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HOUSE BILL NO. 1764

Offered January 11, 2023

Prefiled January 10, 2023

A BILL 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; elimination of practice ratio for physicians and physician assistants.

 Patron—Head

Referred to Committee on Health, Welfare and Institutions

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.

~~C. 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.

~~D. 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 practicing in (i) a hospital as defined in § 32.1-123, (ii) a state facility as defined in § 37.2-100 operated by the Department of Behavioral Health and Developmental Services, or (iii) 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 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

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59 such physician assistants. ~~No patient care team physician or patient care team podiatrist shall be allowed~~
60 ~~to collaborate or consult with more than six physician assistants on a patient care team at any one time.~~
61 *Entering into a patient care team is voluntary for the participating physician assistant and the*
62 *participating patient care team physician or patient care team podiatrist.*

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

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

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

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

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

87 A patient care team physician or the on-duty emergency department physician shall be available at
88 all times for collaboration and consultation with both the physician assistant and the emergency
89 department physician. *No emergency department physician shall be required to collaborate or consult*
90 *with more than six physician assistants at any one time.* No person shall have responsibility for any
91 physician assistant who is not employed by the person or the person's business entity.

92 E. No physician assistant shall perform any acts beyond those set forth in the practice agreement or
93 authorized as part of the patient care team. No physician assistant practicing in a hospital shall render
94 care to a patient unless the physician responsible for that patient is available for collaboration or
95 consultation, pursuant to regulations of the Board.

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

102 **§ 54.1-2952.1. Prescription of certain controlled substances and devices by licensed physician**
103 **assistants.**

104 A. In accordance with the provisions of this section and pursuant to the requirements of Chapter 33
105 (§ 54.1-3300 et seq.), a licensed physician assistant shall have the authority to prescribe controlled
106 substances and devices as set forth in Chapter 34 (§ 54.1-3400 et seq.) and as provided in a practice
107 agreement *or by the credentialing and privileging practice arrangement requirements of a facility*
108 *described in subsection E of § 54.1-2951.1.* Such practice agreements shall include a statement of the
109 controlled substances the physician assistant is or is not authorized to prescribe and may restrict such
110 prescriptive authority as deemed appropriate by the patient care team physician or patient care team
111 podiatrist.

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

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

119 The regulations promulgated pursuant to this section shall include, at a minimum, (i) such
120 requirements as may be necessary to ensure continued physician assistant competency, which may

include continuing education, testing, and any other requirement and shall address the need to promote ethical practice, an appropriate standard of care, patient safety, the use of new pharmaceuticals, and appropriate communication with patients, and (ii) a requirement that the physician assistant disclose to 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.