

CHAPTER 1225**PHYSICIAN ASSISTANTS' REGULATION***S.F. 2169*

AN ACT relating to physician assistants, establishing a board of physician assistant examiners, providing for the registration and licensure of physician assistants, making penalties applicable, providing properly related matters, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 136C.3, subsection 2, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Establish minimum training standards including continuing education requirements, and administer examinations and disciplinary procedures for operators of radiation machines and users of radioactive materials. A state of Iowa license to practice medicine, osteopathy, chiropractic, podiatry, dentistry, dental hygiene, or veterinary medicine, or certification as a physician's assistant as defined in section 148C.1, subsection 6 licensure as a physician assistant pursuant to chapter 148C, or certification by the board of dental examiners in dental radiography, or enrollment in a program or course of study approved by the Iowa department of public health which includes the application of radiation to humans satisfies the minimum training standards for operation of radiation machines only.

Sec. 2. Section 147.1, subsections 2 and 3, Code Supplement 1987, are amended to read as follows:

2. "Licensed" or "certified" when applied to a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, physician assistant, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, practitioner of cosmetology, practitioner of barbering, funeral director, dietitian, or social worker means a person licensed under this title.

3. "Profession" means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, cosmetology, barbering, mortuary science, social work or dietetics.

Sec. 3. Section 147.2, Code 1987, is amended to read as follows:

147.2 LICENSE REQUIRED.

~~No~~ A person shall ~~not~~ engage in the practice of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, occupational therapy, pharmacy, cosmetology, barbering, dietetics, or mortuary science or shall not practice as a physician assistant as defined in the following chapters of this title, unless the person has obtained from the department a license for that purpose.

Sec. 4. Section 147.3, Code 1987, is amended to read as follows:

147.3 QUALIFICATIONS.

An applicant for a license to practice a profession under this title is not ineligible because of age, citizenship, sex, race, religion, marital status or national origin, although the application form may require citizenship information. A board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of medicine, podiatry, osteopathy, osteopathic medicine and surgery, chiropractic, nursing, psychology, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, cosmetology, barbering, mortuary science, social work or dietetics the profession for which the

applicant requests to be licensed. Character references may be required, but shall not be obtained from licensed members of the profession.

Sec. 5. Section 147.13, Code 1987, is amended to read as follows:

147.13 DESIGNATION OF BOARDS.

The examining boards provided in section 147.12 shall be designated as follows:

1. For medicine and surgery, and osteopathy, and osteopathic medicine and surgery, medical examiners; for.
2. For physician assistants, board of physician assistant examiners.
3. For psychology, psychology examiners; for.
4. For podiatry, podiatry examiners; for.
5. For chiropractic, chiropractic examiners; for.
6. For physical therapists and occupational therapists, physical and occupational therapy examiners; for.
7. For nursing, board of nursing; for.
8. For dentistry and dental hygiene, dental examiners; for.
9. For optometry, optometry examiners; for.
10. For speech pathology and audiology, speech pathology and audiology examiners; for.
11. For cosmetology, cosmetology examiners; for.
12. For barbering, barber examiners; for.
13. For pharmacy, pharmacy examiners; for.
14. For mortuary science, mortuary science examiners; for.
15. For social workers, social work examiners; for.
16. For dietetics, dietetic examiners.

Sec. 6. Section 147.14, subsection 2, Code 1987, is amended to read as follows:

2. For medical examiners, five members licensed to practice medicine and surgery, two members licensed to practice osteopathic medicine and surgery, ~~one member approved as a physician's assistant,~~ and two members not licensed to practice either medicine and surgery or osteopathic medicine and surgery, ~~or approved as a physician's assistant,~~ and who shall represent the general public. ~~The physician's assistant shall have all the rights and privileges of a board member but may vote only on matters relating to discipline of physicians' assistants, education of physicians' assistants and rules or policies directly affecting physicians' assistants.~~ A majority of members of the board constitutes a quorum.

Sec. 7. Section 147.14, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 12. For the board of physician assistant examiners, three members licensed to practice as physician assistants, at least two of whom practice in counties with a population of less than fifty thousand, one member licensed to practice medicine and surgery who supervises a physician assistant, one member licensed to practice osteopathic medicine and surgery who supervises a physician assistant, and two members who are not licensed to practice either medicine and surgery or osteopathic medicine and surgery or licensed as a physician assistant and who shall represent the general public. At least one of the physician members shall be in practice in a county with a population of less than fifty thousand. A majority of members of the board constitutes a quorum.

Sec. 8. Section 147.16, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. However, each licensed physician assistant member of the board of physician assistant examiners shall be actively engaged in practice as a physician assistant and shall have been so engaged for a period of three years just preceding the member's appointment, the last year of which shall be in this state.

