

FEB 28 1995

STATE GOVERNMENT

HOUSE FILE 227
BY JOCHUM

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring licensure of orthopedic physician assistants,
2 establishing a board of orthopedic physician assistant
3 examiners, establishing fees and penalties, and providing for
4 properly related matters.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 227

1 Section 1. NEW SECTION. 148F.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Approved program" means a program for the education of
5 orthopedic physician assistants which has been formally
6 approved by the board in accordance with rules adopted by the
7 board.

8 2. "Board" means the board of orthopedic physician
9 assistant examiners.

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

12 4. "Licensed orthopedic physician assistant" means a
13 person who is licensed by the board to practice as an
14 orthopedic physician assistant under the supervision of one or
15 more orthopedic physicians.

16 5. "Orthopedic physician" means a person who is licensed
17 in Iowa to practice medicine and surgery, osteopathic medicine
18 and surgery, and specializing in the field of orthopedic
19 medicine.

20 Sec. 2. NEW SECTION. 148F.2 APPROVED PROGRAMS.

21 The department shall issue certificates of approval for
22 programs for the education and training of orthopedic
23 physician assistants which meet board standards. In
24 developing criteria for program approval, the board shall give
25 consideration to and encourage the utilization of equivalency
26 and proficiency testing and other mechanisms whereby full
27 credit is given to trainees for past education and experience
28 in health fields. The board shall develop rules setting forth
29 standards to ensure that such programs operate in a manner
30 which does not endanger the health and welfare of patients who
31 receive services within the scope of the program. The board
32 shall review the quality of curriculum, faculty, and the
33 facilities of such programs and shall approve the issuance of
34 certificates of approval.

35 The board shall adopt rules setting forth the fees to be

1 charged in connection with the application for and issuance of
2 certificates of approval under this section.

3 Sec. 3. NEW SECTION. 148F.3 REGISTRATION.

4 1. The board shall formulate guidelines and adopt rules to
5 govern the registration of persons who qualify as orthopedic
6 physician assistants. An applicant for registration shall
7 submit the fee prescribed by the board and shall meet one of
8 the following requirements:

9 a. Be certified by the national board for certification of
10 orthopedic physician assistants.

11 b. Be a graduate of a program of education for orthopedic
12 physician assistants certified by the board pursuant to
13 section 148F.2.

14 c. Be a graduate of a program of education for physician
15 assistants certified by the board pursuant to section 148C.2.

16 d. Possess two years of experience in orthopedic medicine,
17 which may include but is not limited to experience as an
18 orthopedic physician assistant, orthopedic physician assistant
19 technologist or orthopedic cast technician, orthopedic nurse,
20 or experience in military service.

21 2. The board may issue a temporary registration under
22 special circumstances and upon conditions prescribed by the
23 board. A temporary registration is valid for up to one year,
24 and may be renewed once only.

25 3. A person who is registered as an orthopedic physician
26 assistant is not authorized to practice as an orthopedic
27 physician assistant unless the person obtains licensure from
28 the board.

29 Sec. 4. NEW SECTION. 148F.4 LICENSURE.

30 1. The board shall formulate guidelines and adopt rules
31 for the consideration of applications from persons seeking to
32 become licensed orthopedic physician assistants.

33 2. The following information shall be submitted in an
34 application for licensure as an orthopedic physician
35 assistant:

1 a. The applicant for licensure shall submit the fee
2 prescribed by the board and evidence of the applicant's
3 current registration with the board as an orthopedic physician
4 assistant pursuant to section 148F.3.

5 b. In conjunction with the applicant's submission, the
6 applicant's supervising orthopedic physician shall submit
7 evidence of eligibility as a supervising physician,
8 information with respect to the supervising orthopedic
9 physician's professional background and specialty, scope of
10 practice, and a plan for supervision of the orthopedic
11 physician assistant.

12 c. The applicant and the supervising orthopedic physician
13 shall submit a description of the manner in which the
14 orthopedic physician assistant will function within the scope
15 of practice as defined by the board pursuant to section
16 148F.6. The board may modify the submitted description of the
17 proposed functioning of an orthopedic physician assistant.

18 Sec. 5. NEW SECTION. 148F.5 TEMPORARY LICENSURE.

19 The board may issue a temporary license under special
20 circumstances and upon conditions prescribed by the board. A
21 temporary license is valid for up to one year, and may be
22 renewed once only.

