

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 54.1-2951.1, 54.1-2952, 54.1-2952.1, and 54.1-2953 of the Code of Virginia, relating to physician assistants; practice agreement exemption.

[S 133]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2951.1, 54.1-2952, 54.1-2952.1, and 54.1-2953 of the Code of Virginia are amended and reenacted 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.

~~Every~~ *Except as provided in subsection E, 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 the agreement and the patient, periodic joint evaluation of the services delivered, and provisions for appropriate physician input in complex clinical cases, in patient emergencies, and for referrals.

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

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

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

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

A. A patient care team physician or patient care team podiatrist licensed under this chapter may serve on a patient care team with physician assistants and shall provide collaboration and consultation to such physician assistants. No patient care team physician or patient care team podiatrist shall be allowed to collaborate or 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
 58 shall not, by the existence of such service alone, establish or create vicarious liability for the actions or
 59 inactions of other team members.

60 B. Physician assistants may practice medicine to the extent and in the manner authorized by the
 61 Board. A patient care team physician or patient care team podiatrist shall be available at all times to
 62 collaborate and consult with physician assistants. Each patient care team shall identify the relevant
 63 physician assistant's scope of practice and an evaluation process for the physician assistant's
 64 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
 70 section.

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

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

85 E. No physician assistant shall perform any acts beyond those set forth in the practice agreement or
 86 authorized as part of the patient care team. 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
 88 consultation, pursuant to regulations of the Board.

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

95 **§ 54.1-2952.1. Prescription of certain controlled substances and devices by licensed physician**
 96 **assistants.**

97 A. In accordance with the provisions of this section and pursuant to the requirements of Chapter 33
 98 (§ 54.1-3300 et seq.), a licensed physician assistant shall have the authority to prescribe controlled
 99 substances and devices as set forth in Chapter 34 (§ 54.1-3400 et seq.) and as provided in a practice
 100 agreement *or by the credentialing and privileging practice arrangement requirements of a facility*
 101 *described in subsection E of § 54.1-2951.1*. Such practice agreements shall include a statement of the
 102 controlled substances the physician assistant is or is not authorized to prescribe and may restrict such
 103 prescriptive authority as deemed appropriate by the patient care team physician or patient care team
 104 podiatrist.

105 B. It ~~shall be~~ is unlawful for the physician assistant to prescribe controlled substances or devices
 106 pursuant to this section unless such prescription is authorized by the practice agreement *or by the*
 107 *credentialing and privileging practice arrangement requirements of a facility described in subsection E*
 108 *of § 54.1-2951.1* and the requirements in this section.

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

112 The regulations promulgated pursuant to this section shall include, at a minimum, (i) such
 113 requirements as may be necessary to ensure continued physician assistant competency, which may
 114 include continuing education, testing, and any other requirement and shall address the need to promote
 115 ethical practice, an appropriate standard of care, patient safety, the use of new pharmaceuticals, and
 116 appropriate communication with patients, and (ii) a requirement that the physician assistant disclose to
 117 his patients his name, address, and telephone number and that he is a physician assistant. If a patient or

his representative requests to speak with the patient care team physician or patient care team podiatrist, the physician assistant shall arrange for communication between the parties or provide the necessary information.

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

§ 54.1-2953. Renewal, revocation, suspension, and refusal.

The Board may revoke, suspend, or refuse to renew a license to practice as a physician assistant for any of the following:

1. Any action by a physician assistant constituting unprofessional conduct pursuant to § 54.1-2915;
2. Practice by a physician assistant other than as part of a patient care team, including practice without entering into a practice agreement with one or more patient care team physicians or patient care team podiatrists, *except as provided in subsection E of § 54.1-2951.1*;
3. Failure of the physician assistant to practice in accordance with the requirements of his practice agreement;
4. Negligence or incompetence on the part of the physician assistant or other member of the patient care team;
5. Violation of or cooperation in the violation of any provision of this chapter or the regulations of the Board; or
6. Failure to comply with any regulation of the Board required for licensure of a physician assistant.