Sec. 9. Section 147.25, unnumbered paragraph 4, Code 1987, is amended to read as follows:

In addition to any other fee provided by law, a fee may be set by the respective examining boards for each license and renewal of a license to practice medicine, surgery, podiatry, osteopathy, osteopathic medicine and surgery, chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy, physical therapy, occupational therapy, social work, veterinary medicine, or dietetics a profession, which fee shall be based on the annual cost of collecting information for use by the department in the administration of the system of health personnel statistics established by this section. The fee shall be collected, transmitted to the treasurer of state and deposited in the general fund of the state in the manner in which license and renewal fees of the respective professions are collected, transmitted, and deposited in the general fund.

Sec. 10. Section 147.74, Code Supplement 1987, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 11:

NEW UNNUMBERED PARAGRAPH. A physician assistant registered or licensed under chapter 148C may use the words "physician assistant" after the person's name or to signify the same by the use of the letters "P.A." after the person's name.

Sec. 11. Section 147.80, Code 1987, is amended by adding the following new subsection after subsection 4 and renumbering the subsequent subsections:

NEW SUBSECTION. 5. Application for a license to practice as a physician assistant, issuance of a license to practice as a physician assistant issued upon the basis of an examination given or approved by the board of physician assistant examiners, issuance of a license to practice as a physician assistant issued under a reciprocal agreement, renewal of a license to practice as a physician assistant, temporary license to practice as a physician assistant, registration of a physician assistant, temporary registration of a physician assistant, renewal of a registration of a physician assistant.

Sec. 12. Section 147.103, Code 1987, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. The board of physician assistant examiners may appoint investigators, who shall not be members of the examining board, to administer and aid in the enforcement of the provisions of law relating to physician assistants. The amount of compensation for the investigators shall be determined pursuant to chapter 19A.

Sec. 13. Section 147.103, unnumbered paragraph 2, Code 1987, is amended to read as follows:

Investigators authorized by the board of medical examiners and the board of physician assistant examiners have the powers and status of peace officers when enforcing this chapter and chapters 147A, 148, 148C, 150, 150A, and 258A.

Sec. 14. NEW SECTION. 148.13 AUTHORITY OF BOARD AS TO SUPERVISING PHYSICIANS AND REVIEW OF CONTESTED CASES UNDER CHAPTER 148C.

1. The board of medical examiners shall adopt rules setting forth in detail its criteria and procedures for determining the ineligibility of a physician to serve as a supervising physician under chapter 148C. The rules shall be adopted as soon as possible after the effective date of this Act and in no event later than December 31, 1988.

2. The board of medical examiners shall establish by rule specific procedures for consulting with and considering the advice of the board of physician assistant examiners in determining whether to initiate a disciplinary proceeding under chapter 17A against a licensed physician in a matter involving the supervision of a physician assistant.

3. In exercising their respective authorities, the board of medical examiners and the board of physician assistant examiners shall cooperate with the goal of encouraging the utilization

of physician assistants in a manner that is consistent with the provision of quality health care and medical services for the citizens of Iowa.

4. A decision of the board of physician assistant examiners in a contested case involving discipline of a person licensed as a physician assistant under chapter 148C may be appealed to the board of medical examiners as provided in section 148C.6A.

Sec. 15. Section 148C.1, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

148C.1 DEFINITIONS.

1. "Approved program" means a program for the education of physician assistants which has been formally approved by the board in accordance with rules adopted pursuant to this chapter.

2. "Board" means the board of physician assistant examiners.

3. "Department" means the Iowa department of public health.

4. "Licensed physician assistant" means a person who is licensed by the board to practice as a physician assistant under the supervision of one or more physicians specified in the license. "Supervision" does not require the personal presence of the supervising physician at the place where medical services are rendered except insofar as the personal presence is expressly required by this chapter or required by rules of the board adopted pursuant to this chapter.

5. "Physician" means a person who is currently licensed in Iowa to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy.

6. "Physician assistant" means a person who has successfully completed an approved program and passed an examination approved by the board or is otherwise found by the board to be qualified to perform medical services under the supervision of a physician.

7. "Review group" means the physician assistant rules review group established in section 148C.7.

8. "Trainee" means a person who is currently enrolled in an approved program.

Sec. 16. Section 148C.2, Code 1987, is amended to read as follows:

148C.2 APPROVED PROGRAMS.

