

Enrolled
Senate Bill 697

Sponsored by COMMITTEE ON HEALTH POLICY

CHAPTER

AN ACT

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

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

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

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

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

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

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

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

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

(2) The board may approve or reject an application, or it may modify the proposed use of the services of the physician assistant and approve the application as modified. When it appears to the board that the services of a physician assistant are being used in a manner inconsistent with the approval granted, the board may withdraw its approval. If a hearing is requested by the physician or the physician assistant upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with ORS 677.200.

(3) The supervising physician may have a different specialty from the physician assistant. A physician assistant may be supervised by no more than four physicians. A physician may supervise [two] **four** physician assistants. [However, in population groups federally designated as underserved, or in geographic areas of the state that are federally designated health professional shortage areas, federally designated medically underserved areas or areas designated as medically disadvantaged and in need of primary health care providers by the Director of Human Services or the Office of Rural

Health, a physician may supervise four physician assistants.] The board may review and approve applications from physicians serving federally designated underserved populations, or physicians in federally designated health professional shortage areas, federally designated medically underserved areas or areas designated as medically disadvantaged and in need of primary health care providers by the Director of Human Services or the Office of Rural Health to supervise more than four physician assistants, and applications from physician assistants to be supervised by more than four physicians. A physician assistant may render services in an emergency room and other hospital settings, a nursing home, a corrections institution and any site included in the practice description.

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

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

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

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

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

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

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

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

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

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

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

(4) A physician assistant may provide medical services to [*ambulatory*] patients in a [*medical care*] setting where a supervising physician does not regularly practice [*only*] if the following conditions exist:

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

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

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

(5) A supervising physician, upon the approval of the board and in accordance with the rules established by the board, may delegate to the physician assistant the authority to administer and dispense limited emergency medications and to prescribe medications pursuant to this section and ORS 677.535 to 677.545. Neither the board nor the Physician Assistant Committee shall limit the privilege of administering, dispensing and prescribing to population groups federally designated as

underserved, or to geographic areas of the state that are federally designated health professional shortage areas, federally designated medically underserved areas or areas designated as medically disadvantaged and in need of primary health care providers by the Director of Human Services or the Office of Rural Health. All prescriptions written pursuant to this subsection shall bear the name, office address and telephone number of the supervising physician.

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

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

SECTION 4. ORS 31.740 is amended to read:

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

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

- (a) A psychologist under ORS 675.030 to 675.070, 675.085 and 675.090;
- (b) An occupational therapist under ORS 675.230 to 675.300;
- (c) A licensed clinical social worker under ORS 675.530, 675.540 to 675.560, 675.580 and 675.585;
- (d) A physician under ORS 677.100 to 677.228;
- (e) An emergency medical technician under ORS chapter 682;
- (f) A podiatric physician and surgeon under ORS 677.820 to 677.840;
- (g) A nurse under ORS 678.040 to 678.101;
- (h) A nurse practitioner under ORS 678.375 to 678.390;
- (i) A dentist under ORS 679.060 to 679.180;
- (j) A dental hygienist under ORS 680.040 to 680.100;
- (k) A denturist under ORS 680.515 to 680.535;
- (L) An audiologist or speech-language pathologist under ORS 681.250 to 681.350;
- (m) An optometrist under ORS 683.040 to 683.155 and 683.170 to 683.220;
- (n) A chiropractor under ORS 684.040 to 684.105;
- (o) A naturopath under ORS 685.060 to 685.110, 685.125 and 685.135;
- (p) A massage therapist under ORS 687.021 to 687.086;
- (q) A physical therapist under ORS 688.040 to 688.145;
- (r) A radiologic technician under ORS 688.445 to 688.525; [*or*]
- (s) A pharmacist under ORS 689.151 and 689.225 to 689.285; [*and*] **or**
- (t) A physician assistant as provided by ORS 677.505 to 677.525; and**

(2) The health practitioner was engaged in conduct regulated by the license, registration or certificate issued by the appropriate governing body and was acting within the scope of practice for which the license, registration or certificate was issued and without malice.

Passed by Senate March 23, 2005

Repassed by Senate June 14, 2005

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Secretary of Senate

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President of Senate

Passed by House June 8, 2005

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Speaker of House

Received by Governor:

.....M,....., 2005

Approved:

.....M,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M,....., 2005

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Secretary of State