

MAR 18 2003

Place On Calendar

HOUSE FILE 628
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 191)

Passed House, Date Passed 4/8/03 Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to physician assistant licensure, and providing
2 an effective date.

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

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HF 628

1 Section 1. Section 147.74, subsection 16, Code 2003, is
2 amended to read as follows:

3 16. A physician assistant ~~registered-or~~ licensed under
4 chapter 148C may use the words "physician assistant" after the
5 person's name or signify the same by the use of the letters
6 "P. A." after the person's name.

7 Sec. 2. Section 147.80, subsection 5, Code 2003, is
8 amended to read as follows:

9 5. Application for a license to practice as a physician
10 assistant, issuance of a license to practice as a physician
11 assistant issued upon the basis of an examination given or
12 approved by the board of physician assistant examiners,
13 issuance of a license to practice as a physician assistant
14 issued under a reciprocal agreement, renewal of a license to
15 practice as a physician assistant, temporary license to
16 practice as a physician assistant~~,-registration-of-a-physician~~
17 ~~assistant,-temporary-registration-of-a-physician-assistant,-~~
18 ~~renewal-of-a-registration-of-a-physician-assistant.~~

19 Sec. 3. Section 147.107, subsection 5, Code 2003, is
20 amended to read as follows:

21 5. Notwithstanding subsection 1 and any other provision of
22 this section to the contrary, a physician may delegate the
23 function of prescribing drugs, controlled substances, and
24 medical devices to a physician assistant licensed pursuant to
25 chapter 148C. When delegated prescribing occurs, the
26 supervising physician's name shall be used, recorded, or
27 otherwise indicated in connection with each individual
28 prescription so that the individual who dispenses or
29 administers the prescription knows under whose delegated
30 authority the physician assistant is prescribing. Rules
31 relating to the authority of physician assistants to prescribe
32 drugs, controlled substances, and medical devices pursuant to
33 this subsection shall be adopted by the board of physician
34 assistant examiners~~,-after-consultation-with-the-board-of~~
35 ~~medical-examiners-and-the-board-of-pharmacy-examiners,-as-soon~~

~~1 as-possible-after-July-17-1991--The-rules-shall-be-reviewed
2 and-approved-by-the-physician-assistant-rules-review-group
3 created-under-subsection-7-and-shall-be-adopted-in-final-form
4 by-January-17-1993. However, the rules shall prohibit the
5 prescribing of schedule II controlled substances which are
6 listed as stimulants or depressants pursuant to chapter 124.
7 If-rules-are-not-reviewed-and-approved-by-the-physician
8 assistant-rules-review-group-created-under-subsection-7-and
9 adopted-in-final-form-by-January-17-1993, a-physician
10 assistant-may-prescribe-drugs-as-a-delegated-act-of-a
11 supervising-physician-under-rules-adopted-by-the-board-of
12 physician-assistant-examiners-and-subject-to-the-rules-review
13 process-established-in-section-148C.7.--The-board-of-physician
14 assistant-examiners-shall-be-the-only-board-to-regulate-the
15 practice-of-physician-assistants-relating-to-prescribing-and
16 supplying-prescription-drugs, controlled-substances-and
17 medical-devices, notwithstanding-section-148C.6A.~~

18 Sec. 4. Section 148.13, subsection 1, Code 2003, is
19 amended by striking the subsection.

20 Sec. 5. Section 148.13, subsection 4, Code 2003, is
21 amended by striking the subsection and inserting in lieu
22 thereof the following:

23 4. The board of medical examiners shall adopt rules
24 requiring a physician serving as a supervising physician to
25 notify the board of the identity of a physician assistant the
26 physician is supervising, and of any change in the status of
27 the supervisory relationship.

28 Sec. 6. Section 148C.1, subsection 1, Code 2003, is
29 amended by striking the subsection and inserting in lieu
30 thereof the following:

31 1. "Approved program" means a program for the education of
32 physician assistants which has been accredited by the American
33 medical association's committee on allied health education and
34 accreditation, by its successor, the commission on
35 accreditation of allied health educational programs, or by its

1 successor, the accreditation review commission on education
2 for the physician assistant, or its successor.

3 Sec. 7. Section 148C.1, subsection 5, Code 2003, is
4 amended to read as follows:

5 5. "Physician" means a person who is currently licensed in
6 Iowa to practice medicine and surgery, osteopathic medicine
7 and surgery, or osteopathy. Notwithstanding this subsection,
8 a physician supervising a physician assistant practicing in a
9 federal facility or under federal authority shall not be
10 required to obtain licensure beyond licensure requirements
11 mandated by the federal government for supervising physicians.

12 Sec. 8. Section 148C.1, subsection 7, Code 2003, is
13 amended by striking the subsection.

14 Sec. 9. Section 148C.3, Code 2003, is amended by striking
15 the section and inserting in lieu thereof the following:

16 148C.3 LICENSURE.

17 1. The board shall adopt rules to govern the licensure of
18 physician assistants. An applicant for licensure shall submit
19 the fee prescribed by the board and shall meet the
20 requirements established by the board with respect to each of
21 the following:

22 a. Academic qualifications, including evidence of
23 graduation from an approved program. A physician assistant
24 who is not a graduate of an approved program, but who passed
25 the national commission on certification of physician
26 assistants' physician assistant national certifying
27 examination prior to 1986, is exempt from this graduation
28 requirement.

