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SENATE FILE 269

BY JUDGE, BARTZ, and DVORSKY

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

A BILL FOR

1 An Act relating to the licensure of physician assistants and
 2 coverage of services provided by licensed physician assistants
 3 and licensed advanced registered nurse practitioners under a
 4 policy, contract, or plan providing for health care coverage.
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 269

1 Section 1. Section 135B.7, unnumbered paragraph 2, Code
2 1995, is amended to read as follows:

3 The rules shall state that a hospital shall not deny
4 clinical privileges to physicians and surgeons, podiatrists,
5 osteopaths, osteopathic surgeons, dentists, or certified
6 health service providers in psychology, physician assistants,
7 or advanced registered nurse practitioners licensed under
8 chapter 148, 148C, 149, 150, 150A, 152, or 153, or section
9 154B.7 solely by reason of the license held by the
10 practitioner or solely by reason of the school or institution
11 in which the practitioner received medical schooling or
12 postgraduate training if the medical schooling or postgraduate
13 training was accredited by an organization recognized by the
14 council on postsecondary accreditation or an accrediting group
15 recognized by the United States department of education. A
16 hospital may establish procedures for interaction between a
17 patient and a practitioner. Nothing in the rules shall
18 prohibit a hospital from limiting, restricting, or revoking
19 clinical privileges of a practitioner for violation of
20 hospital rules, regulations, or procedures established under
21 this paragraph, when applied in good faith and in a
22 nondiscriminatory manner. Nothing in this paragraph shall
23 require a hospital to expand the hospital's current scope of
24 service delivery solely to offer the services of a class of
25 providers not currently providing services at the hospital.
26 Nothing in this section shall be construed to require a
27 hospital to establish rules which are inconsistent with the
28 scope of practice established for licensure of practitioners
29 to whom this paragraph applies. This section shall not be
30 construed to authorize the denial of clinical privileges to a
31 practitioner or class of practitioners solely because a
32 hospital has as employees of the hospital identically licensed
33 practitioners providing the same or similar services.

34 Sec. 2. Section 147.14, subsection 12, Code 1995, is
35 amended to read as follows:

1 12. For the board of physician assistant examiners, three
2 five members licensed to practice as physician assistants, at
3 least two three of whom practice in counties with a population
4 of less than fifty thousand, one member licensed to practice
5 medicine and surgery who supervises a physician assistant, one
6 member licensed to practice osteopathic medicine and surgery
7 who supervises a physician assistant, and two members who are
8 not licensed to practice either medicine and surgery or
9 osteopathic medicine and surgery or licensed as a physician
10 assistant and who shall represent the general public. At
11 least one of the physician members shall be in practice in a
12 county with a population of less than fifty thousand. A
13 majority of members of the board constitutes a quorum.

14 Sec. 3. Section 147.107, subsection 5, Code 1995, is
15 amended to read as follows:

16 5. Notwithstanding subsection 1 and any other provision of
17 this section to the contrary, a physician may delegate the
18 function of prescribing drugs, controlled substances, and
19 medical devices to a physician assistant licensed pursuant to
20 chapter 148C. When delegated prescribing occurs, the
21 supervising physician's name shall be used, recorded, or
22 otherwise indicated in connection with each individual
23 prescription so that the individual who dispenses or
24 administers the prescription knows under whose delegated
25 authority the physician assistant is prescribing. Rules
26 relating to the authority of physician assistants to prescribe
27 drugs, controlled substances, and medical devices pursuant to
28 this subsection shall be adopted by the board of physician
29 assistant examiners, after consultation with the board of
30 medical examiners and the board of pharmacy examiners, ~~as soon~~
31 ~~as possible after July 1, 1991. The rules shall be reviewed~~
32 ~~and approved by the physician assistant rules review group~~
33 ~~created under subsection 7 and shall be adopted in final form~~
34 ~~by January 1, 1993. However, the rules shall prohibit the~~
35 ~~prescribing of schedule II controlled substances which are~~

~~1 listed as stimulants or depressants pursuant to chapter 124.~~
~~2 If rules are not reviewed and approved by the physician~~
~~3 assistant rules review group created under subsection 7 and~~
~~4 adopted in final form by January 17, 1993, a physician~~
~~5 assistant may prescribe drugs as a delegated act of a~~
~~6 supervising physician under rules adopted by the board of~~
~~7 physician assistant examiners and subject to the rules review~~
~~8 process established in section 148C.7.~~ The board of physician
9 assistant examiners shall be the only board to regulate the
10 practice of physician assistants relating to prescribing and
11 supplying prescription drugs, controlled substances and
12 medical devices, notwithstanding section 148C.6A.