The department shall issue certificates of approval for programs for the education and training of ~~physician's~~ physician assistants which meet board standards. In developing criteria for program approval, the board shall give consideration to and encourage the utilization of equivalency and proficiency testing and other mechanisms whereby full credit is given to trainees for past education and experience in health fields. ~~The board shall adopt and publish Rules shall be adopted pursuant to this chapter setting forth standards to insure that such programs operate in a manner which does not endanger the health and welfare of patients who receive services within the scope of the program. The board shall review the quality of curriculum, faculty, and the facilities of such programs and shall issue approve the issuance of certificates of approval. The board may adopt such regulations as are reasonably necessary to carry out the purposes of this chapter.~~

~~If the board determines that a person has sufficient knowledge and experience to qualify as a physician's assistant, the board may approve an application to supervise such person as a physician's assistant without requiring the completion of an approved program.~~

~~Rules shall be adopted pursuant to this chapter setting forth the fees to be charged in connection with the application for and issuance of certificates of approval under this section.~~

Sec. 17. Section 148C.3, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

148C.3 REGISTRATION – LICENSURE.

1. The board shall formulate guidelines and adopt rules, pursuant to section 148C.7, to govern the registration of persons who qualify as physician assistants. An applicant for registration shall submit the fee prescribed by the board and shall meet the requirements established by the board with respect to all of the following:

a. Academic qualifications, including evidence of graduation from an approved program. However, if the board determines that a person has sufficient knowledge and experience to qualify as a physician assistant, the board may approve an application for registration without requiring the completion of an approved program.

b. Examination grades and evidence of passing the national commission on certification of physician assistants examination or an equivalent examination which the board approves.

c. Hours of continuing medical education necessary to remain licensed or eligible for licensure.

2. The board may issue a temporary registration under special circumstances and upon conditions prescribed by the board. A temporary registration shall not exceed one year in duration and shall not be renewed more than once.

3. A person who is registered as a physician assistant is not authorized to practice as a physician assistant unless the person is also a licensed physician assistant.

4. The board shall formulate guidelines and adopt rules, pursuant to section 148C.7, for the consideration of applications from persons seeking to become licensed physician assistants. An applicant for a license to practice as a physician assistant shall submit the fee prescribed by the board and evidence of the applicant's current registration with the board as a physician assistant. In conjunction with the physician assistant submission, the applicant's supervising physician or physicians shall submit evidence of eligibility, as determined by the board of medical examiners, to serve as a supervising physician, information with respect to the supervising physician's professional background and specialty, scope of practice, and a plan for supervision of the physician assistant. In addition the physician assistant applicant and the supervising physician or physicians shall submit a description of how the physician assistant is to function within the scope of practice.

5. The board may issue a temporary license under special circumstances and upon conditions prescribed by the board. A temporary license shall not exceed one year in duration and shall not be renewed more than once.

6. The board may modify the proposed functioning of a physician assistant and then approve the application for licensure as modified.

7. The board shall not approve an application for licensure which would result in a physician supervising more than two physician assistants at one time.

8. A licensed physician assistant shall perform only those services for which the licensed physician assistant is qualified by training, and shall not perform a service that is not permitted by the board.

9. Rules shall be adopted pursuant to this chapter which will permit qualified practicing physicians to supervise licensed physician assistants at a free medical clinic on a temporary basis.

Sec. 18. Section 148C.4, Code 1987, is amended to read as follows:

148C.4 SERVICES PERFORMED BY ASSISTANTS.

A ~~physician's~~ physician assistant may perform medical ~~service~~ services when ~~such~~ the ~~services~~ are rendered under the supervision of a ~~licensed~~ the ~~physician~~ or physicians specified in the physician assistant license approved by the board. A trainee may perform medical ~~services~~ when ~~such~~ the services are rendered within the scope of an approved program.

Sec. 19. NEW SECTION. 148C.5A INITIATING DISCIPLINARY PROCEEDINGS — ADVICE FROM BOARD OF MEDICAL EXAMINERS.

Rules shall be adopted pursuant to section 148C.7 to establish specific procedures for consulting with and considering the advice of the board of medical examiners in determining whether to initiate a disciplinary proceeding under chapter 17A against a licensed physician assistant.

Sec. 20. NEW SECTION. 148C.6A APPEAL TO BOARD OF MEDICAL EXAMINERS IN CONTESTED CASES INVOLVING DISCIPLINE.

Pursuant to section 17A.15, a decision of the board in a contested case involving discipline of a person licensed as a physician assistant may be appealed to the board of medical examiners.

Sec. 21. Section 148C.7, Code 1987, is amended to read as follows:

148C.7 REGULATIONS RULES — REVIEW GROUP.

1. A physician assistant rules review group is established consisting of one physician assistant member, one supervising physician member, and one public member from the board of physician assistant examiners and two members from the board of medical examiners who are licensed to practice medicine and surgery or osteopathic medicine and surgery. The respective boards shall select their members to serve on the physician assistant rules review group. The review group shall select its own chairperson.

