

B-Engrossed Senate Bill 697

Ordered by the House June 3
Including Senate Amendments dated March 21 and House Amendments
dated June 3

Sponsored by COMMITTEE ON HEALTH POLICY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Makes certain temporary statutory changes related to physician assistants permanent.
Prohibits award of punitive damages against physician assistant under specified conditions.

A BILL FOR AN ACT

1
2 Relating to physician assistants; amending ORS 31.740, 677.495, 677.510 and 677.515.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 677.495, as amended by section 4, chapter 744, Oregon Laws 2001, is amended
5 to read:

6 677.495. As used in ORS 677.495 to 677.545, unless the context requires otherwise:

7 (1) "Committee" means the Physician Assistant Committee created in ORS 677.540.

8 (2) "Physician assistant" means a person who is licensed in accordance with ORS 677.505 to
9 677.525.

10 (3) "Supervision" means the routine direction and regular review by the supervising physician,
11 as determined to be appropriate by the Board of Medical Examiners for the State of Oregon, of the
12 medical services provided by the physician assistant. The practice description shall provide for the
13 maintenance of direct, verbal communication either in person or by means described in ORS 677.515
14 [(4)(b)] **(4)(a)** but the description shall not require the physical presence at all times of the super-
15 vising physician.

16 **SECTION 2.** ORS 677.510, as amended by section 2, chapter 743, Oregon Laws 2001, and section
17 14a, chapter 987, Oregon Laws 2001, is amended to read:

18 677.510. (1) A person licensed to practice medicine under this chapter shall not use the services
19 of a physician assistant without the prior approval of the Board of Medical Examiners. The appli-
20 cation shall state the name of the physician assistant, describe the manner and extent to which the
21 physician assistant's services would be used and supervised, state the education, training and expe-
22 rience of the physician assistant and provide such other information in such a form as the board
23 may require.

24 (2) The board may approve or reject an application, or it may modify the proposed use of the
25 services of the physician assistant and approve the application as modified. When it appears to the
26 board that the services of a physician assistant are being used in a manner inconsistent with the
27 approval granted, the board may withdraw its approval. If a hearing is requested by the physician

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 or the physician assistant upon the rejection of an application, or upon the withdrawal of an ap-
2 proval, a hearing shall be conducted in accordance with ORS 677.200.

3 (3) The supervising physician may have a different specialty from the physician assistant. A
4 physician assistant may be supervised by no more than four physicians. A physician may supervise
5 [two] **four** physician assistants. [However, in population groups federally designated as underserved,
6 or in geographic areas of the state that are federally designated health professional shortage areas,
7 federally designated medically underserved areas or areas designated as medically disadvantaged and
8 in need of primary health care providers by the Director of Human Services or the Office of Rural
9 Health, a physician may supervise four physician assistants.] The board may review and approve ap-
10 plications from physicians serving federally designated underserved populations, or physicians in
11 federally designated health professional shortage areas, federally designated medically underserved
12 areas or areas designated as medically disadvantaged and in need of primary health care providers
13 by the Director of Human Services or the Office of Rural Health to supervise more than four phy-
14 sician assistants, and applications from physician assistants to be supervised by more than four
15 physicians. A physician assistant may render services in an emergency room and other hospital
16 settings, a nursing home, a corrections institution and any site included in the practice description.

17 (4) A licensed physician assistant may make application to the board for emergency drug dis-
18 pensing authority. The board shall consider the criteria adopted by the Physician Assistant Com-
19 mittee under ORS 677.545 (4) in reviewing the application. Such emergency dispensing shall be of
20 drugs prepared or prepackaged by a licensed pharmacist, manufacturing drug outlet or wholesale
21 drug outlet authorized to do so under ORS chapter 689.

22 (5) A physician assistant for whom an application under subsection (1) of this section has been
23 approved by the board on or after January 2, 2006, shall submit to the board, within 24 months after
24 the approval, documentation of completion of:

25 (a) A pain management education program approved by the board and developed in conjunction
26 with the Pain Management Commission established under ORS 409.500; or

27 (b) An equivalent pain management education program, as determined by the board.

28 **SECTION 3.** ORS 677.515, as amended by section 2, chapter 744, Oregon Laws 2001, is amended
29 to read:

30 677.515. (1) This chapter does not prohibit a person from rendering medical services:

31 (a) If the person has satisfactorily completed an educational program for physician assistants,
32 approved by the Board of Medical Examiners for the State of Oregon, for physician assistants;

33 (b) If the services are rendered under the supervision and control of a person licensed under this
34 chapter to practice medicine and the use of the physician assistant's services has been approved by
35 the board as provided by ORS 677.510; and

36 (c) If the person is licensed as a physician assistant as provided by ORS 677.495 and 677.505 to
37 677.525.