23 Sec. 6. NEW SECTION. 148F.6 SCOPE OF PRACTICE.

24 1. The board shall adopt rules defining the permitted
25 scope of practice of licensed orthopedic physician assistants,
26 including but not limited to rules regarding treatment of
27 patients with new or previously untreated conditions,
28 provision of emergency care, provision of follow-up care,
29 provision of care in hospitals and nursing homes, and
30 provision of care to the chronically ill at home.

31 2. A licensed orthopedic physician assistant shall perform
32 only those services for which the licensed orthopedic
33 physician assistant is qualified, which is within the
34 description of function as submitted pursuant to section
35 148F.4, and which is within the permitted scope of practice.

1 Sec. 7. NEW SECTION. 148F.7 SUPERVISION BY ORTHOPEDIC
2 PHYSICIAN REQUIRED.

3 1. An orthopedic physician assistant may perform medical
4 services when the services are rendered under the supervision
5 of the orthopedic physician specified in the license approved
6 by the board pursuant to section 148F.4.

7 2. A supervising orthopedic physician shall not supervise
8 more than two orthopedic physician assistants at one time.

9 3. The supervising orthopedic physician shall designate at
10 least one alternate orthopedic physician who has agreed to
11 supervise the orthopedic physician assistant in the event of
12 the supervising orthopedic physician's absence.

13 Sec. 8. NEW SECTION. 148F.8 APPEAL TO BOARD OF MEDICAL
14 EXAMINERS IN CONTESTED CASES INVOLVING DISCIPLINE.

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

19 Sec. 9. NEW SECTION. 148F.9 NOTICE TO PATIENTS.

20 1. The patient of any orthopedic physician receiving
21 services from an orthopedic physician assistant shall be
22 notified that the individual is an orthopedic physician
23 assistant.

24 2. The supervising orthopedic physician shall place a
25 written notice in a conspicuous area within the place of
26 practice indicating that services may be rendered by an
27 orthopedic physician assistant.

28 Sec. 10. NEW SECTION. 148F.10 APPLICABILITY OF OTHER
29 PROVISIONS OF LAW.

30 The provisions of chapter 147, not otherwise inconsistent
31 with this chapter, shall apply to this chapter.

32 Sec. 11. NEW SECTION. 148F.11 PROHIBITION -- CRIME.

33 A person who practices as an orthopedic physician assistant
34 without being registered and licensed as required by this
35 chapter is guilty of a serious misdemeanor.

1 Sec. 12. Section 147.1, subsections 7 and 10, Code 1995,
2 are amended to read as follows:

3 7. "Licensed" or "certified" when applied to a physician
4 and surgeon, podiatrist, osteopath, osteopathic physician and
5 surgeon, physician assistant, orthopedic physician assistant,
6 psychologist or associate psychologist, chiropractor, nurse,
7 dentist, dental hygienist, optometrist, speech pathologist,
8 audiologist, pharmacist, physical therapist, occupational
9 therapist, practitioner of cosmetology arts and sciences,
10 practitioner of barbering, funeral director, dietitian,
11 marital and family therapist, mental health counselor, or
12 social worker means a person licensed under this subtitle,
13 excluding chapters 152B, 152C, and 152D.

14 10. "Profession" means medicine and surgery, podiatry,
15 osteopathy, osteopathic medicine and surgery, practice as a
16 physician assistant, orthopedic physician assistant,
17 psychology, chiropractic, nursing, dentistry, dental hygiene,
18 optometry, speech pathology, audiology, pharmacy, physical
19 therapy, occupational therapy, cosmetology arts and sciences,
20 barbering, mortuary science, marital and family therapy,
21 mental health counseling, social work, or dietetics.

22 Sec. 13. Section 147.2, Code 1995, is amended to read as
23 follows:

24 147.2 LICENSE REQUIRED.

25 A person shall not engage in the practice of medicine and
26 surgery, podiatry, osteopathy, osteopathic medicine and
27 surgery, psychology, chiropractic, physical therapy, nursing,
28 dentistry, dental hygiene, optometry, speech pathology,
29 audiology, occupational therapy, pharmacy, cosmetology,
30 barbering, dietetics, or mortuary science or shall not
31 practice as a physician assistant or orthopedic physician
32 assistant as defined in the following chapters of this
33 subtitle, unless the person has obtained from the department a
34 license for that purpose.

35 Sec. 14. Section 147.13, Code 1995, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 2A. For orthopedic physician assistants,
3 board of orthopedic physician assistant examiners.