13 Sec. 4. Section 148.13, subsections 1 and 4, Code 1995,
14 are amended by striking the subsections.

15 Sec. 5. Section 148C.1, subsection 7, Code 1995, is
16 amended by striking the subsection.

17 Sec. 6. Section 148C.3, subsections 1 and 9, Code 1995,
18 are amended to read as follows:

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

25 a. Academic qualifications, including evidence of
26 graduation from an approved program. However, if the board
27 determines that a person has sufficient knowledge and
28 experience to qualify as a physician assistant, the board may
29 approve an application for ~~registration~~ licensure without
30 requiring the completion of an approved program. On or after
31 July 1, 1996, a physician assistant who is not licensed
32 pursuant to this chapter prior to that date shall be required
33 to graduate from an approved program.

34 b. Examination grades and evidence of passing the national
35 commission on certification of physician assistants

1 examination or an equivalent examination which the board
2 approves.

3 c. Hours of continuing medical education necessary to
4 remain licensed ~~or-eligible-for-licensure.~~

5 9. Rules shall be adopted by the board pursuant to this
6 chapter which will permit ~~qualified-practicing~~ licensed
7 physicians to supervise licensed physician assistants ~~at-a~~
8 ~~free-medical-clinic-on-a-temporary-basis.~~

9 Sec. 7. Section 148C.3, subsections 2, 3, 4, 6, and 7,
10 Code 1995, are amended by striking the subsections.

11 Sec. 8. Section 148C.3, Code 1995, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 5A. The board may issue an inactive
14 license under conditions as prescribed by the rules of the
15 board.

16 Sec. 9. Section 148C.4, Code 1995, is amended to read as
17 follows:

18 148C.4 SERVICES PERFORMED BY ASSISTANTS.

19 A physician assistant may perform medical services when the
20 services are rendered under the supervision of ~~the~~ a physician
21 ~~or-physicians-specified-in-the-physician-assistant-license~~
22 ~~approved-by-the-board.~~ A trainee may perform medical services
23 when the services are rendered within the scope of an approved
24 program.

25 Sec. 10. Section 148C.7, Code 1995, is amended to read as
26 follows:

27 148C.7 RULES ---REVIEW-GROUP.

28 ~~1.---A-physician-assistant-rules-review-group-is-established~~
29 ~~consisting-of-one-physician-assistant-member, one-supervising~~
30 ~~physician-member, and-one-public-member-from-the-board-of~~
31 ~~physician-assistant-examiners-and-two-members-from-the-board~~
32 ~~of-medical-examiners-who-are-licensed-to-practice-medicine-and~~
33 ~~surgery-or-osteopathic-medicine-and-surgery.---The-respective~~
34 ~~boards-shall-select-their-members-to-serve-on-the-physician~~
35 ~~assistant-rules-review-group.---The-review-group-shall-select~~

1 ~~its-own-chairperson.~~

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

7 2. The board may adopt rules reasonably necessary to carry
8 out the purposes of this chapter. ~~Proposed-rules-must-be~~
9 ~~submitted-to-the-review-group-for-prior-review-and-approval.~~
10 The rules shall be designed to encourage the utilization of
11 physician assistants in a manner that is consistent with the
12 provision of quality health care and medical services for the
13 citizens of Iowa through better utilization of available
14 physicians and the development of sound programs for the
15 education and training of skilled physician assistants well
16 qualified to assist physicians in providing health care and
17 medical services.

18 Sec. 11. Section 148C.11, Code 1995, is amended to read as
19 follows:

20 148C.11 PROHIBITION -- CRIME.