38 (2) This chapter does not prohibit a student enrolled in an approved program for educating
39 physician assistants from rendering medical services if the services are rendered in the course of
40 the program.

41 (3) Notwithstanding subsections (1) and (2) of this section, the degree of independent judgment
42 that a physician assistant may exercise shall be determined by the supervising physician and the
43 physician assistant in accordance with a practice description approved by the board.

44 (4) A physician assistant may provide medical services to [ambulatory] patients in a [medical
45 care] setting where a supervising physician does not regularly practice [only] if the following con-

1 ditions exist:

2 [(a) *The medical care setting is located in population groups federally designated as underserved,*
3 *or in geographic areas of the state that are federally designated health professional shortage areas,*
4 *federally designated medically underserved areas or areas designated as medically disadvantaged and*
5 *in need of primary health care providers by the Director of Human Services or the Office of Rural*
6 *Health;*]

7 [(b)] (a) Direct communication either in person or by telephone, radio, radiotelephone, television
8 or similar means is maintained; and

9 [(c)] (b) The medical services provided by the physician assistant are reviewed by a supervising
10 physician on a regularly scheduled basis as determined by the board.

11 (5) A supervising physician, upon the approval of the board and in accordance with the rules
12 established by the board, may delegate to the physician assistant the authority to administer and
13 dispense limited emergency medications and to prescribe medications pursuant to this section and
14 ORS 677.535 to 677.545. Neither the board nor the Physician Assistant Committee shall limit the
15 privilege of administering, dispensing and prescribing to population groups federally designated as
16 underserved, or to geographic areas of the state that are federally designated health professional
17 shortage areas, federally designated medically underserved areas or areas designated as medically
18 disadvantaged and in need of primary health care providers by the Director of Human Services or
19 the Office of Rural Health. All prescriptions written pursuant to this subsection shall bear the name,
20 office address and telephone number of the supervising physician.

21 (6) Nothing in this chapter is intended to require or prohibit a physician assistant from prac-
22 ticing in a hospital licensed pursuant to ORS 441.015 to 441.089.

23 (7) Prescriptions for medications prescribed by a physician assistant in accordance with this
24 section and ORS 475.005, 677.010, 677.500, 677.510 and 677.535 to 677.545 and dispensed by a licensed
25 pharmacist may be filled by the pharmacist according to the terms of the prescription, and the filling
26 of such a prescription shall not constitute evidence of negligence on the part of the pharmacist if
27 the prescription was dispensed within the reasonable and prudent practice of pharmacy.

28 **SECTION 4.** ORS 31.740 is amended to read:

29 31.740. Punitive damages shall not be awarded against a health practitioner if:

30 (1) The health practitioner is licensed, registered or certified as:

31 (a) A psychologist under ORS 675.030 to 675.070, 675.085 and 675.090;

32 (b) An occupational therapist under ORS 675.230 to 675.300;

33 (c) A licensed clinical social worker under ORS 675.530, 675.540 to 675.560, 675.580 and 675.585;

34 (d) A physician under ORS 677.100 to 677.228;

35 (e) An emergency medical technician under ORS chapter 682;

36 (f) A podiatric physician and surgeon under ORS 677.820 to 677.840;

37 (g) A nurse under ORS 678.040 to 678.101;

38 (h) A nurse practitioner under ORS 678.375 to 678.390;

39 (i) A dentist under ORS 679.060 to 679.180;

40 (j) A dental hygienist under ORS 680.040 to 680.100;

41 (k) A denturist under ORS 680.515 to 680.535;

42 (L) An audiologist or speech-language pathologist under ORS 681.250 to 681.350;

43 (m) An optometrist under ORS 683.040 to 683.155 and 683.170 to 683.220;

44 (n) A chiropractor under ORS 684.040 to 684.105;

45 (o) A naturopath under ORS 685.060 to 685.110, 685.125 and 685.135;

1 (p) A massage therapist under ORS 687.021 to 687.086;

2 (q) A physical therapist under ORS 688.040 to 688.145;

3 (r) A radiologic technician under ORS 688.445 to 688.525; [*or*]

4 (s) A pharmacist under ORS 689.151 and 689.225 to 689.285; [*and*] **or**

5 **(t) A physician assistant as provided by ORS 677.505 to 677.525; and**

6 (2) The health practitioner was engaged in conduct regulated by the license, registration or

7 certificate issued by the appropriate governing body and was acting within the scope of practice for

8 which the license, registration or certificate was issued and without malice.

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