4 Sec. 15. Section 147.14, Code 1995, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 15. For orthopedic physician assistant
7 examiners, three members licensed to practice as orthopedic
8 physician assistants, one member licensed to practice medicine
9 and surgery specializing in orthopedic medicine who supervises
10 an orthopedic physician assistant, one member licensed to
11 practice osteopathic medicine and surgery specializing in
12 orthopedic medicine who supervises an orthopedic physician
13 assistant, and two members who are not licensed to practice
14 either medicine or surgery or osteopathic medicine and surgery
15 or licensed as an orthopedic physician assistant and who shall
16 represent the general public.

17 Sec. 16. Section 147.74, Code 1995, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 16A. An orthopedic physician assistant
20 licensed under chapter 148F may use the words "orthopedic
21 physician assistant" after the person's name or signify the
22 same by use of the letters "O.P.A." after the person's name.

23 Sec. 17. Section 147.80, Code 1995, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 5A. Application for a license to practice
26 as an orthopedic physician assistant approved by the board of
27 orthopedic physician examiners, issuance of a license to
28 practice as an orthopedic physician assistant issued under a
29 reciprocal agreement, renewal of a license to practice as an
30 orthopedic physician assistant.

31 Sec. 18. Section 147.152, subsection 1, Code 1995, is
32 amended to read as follows:

33 1. Licensed physicians and surgeons, licensed osteopathic
34 physicians and surgeons, licensed osteopaths, approved
35 physician assistants, and licensed orthopedic physician

1 assistants and registered nurses acting under the supervision
2 of a physician, persons conducting hearing tests under the
3 direct supervision of a licensed physician and surgeon,
4 licensed osteopathic physician and surgeon, or licensed
5 osteopath, or students of medicine or surgery or osteopathic
6 medicine and surgery pursuing a course of study in a medical
7 school or college of osteopathic medicine and surgery approved
8 by the medical examiners while performing functions incidental
9 to their course of study.

10 Sec. 19. Section 148.13, Code 1995, is amended to read as
11 follows:

12 148.13 AUTHORITY OF BOARD AS TO SUPERVISING PHYSICIANS AND
13 REVIEW OF CONTESTED CASES UNDER CHAPTER CHAPTERS 148C AND 148F
14 -- RULES.

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

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

27 The board of medical examiners shall establish by rule
28 specific procedures for consulting with and considering the
29 advice of the board of orthopedic physician assistant
30 examiners in determining whether to initiate a disciplinary
31 proceeding under chapter 17A against a licensed physician in a
32 matter involving the supervision of an orthopedic physician
33 assistant.

34 3. In exercising their respective authorities, the board
35 of medical examiners, and the board of physician assistant

1 examiners, and the board of orthopedic physician assistant
2 examiners shall cooperate with the goal of encouraging the
3 utilization of physician assistants and orthopedic physician
4 assistants in a manner that is consistent with the provision
5 of quality health care and medical services for the citizens
6 of Iowa.

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

12 A decision of the board of orthopedic physician assistant
13 examiners in a contested case involving discipline of a person
14 licensed as an orthopedic physician assistant under chapter
15 148F may be appealed to the board of medical examiners as
16 provided in section 148F.8.

17 Sec. 20. Section 148C.1, subsection 6, Code 1995, is
18 amended to read as follows:

19 6. "Physician assistant" means a person who has
20 successfully completed an approved program and passed an
21 examination approved by the board or is otherwise found by the
22 board to be qualified to perform medical services under the
23 supervision of a physician. "Physician assistant" does not
24 mean a person licensed as an orthopedic physician assistant
25 under chapter 148F.

26 EXPLANATION

27 This bill requires orthopedic physician assistants who wish
28 to practice in the state to register as such and obtain
29 licensure.

30 A board of orthopedic physician assistant examiners is
31 established to adopt rules regulating the registration and
32 licensure of orthopedic physician assistants and applicants.
33 The board may charge fees for licensure, renewal of licensure,
34 and administrative costs. The board must also adopt rules
35 defining the permitted scope of practice of orthopedic

1 physician assistants.

2 An orthopedic physician assistant may perform medical
3 services only under the supervision of an orthopedic
4 physician, under the bill.

5 The bill provides that a decision of a contested case
6 involving discipline of a person licensed as an orthopedic
7 physician assistant may be appealed to the board of medical
8 examiners. The bill requires that patients be given notice
9 that they are or may be receiving care from an orthopedic
10 physician assistant.

11 The provisions of chapter 147 regulating practice
12 professions apply to the chapter created in the bill.

13 A person not registered and licensed as such who practices
14 as an orthopedic physician assistant is guilty of a serious
15 misdemeanor under the bill.

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