21 A person not ~~registered-and~~ licensed as required by this
22 chapter who practices as a physician assistant without having
23 obtained the appropriate approval under this chapter, is
24 guilty of a serious misdemeanor.

25 Sec. 12. Section 148E.8, Code 1995, is amended to read as
26 follows:

27 148E.8 SCOPE OF CHAPTER.

28 This chapter does not apply to a person otherwise licensed
29 to practice medicine and surgery, osteopathy, osteopathic
30 medicine and surgery, chiropractic, podiatry, or dentistry, or
31 licensed to practice as a physician assistant.

32 Sec. 13. Section 148E.10, Code 1995, is amended to read as
33 follows:

34 148E.10 EVALUATION OF CONDITION REQUIRED.

35 A person registered under this chapter shall not engage in

1 the performance of acupuncture upon another person until the
2 person's condition has been evaluated by a person licensed to
3 practice medicine and surgery, osteopathy, osteopathic
4 medicine and surgery, chiropractic, podiatry, or dentistry, or
5 licensed to practice as a physician assistant, and the person
6 has been referred to the acupuncturist by the medical
7 evaluator.

8 Sec. 14. Section 249A.4, subsection 8, unnumbered
9 paragraph 1, Code 1995, is amended to read as follows:

10 Shall advise and consult at least semiannually with a
11 council composed of the presidents of the following
12 organizations, or a president's representative who is a member
13 of the organization represented by the president: the Iowa
14 medical society, the Iowa osteopathic medical association, the
15 Iowa state dental society, the Iowa state nurses association,
16 the Iowa pharmacists association, the Iowa podiatry society,
17 the Iowa optometric association, the community mental health
18 centers association of Iowa, the Iowa psychological
19 association, the Iowa hospital association, the Iowa
20 osteopathic hospital association, opticians' association of
21 Iowa, inc., the Iowa hearing aid society, the Iowa speech,
22 language, and hearing association, the Iowa health care
23 association, the Iowa association for home care, the Iowa
24 council of health care centers, the Iowa physician assistant
25 society, the Iowa nurse practitioners association, and the
26 Iowa association of homes for the aging, the Iowa psychiatric
27 nurse managers network, the arc of Iowa which was formerly
28 known as the association for retarded citizens of Iowa, the
29 alliance for the mentally ill of Iowa, Iowa state association
30 of counties, and the Iowa governor's planning council for
31 developmental disabilities, together with one person
32 designated by the Iowa state board of chiropractic examiners;
33 one state representative from each of the two major political
34 parties appointed by the speaker of the house, one state
35 senator from each of the two major political parties appointed

1 by the president of the senate, after consultation with the
2 majority leader and the minority leader of the senate, each
3 for a term of two years; four public representatives,
4 appointed by the governor for staggered terms of two years
5 each, none of whom shall be members of, or practitioners of,
6 or have a pecuniary interest in any of the professions or
7 businesses represented by any of the several professional
8 groups and associations specifically represented on the
9 council under this subsection, and at least one of whom shall
10 be a recipient of medical assistance; the director of public
11 health, or a representative designated by the director; and
12 the dean of the college of medicine, university of Iowa, or a
13 representative designated by the dean.

14 Sec. 15. NEW SECTION. 514C.8 SERVICES PROVIDED BY
15 LICENSED PHYSICIAN ASSISTANTS AND LICENSED ADVANCED REGISTERED
16 NURSE PRACTITIONERS.

17 Notwithstanding section 514C.6, a policy, contract, or plan
18 providing for third-party payment or prepayment of health or
19 medical expenses shall include a provision for the payment of
20 necessary medical or surgical care and treatment provided by a
21 physician assistant licensed pursuant to chapters 147 and
22 148C, or provided by an advanced registered nurse practitioner
23 licensed pursuant to chapters 147 and 152, if performed within
24 the scope of the licensed physician assistant's license or the
25 licensed advanced registered nurse practitioner's license and
26 the policy, contract, or plan would pay for the care and
27 treatment if the care and treatment were provided by a person
28 engaged in the practice of medicine or surgery as licensed
29 under chapter 148 or 150A. The policy, contract, or plan
30 shall provide that insureds or enrollees under the policy,
31 contract, or plan may reject the coverage for services which
32 may be provided by a licensed physician assistant or a
33 licensed advanced registered nurse practitioner if the
34 coverage is rejected for all providers of similar services.
35 The terms and conditions under which physician assistant

