AN ACT

To amend and reenact R.S. 37:1360.21(A), (B), and (C), 1360.22(1), (5), and (8), 1360.23(G), (H), and (I), 1360.24(A)(3), the introductory paragraph of 1360.29(A), 1360.31, and 1360.32, to enact R.S. 37:1360.29(A)(4) and 1360.38(A)(3) and (4), and to repeal R.S. 37:1360.23(J), relative to physician assistants; to provide for legislative intent; to amend definitions; to provide for the powers and duties of the Louisiana State Board of Medical Examiners; to provide for licensure; to provide for supervising physician qualifications and registration; to provide for services performed by physician assistants; to provide for assumption of professional liability; to provide for exemption; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1360.21(A), (B), and (C), 1360.22(1), (5), and (8), 1360.23(G), (H), and (I), 1360.24(A)(3), the introductory paragraph of 1360.29(A), 1360.31, and 1360.32 are hereby amended and reenacted and R.S. 37:1360.29(A)(4) and 1360.38(A)(3) and (4) are hereby enacted to read as follows:

§1360.21. Legislative intent

A. Shortages of all skilled health personnel, particularly in rural and urban medically underserved areas and in the field of primary care medicine, new scientific and technological developments, and new methods of organizing health services have made the question of new uses for allied health personnel the critical issue to be resolved if our supply of health manpower is to be used effectively and productively. In its concern with the growing shortage and geographic maldistribution of health care services in Louisiana, the rising cost of health care services in the state and nationally, and the need for primary health care by
thousands of Louisiana citizens, the legislature intends to establish in this Part a framework for legal recognition and development of new categories of health manpower to be known as physician assistants.

B. Physician assistants are skilled members of the health care profession who work under the supervision of licensed physicians. They are qualified to take patient histories, perform physical examinations, and order and interpret certain diagnostic tests. A physician assistant may implement treatment plans as delegated by the supervising physician and explain them to patients.

C. It is the intent of this Part to permit the more effective utilization of the skills of physicians, particularly in the primary care setting, by enabling them to delegate certain health care tasks to qualified physician assistants when such delegation is consistent with the patient's health and welfare.

§1360.22. Definitions

As used in this Part:

(1) "Approved program" means a program for the education and training of physician assistants which has been formally approved by the Committee on Allied Health Education and Accreditation, its predecessors, or its successors.

(5) "Physician assistant" or "assistant" means a person who is a graduate of a program accredited by the Committee on Allied Health Education and Accreditation or its successors and who has successfully passed the national certificate examination administered by the National Commission on the Certification of Physicians' Assistants or its predecessors and who is approved and licensed by the Louisiana State Board of Medical Examiners to perform medical services.

Coding: Words which are struck through are deletions from existing law; words in boldface type and underscored are additions.
services under the supervision of a physician or group of physicians who are licensed by and registered with the board to supervise such assistant means a health professional qualified by academic and clinical education and licensed by the Louisiana State Board of Medical Examiners to provide health care services at the direction and under the supervision of a physician or a group of physicians approved by the board as a supervising physician.

(8) "Supervision" means responsible direction and control, with the supervising physician assuming legal liability for the services rendered by the physician assistant in the course and scope of the physician assistant's employment. Such supervision shall not be construed in every case to require the physical presence of the supervising physician. However, the supervising physician and physician assistant must have the capability to be in contact with each other by either telephone or other telecommunications device. Supervision shall exist when the supervising physician responsible for the patient gives informed concurrence of the action of a physician assistant, whether given prior to or after the action, and when a medical treatment plan or action is made in accordance with written clinical practice guidelines or protocols set forth by the supervising physician. The level and method of supervision shall be at the physician and physician assistant level, shall be documented and reviewed annually, and shall reflect the acuity of the patient care and nature of the procedure.

§1360.23. Powers and duties of the board

G. The board shall report to the legislature no later than February 1, 1994, and annually thereafter, as to:

(1) The number and types of programs which have been approved and a description of each;

(2) The number of physician assistants who have been approved and licensed under this Part and the number of physicians approved as supervising physicians...
under this Part:

(3) An evaluation of the programs and the acceptance of them by the community.

H.G. Approval may be given for a physician to be the primary supervising physician for up to two physician assistants; however, nothing in this Part shall prohibit a qualified supervising physician from acting as a supervising physician on a locum tenens basis for any physician assistants in addition to the two physician assistants for whom he is the primary supervising physician, provided that such physician shall not act as supervising physician for more than four physician assistants at any one time. In addition, a physician, approved by the board as a supervising physician, practicing in a private practice, group practice, partnership, professional medical corporation, or employed by a hospital or other health care organization or entity may be the primary supervising physician for up to two four physician assistants. Physician assistants may be employed by a group practice or partnership of physicians or a professional medical corporation duly qualified under R.S. 12:901 et seq., as amended, or a hospital or other health care organization or entity, as long as such physician assistants are being supervised by a qualified supervising physician.

I. The board shall ensure that applicants for the program shall not be discriminated against due to race, color, creed, age, sex, disability, as defined in R.S. 51:2232(11)(3), or national origin.