The review group shall review and approve or disapprove rules proposed for adoption by the board of physician assistant examiners. Approval shall be a simple majority of the members of the group. A rule shall not become effective without the approval of the review group.

2. Regulations adopted by the board to implement the provisions of this chapter The board may adopt rules reasonably necessary to carry out the purposes of this chapter. Proposed rules must be submitted to the review group for prior review and approval. The rules shall be designed to encourage the utilization of physicians' physician assistants in a manner that is consistent with the provision of quality health care and medical services for the citizens of Iowa through better utilization of available physicians and the development of sound programs for the education and training of skilled physicians' physician assistants well qualified to assist physicians in providing health care and medical services.

Sec. 22. Section 148C.8, Code 1987, is amended to read as follows:

148C.8 RIGHT TO DELEGATE.

Nothing in this chapter shall affect or limit affects or limits a physician's existing right to delegate various medical tasks to aides, assistants or others acting under the physician's supervision or direction, including orthopedic physician's assistant technologists. Aides Such aides, assistants, or orthopedic physician's assistant technologists, and others who perform only those tasks which can be so delegated shall not be required to qualify as physicians' physician assistants hereunder under this chapter.

Sec. 23. Section 148C.9, Code 1987, is amended to read as follows:

148C.9 EYE EXAMINATION RESTRICTED.

No physician's A physician assistant shall not be permitted to prescribe lenses, prisms, or contact lenses for the aid, relief, or correction of human vision. No physician's A physician assistant shall not be permitted to measure the visual power and visual efficiency of the human eye, as distinguished from routine visual screening, except in the personal presence of a supervising physician at the place where such services are rendered.

Sec. 24. Section 148C.11, Code 1987, is amended to read as follows:
148C.11 PROHIBITIONS.

A person not certified registered and licensed as required by this chapter who practices as a ~~physician's~~ physician assistant without having obtained the appropriate approval under this chapter, is guilty of a serious misdemeanor.

Sec. 25. Section 258A.1, subsection 1, Code Supplement 1987, is amended by adding the following new paragraph after paragraph l and renumbering the subsequent paragraphs:
NEW PARAGRAPH. m. The board of physician assistant examiners.

Sec. 26. Section 321J.11, unnumbered paragraph 1, Code 1987, is amended to read as follows:
Only a licensed physician, ~~physician's~~ licensed physician assistant as defined in section 148C.1, ~~subsection 6,~~ medical technologist, or registered nurse, acting at the request of a peace officer, may withdraw a specimen of blood for the purpose of determining the alcohol concentration or the presence of drugs. However, any peace officer, using devices and methods approved by the commissioner of public safety, may take a specimen of a person's breath or urine for the purpose of determining the alcohol concentration or the presence of drugs. Only new equipment kept under strictly sanitary and sterile conditions shall be used for drawing blood.

Sec. 27. REPEAL. Sections 148C.5 and 148C.6, Code 1987, are repealed.

Sec. 28. TRANSITION — RULES — NEW MEMBERS OF BOARD.

1. The term of the physician assistant currently serving as a member of the board of medical examiners expires on July 1, 1988.

2. The rules of the board of medical examiners existing on the effective date of this Act with respect to physician assistants shall continue in effect as rules of the board of physician assistant examiners until modified by rules of the board of physician assistant examiners adopted pursuant to section 148C.7, as amended by this Act.

3. Notwithstanding section 147.19, for the initial terms of the members of the board of physician assistant examiners, the governor shall appoint two members to serve terms of one year, two members to serve terms of two years, and three members to serve terms of three years. The initial appointees' successors shall be appointed for terms of three years each, except that a person chosen to fill a vacancy shall be appointed only for the unexpired term of the board member replaced.

In making the initial appointments to represent physician assistants on the board of physician assistant examiners, the governor shall appoint persons who have been engaged in practice as physician assistants with the approval of the board of medical examiners for a period of three years just preceding the appointment.

4. The board of medical examiners and the professional licensure division of the Iowa department of public health in conjunction with the board of physician assistant examiners shall enter into an agreement with respect to the distribution of funds on a proportionate basis and other financial arrangements to facilitate the transition under this Act.

Sec. 29. EFFECTIVE DATE.

1. This section, being deemed of immediate importance, takes effect upon enactment.

2. The other provisions of this Act, being deemed of immediate importance, take effect upon enactment for transition purposes, including the appointment of board members, preliminary work on the development of rules, and agreements with respect to financial arrangements, and on July 1, 1988, for all other purposes.

Approved May 12, 1988