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SENATE BILL NO. 106

Senate Amendments in [ ] - February 6, 2012

A BILL to amend and reenact § 54.1-2952 of the Code of Virginia, relating to physician assistants; scope of practice.

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Patron Prior to Engrossment—Senator Edwards

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Referred to Committee on Education and Health

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Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2952 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2952. Supervision of assistants by licensed physician, or podiatrist; services that may be performed by assistants; responsibility of licensee; employment of assistants.

A. A physician or a podiatrist licensed under this chapter may apply to the Board to supervise assistants and delegate certain acts which constitute the practice of medicine to the extent and in the manner authorized by the Board. The physician shall provide continuous supervision as required by this section; however, the requirement for physician supervision of assistants shall not be construed as requiring the physical presence of the supervising physician during all times and places of service delivery by assistants. Each team of supervising physician and physician assistant shall identify the relevant physician assistant's scope of practice, including, but not limited to, the delegation of medical tasks as appropriate to the physician assistant's level of competence, the physician assistant's relationship with and access to the supervising physician, and an evaluation process for the physician assistant's performance.

No licensee shall be allowed to supervise more than [~~two~~ *six*] assistants at any one time.

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

Activities shall be delegated in a manner consistent with sound medical practice and the protection of the health and safety of the patient. Such activities shall be set forth in a written practice supervision agreement between the assistant and the supervising health care provider and may include health care services which are educational, diagnostic, therapeutic, preventive, or include treatment, but shall not include the establishment of a final diagnosis or treatment plan for the patient unless set forth in the written practice supervision agreement. Prescribing or dispensing of drugs may be permitted as provided in § 54.1-2952.1. In addition, a licensee is authorized to delegate and supervise initial and ongoing evaluation and treatment of any patient in a hospital, including its emergency department, when performed under the direction, supervision and control of the supervising licensee. When practicing in a hospital, the assistant shall report any acute or significant finding or change in a patient's clinical status to the supervising physician as soon as circumstances require, and shall record such finding in appropriate institutional records. The assistant shall transfer to a supervising physician the direction of care of a patient in an emergency department who has a life-threatening injury or illness. The supervising physician shall review, prior to the patient's discharge, the services rendered to each patient by a physician assistant in a hospital's emergency department. An assistant who is employed to practice in an emergency department shall be under the supervision of a physician present within the facility.

Further, unless otherwise prohibited by federal law or by hospital bylaws, rules, or policies, nothing in this section shall prohibit any physician assistant who is not employed by the emergency physician or his professional entity from practicing in a hospital emergency department, within the scope of his practice, while under continuous physician supervision as required by this section, whether or not the supervising physician is physically present in the facility. The supervising physician who authorizes such practice by his assistant shall (i) retain exclusive supervisory control of and responsibility for the assistant and (ii) be available at all times for consultation with both the assistant and the emergency department physician. Prior to the patient's discharge from the emergency department, the assistant shall communicate the proposed disposition plan for any patient under his care to both his supervising physician and the emergency department physician. No person shall have control of or supervisory responsibility for any physician assistant who is not employed by the person or the person's business entity.

B. No assistant shall perform any delegated acts except at the direction of the licensee and under his supervision and control. No physician assistant practicing in a hospital shall render care to a patient unless the physician responsible for that patient has signed the protocol, pursuant to regulations of the Board, to act as supervising physician for that assistant. Every licensee, professional corporation or

9/24/22 18:53

59 partnership of licensees, hospital or commercial enterprise that employs an assistant shall be fully
60 responsible for the acts of the assistant in the care and treatment of human beings.
61   *C. Notwithstanding the provisions of § 54.1-2956.8:1, a licensed physician assistant who (i) is*
62 *working under the supervision of a licensed doctor of medicine or osteopathy specializing in the field of*
63 *radiology [and ,] (ii) has been trained in the proper use of equipment for the purpose of performing*
64 *radiologic technology procedures consistent with Board regulations [, and (iii) has successfully*
65 *completed the exam administered by the American Registry of Radiologic Technologists for physician*
66 *assistants for the purpose of performing radiologic technology procedures] may use fluoroscopy for*
67 *guidance of diagnostic and therapeutic procedures.*
68 **2.   That the Board of Medicine shall promulgate regulations to implement the provisions of this**
69 **act to be effective within 280 days of its enactment.**