J. Notwithstanding any other provision of this Part to the contrary, any person who before and on June 16, 1993, is currently practicing as a physician assistant under supervision of a licensed physician shall be licensed as a physician assistant.

§1360.24. Licensure

A. Except as otherwise provided for in this Part, an individual shall be licensed by the board before the individual may practice as a physician assistant. The board may grant a license to a physician assistant applicant who:

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(3) Has successfully completed an education program for physician assistants accredited by the Committee on Allied Health Education and Accreditation, its predecessors, or its successors and who has passed the physician assistant national certifying examination administered by the National Commission on Certification of Physicians’ Assistants.

§1360.29. Supervising physician qualifications and registration

A. A physician applying to supervise a physician assistant must shall:

(4) Maintain a written agreement with the physician assistant in compliance with R.S. 37:1360.22(8) that includes a statement that the physician shall exercise supervision over the physician assistant in accordance with this Part. The agreement shall be signed by the supervising physician and physician assistant, updated annually, kept on file at the practice site, and available to the board upon request.

§1360.31. Services performed by physician assistants

A.(1) A physician assistant performs medical services when such services are rendered under the supervision of a supervising physician. A physician assistant may have multiple supervising physicians in no more than five medical specialties or subspecialties, provided all of the physician assistant's supervising physicians are properly registered with the board in accordance with the provisions of this Part. A physician assistant may perform those duties and responsibilities that are delegated to him by his supervising physician. A physician assistant is considered to be and is deemed the agent of his supervising physician in the performance of all practice-related activities, including but not limited to assisting in surgery and the ordering and interpretation of diagnostic and other medical services. The level and method of supervision shall be at the physician and physician assistant level, shall be documented and reviewed annually, and shall reflect the acuity

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of the patient care and the nature of a procedure. A physician assistant shall not practice without supervision except in life-threatening emergencies and in emergency situations such as man-made and natural disaster relief efforts.

(2) A physician assistant may inject local anesthetic agents subcutaneously, including digital blocks or apply topical anesthetic agents when delegated to do so by a supervising physician. However, nothing in this Part shall otherwise permit a physician assistant to administer local anesthetics perineurally, pericurally, epidurally, intrathecally, or intravenously unless such physician assistant is a certified registered nurse anesthetist and meets the requirements in R.S. 37:930.

B. The practice of a physician assistant shall include the performance of medical services within the scope of his education, training, and experience, which are delegated by the supervising physician. Medical services rendered by a physician assistant may include but are not limited to:

(1) Obtaining patient histories and performing physical examinations:

(2) Ordering or performing diagnostic procedures as delegated by the supervising physician:

(3) Developing and implementing a treatment plan in accordance with written clinical practice guidelines and protocols set forth by the supervising physician:

(4) Monitoring the effectiveness of therapeutic intervention:

(5) Suturing wounds as delegated by the supervising physician:

(6) Offering counseling and education to meet patient needs:

(7) Making appropriate referrals:

(8) C.(1) Prescribing certain drugs and medical devices to the extent delegated by the supervising physician, provided the physician assistant has completed a minimum of one year of clinical rotations during his training and has practiced for a minimum of one year under a supervising physician. A physician assistant may prescribe, order, and administer drugs to the extent delegated by the supervising physician except as provided pursuant to R.S. 37:930 relative to anesthetics. Drugs which may be prescribed, ordered, and administered by a
physician assistant or a health care professional licensed pursuant to Chapter

12 of this Title are those listed in Schedules II, III, IV, and V of R.S. 40:964 and
legend drugs, which are defined as any drug or drug product bearing on the label of
the manufacturer or distributor, as required by the Food and Drug Administration,
the statement "Caution: Federal law prohibits dispensing without a prescription".

A physician assistant authorized to prescribe controlled substances shall
register with the United States Drug Enforcement Administration.

(2) A graduate physician assistant shall have at least five hundred
clinical hours of training prior to application for prescriptive authority.

(3) A physician assistant may request, receive, and sign for sample drugs
and may distribute sample drugs to a patient.

C. D. The activities listed above may be performed in any setting authorized
by the supervising physician including but not limited to clinics, hospitals,
ambulatory surgical centers, patient homes, nursing homes, other institutional
settings, and health manpower shortage areas.

§1360.32. Assumption of professional liability

When a physician assistant is employed supervised by a physician or group
practice of physicians or a professional medical corporation or a hospital or other
health care organization or entity, the physician assistant shall be supervised by and
be the legal responsibility of the employing supervising physician or group practice
or professional medical corporation or other hospital or other health care
organization or entity and the supervising physician. The legal responsibility for the
physician assistant's patient care activities, including care and treatment that is
provided in health care facilities, shall remain that of the supervising physician,
group practice of physicians, or a professional medical corporation or a hospital or
other health care organization or entity.

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§1360.38. Exemptions

A. The provisions of this Part shall not apply to:

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(3) A physician assistant student enrolled in a physician assistant educational program accredited by the Accreditation Review Commission on Education for the Physician Assistant.

(4) A physician assistant employed by the federal government while performing duties incidental to that employment.

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Section 2. R.S. 37:1360.23(J) is hereby repealed.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _______________