~

37 (6) ~~A physician assistant or a group of physician assistants may inde-~~  
38 ~~pendently own a medical practice in this state provided that the supervising~~  
39 ~~physician, alternate supervising physician and each physician assistant~~  
40 ~~comply with all requirements of this section and board rules each physician~~  
41 ~~assistant has a collaborative practice agreement in place with a physician~~  
42 ~~licensed under this chapter. The collaborative practice agreement shall~~  
43 ~~specify that the physician assistant must collaborate with, consult with,~~  
44 ~~or refer to the collaborating physician or another appropriate physician~~  
45 ~~as indicated by: the condition of the patient; the education, experience,~~  
46 ~~and competence of the physician assistant; and the community standard of~~  
47 ~~care. Both the physician assistant and the physician who are parties to the~~  
48 ~~collaborative practice agreement must comply with all requirements of this~~  
49 ~~chapter and board rules. The collaborative practice agreement shall be pro-~~  
50 ~~vided to the board upon request. Each physician assistant must be licensed,~~

1 registered or certified as a physician assistant in any state, territory  
2 or jurisdiction of the United States for at least two (2) years before the  
3 physician assistant may independently own a practice in this state.

4 (4) The facility or practice and each collaborating physician are re-  
5 ponsible for ensuring that the medical services performed by the physician  
6 assistant are within the physician assistant's scope of education, experi-  
7 ence, and competence. Each collaborating physician shall collaborate with  
8 the physician assistant on the performance of only those medical services  
9 for which the collaborating physician has training and experience.

10 (75) A physician assistant advisory committee is hereby established as  
11 follows:

12 (a) The physician assistant advisory committee shall consist of five  
13 (5) members appointed by the board. Four (4) members shall be physician  
14 assistants who are residents in this state and engaged in the active  
15 practice of medicine in this state, and one (1) member shall be a public  
16 member. Whenever a term of a member of the advisory committee expires or  
17 becomes vacant, the board shall give consideration to recommendations  
18 made by professional organizations of physician assistants and physi-  
19 cians, and any individual residing in the state. The board may remove  
20 any committee member for misconduct, incompetency or neglect of duty  
21 after giving the member a written statement of the charges and an oppor-  
22 tunity to be heard thereon. The executive director of the Idaho state  
23 board of medicine shall serve as the executive director to the physician  
24 assistant advisory committee.

25 (b) Members will serve a term of three (3) years and terms will be stag-  
26 gered. Members may serve two (2) successive terms. The committee shall  
27 elect a chairman from its membership. The committee shall meet as often  
28 as necessary to fulfill its responsibilities. Members will be compen-  
29 sated according to section 59-509(p), Idaho Code.

30 (c) The physician assistant advisory committee shall not have author-  
31 ity to revoke licenses or impose limitations or conditions on licenses  
32 issued pursuant to this chapter. The committee has authority to make  
33 recommendations to the board. The board shall make all final decisions  
34 with respect thereto.

35 (d) The physician assistant advisory committee shall work in the fol-  
36 lowing areas in conjunction with and make recommendations to the board  
37 and shall perform other duties and functions assigned to it by the  
38 board, including:

39 (i) Evaluating the qualifications of applicants for licensure  
40 and registration;

41 (ii) Performing investigations of misconduct and making recom-  
42 mendations regarding discipline;

43 (iii) Maintaining a list of currently licensed physician assis-  
44 tants and graduate physician assistants in this state; and

45 (iv) Advising the board on rule changes necessary to license and  
46 regulate physician assistants and graduate physician assistants  
47 in this state.