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STATE GOVERNMENT

HOUSE FILE 201  
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 201

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 3 and 6, Code 1997,  
2 are amended to read as follows:

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

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

24     Sec. 13. Section 147.2, Code 1997, is amended to read as  
25 follows:

26     147.2 LICENSE REQUIRED.

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

1 the department a license for that purpose.

2 Sec. 14. Section 147.13, Code 1997, is amended by adding  
3 the following new subsection:

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

6 Sec. 15. Section 147.14, Code 1997, is amended by adding  
7 the following new subsection:

8 NEW SUBSECTION. 17. For orthopedic physician assistant  
9 examiners, three members licensed to practice as orthopedic  
10 physician assistants, one member licensed to practice medicine  
11 and surgery specializing in orthopedic medicine who supervises  
12 an orthopedic physician assistant, one member licensed to  
13 practice osteopathic medicine and surgery specializing in  
14 orthopedic medicine who supervises an orthopedic physician  
15 assistant, and two members who are not licensed to practice  
16 either medicine or surgery or osteopathic medicine and surgery  
17 or licensed as an orthopedic physician assistant and who shall  
18 represent the general public.

19 Sec. 16. Section 147.74, Code 1997, is amended by adding  
20 the following new subsection:

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

25 Sec. 17. Section 147.80, Code 1997, is amended by adding  
26 the following new subsection:

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

33 Sec. 18. Section 147.152, subsection 1, Code 1997, is  
34 amended to read as follows:

35 1. Licensed physicians and surgeons, licensed osteopathic

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

12 Sec. 19. Section 148.13, Code 1997, is amended to read as  
13 follows:

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

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

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

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

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

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

14 A decision of the board of orthopedic physician assistant  
15 examiners in a contested case involving discipline of a person  
16 licensed as an orthopedic physician assistant under chapter  
17 148F may be appealed to the board of medical examiners as  
18 provided in section 148F.8.

19 Sec. 20. Section 148C.1, subsection 6, Code 1997, is  
20 amended to read as follows:

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

28 EXPLANATION

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

32 A board of orthopedic physician assistant examiners is  
33 established to adopt rules regulating the registration and  
34 licensure of orthopedic physician assistants and applicants.  
35 The board may charge fees for licensure, renewal of licensure,

1 and administrative costs. The board must also adopt rules  
2 defining the permitted scope of practice of orthopedic  
3 physician assistants.

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

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

13 The provisions of chapter 147 regulating practice  
14 professions apply to the chapter created in the bill.

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

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