1 services or advanced nurse practitioner services are
2 compensated shall not contain practice or supervision
3 restrictions in addition to those already imposed by law as of
4 July 1, 1995. This section applies to services provided under
5 a policy, contract, or plan issued on or after July 1, 1995,
6 and to an existing policy, contract, or plan on the policy's,
7 contract's, or plan's anniversary or renewal date, or upon the
8 expiration of the applicable collective bargaining contract,
9 if any, whichever is later. This section does not apply to
10 enrollees eligible for coverage under Title XVIII of the
11 federal Social Security Act or any other similar coverage
12 under a state or federal government plan.

13 Sec. 16. Sections 148C.5A and 148C.6A, Code 1995, are
14 repealed.

15

EXPLANATION

16 Section 135B.7 is amended to prohibit a hospital from
17 denying clinical privileges to licensed physician assistants
18 or licensed advanced registered nurse practitioners solely by
19 reason of the license held by the physician assistant or
20 advanced registered nurse practitioner or solely by reason of
21 the school or institution where the physician assistant or
22 advanced registered nurse practitioner was trained.

23 Section 147.14, subsection 12, which designates the makeup
24 of the board of physician assistant examiners, is amended to
25 increase the number of physician assistants on the board from
26 three to five members, and increasing the number from two to
27 three of these members which must practice in counties with
28 population of less than 50,000.

29 Section 147.107, subsection 5, is amended to conform to the
30 amendment of section 148C.7, and to strike language requiring
31 that certain rules be adopted by January 1, 1993.

32 Section 148.13 is amended by striking language that the
33 board of medical examiners is to adopt rules setting forth the
34 criteria for determining the ineligibility of a physician to
35 serve as a supervising physician for a physician assistant,

1 and language which provides that a decision of the board of
2 physician assistant examiners in a contested case may be
3 appealed to the board of medical examiners.

4 Section 148C.1 is amended by striking the definition of
5 "review group" to conform with the repeal of section 148C.7.

6 Section 148C.3 is amended to strike language regarding the
7 registration of physician assistants and provide that
8 physician assistants are to be licensed. A new subsection is
9 added to provide that the board may issue an inactive license
10 under conditions as prescribed by the board of physician
11 assistant examiners.

12 Section 148C.4 is amended to provide that a physician
13 assistant may provide medical services under the supervision
14 of any physician. Currently, the supervising physician or
15 physicians must be specified in the physician assistant's
16 license.

17 Section 148C.7 is amended to strike language establishing
18 the physician assistant rules review group.

19 Section 148C.11 is amended to strike a reference to
20 registered physician assistants.

21 Section 148E.8, which relates to the registration of
22 persons engaged in the practice of acupuncture, is amended to
23 exclude the application of that chapter to a licensed
24 physician assistant.

25 Section 148E.10 is amended to include licensed physician
26 assistants as a professional which may evaluate another
27 person's condition before that other person undergoes
28 acupuncture.

29 Section 249A.4, subsection 8, is amended to add
30 representatives of the Iowa physician assistant society and
31 the Iowa nurse practitioners association to the council with
32 which the director of human services is to consult with
33 respect to the administration of chapter 249A.

34 New section 514C.8 is created and requires insurance
35 companies and other third-party payors to provide

1 reimbursement for services provided by a licensed physician
2 assistant or licensed advanced registered nurse practitioner
3 if reimbursement for such services would be provided by a
4 person engaged in the practice of medicine or surgery as
5 licensed under chapter 148 or 150A.

6 Sections 148C.5A and 148C.6A are repealed. Section 148C.5A
7 provides for the consultation with and consideration of the
8 advice of the board of medical examiners by the board of
9 physician assistant examiners when determining whether or not
10 to initiate a disciplinary proceeding. Section 148C.6A
11 provides for the appeal of a decision in a contested case
12 proceeding before the board of physician assistant examiners
13 to the board of medical examiners.

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