29 b. Evidence of passing the national commission on the
30 certification of physician assistants' physician assistant
31 national certifying examination or an equivalent examination
32 approved by the board.

33 c. Hours of continuing medical education necessary to
34 become or remain licensed.

35 2. Rules shall be adopted by the board pursuant to this

1 chapter permitting a licensed physician assistant to be
2 supervised by physicians. The rules shall provide that a
3 physician shall not supervise more than two physician
4 assistants at one time. The rules shall also provide that a
5 physician assistant shall notify the board of the identity of
6 their supervising physician, and of any change in the status
7 of the supervisory relationship.

8 3. A licensed physician assistant shall perform only those
9 services for which the licensed physician assistant is
10 qualified by training.

11 4. The board may issue a temporary license under special
12 circumstances and upon conditions prescribed by the board. A
13 temporary license shall not be valid for more than one year
14 and shall not be renewed more than once.

15 5. The board may issue an inactive license under
16 conditions prescribed by rules adopted by the board.

17 Sec. 10. Section 148C.4, Code 2003, is amended to read as
18 follows:

19 148C.4 SERVICES PERFORMED BY PHYSICIAN ASSISTANTS.

20 1. A physician assistant may perform medical services when
21 the services are rendered under the supervision of the a
22 ~~physician or-physicians-specified-in-the-physician-assistant~~
23 ~~license-approved-by-the-board~~. A trainee physician assistant
24 student may perform medical services when the services are
25 rendered within the scope of an approved program. For the
26 purposes of this section, "medical services when the services
27 are rendered under the supervision of the-physician-or
28 physicians-specified-in-the-physician-assistant-license
29 approved-by-the-board" a physician" includes making a
30 pronouncement of death for a patient whose death is
31 anticipated if the death occurs in a licensed hospital, a
32 licensed health care facility, a Medicare-certified home
33 health agency, or a Medicare-certified hospice program or
34 facility, with notice of the death to a physician and in
35 accordance with the directions of a physician.

1 2. Notwithstanding subsection 1, a physician assistant
2 licensed pursuant to this chapter or authorized to practice in
3 any other state or federal jurisdiction who voluntarily and
4 gratuitously, and other than in the ordinary course of the
5 physician assistant's employment or practice, responds to a
6 need for medical care created by an emergency or a state or
7 local disaster may render such care that the physician
8 assistant is able to provide without supervision as described
9 in this section or with such supervision as is available.

10 A physician who supervises a physician assistant providing
11 medical care pursuant to this subsection shall not be required
12 to meet the requirements of rules adopted pursuant to section
13 148C.3, subsection 2, relating to supervision by physicians.
14 A physician providing physician assistant supervision pursuant
15 to this subsection or a physician assistant, who voluntarily
16 and gratuitously, and other than in the ordinary course of the
17 physician assistant's employment or practice, responds to a
18 need for medical care created by an emergency or a state or
19 local disaster shall not be subject to criminal liability by
20 reason of having issued or executed the orders for such care,
21 and shall not be liable for civil damages for acts or
22 omissions relating to the issuance or execution of the orders
23 unless the acts or omissions constitute recklessness.

24 Sec. 11. Section 148C.11, Code 2003, is amended to read as
25 follows:

26 148C.11 PROHIBITION -- CRIME.

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

31 Sec. 12. PHYSICIAN ASSISTANTS -- RULES. The board shall
32 adopt new rules pursuant to chapter 17A to administer chapter
33 148C no later than January 1, 2004. The rules shall be
34 designed to encourage the utilization of physician assistants
35 in a manner that is consistent with the provision of quality

1 health care and medical services for the citizens of Iowa
2 through better utilization of available physicians and the
3 development of sound programs for the education and training
4 of skilled physician assistants well qualified to assist
5 physicians in providing health care and medical services.

6 Sec. 13. Sections 148C.2, 148C.5A, 148C.6A, and 148C.7,
7 Code 2003, are repealed.

8 Sec. 14. EFFECTIVE DATE. This Act, being deemed of
9 immediate importance, takes effect upon enactment.

10 EXPLANATION

11 This bill modifies licensure requirements for physician
12 assistants.

13 The bill eliminates provisions relating to registration as
14 a physician assistant, and also eliminates the physician
15 assistant rules review group established in Code section
16 148C.7, which functions to review and either approve or
17 disapprove proposed rules by the board of physician assistant
18 examiners. The bill further eliminates provisions regarding
19 the adoption of rules by December 31, 1988, relating to the
20 eligibility of a physician to serve as a supervising
21 physician, and regarding appeals to the board of medical
22 examiners of decisions of the board of physician assistant
23 examiners in a contested case involving discipline of a
24 licensed physician assistant.

25 The bill provides for changes to the definitions applicable
26 to physician assistants pursuant to Code chapter 148C. The
27 bill provides that an approved program for the education of
28 physician assistants refers to a program accredited by the
29 American medical association's committee on allied health
30 education and accreditation, its successor, the commission on
31 accreditation of allied health educational programs, its
32 successor, the accreditation review commission on education
33 for the physician assistant, or its successor, rather than
34 pursuant to rules as currently defined.

35 The bill provides that a physician practicing in a federal

1 facility or under federal authority and supervising a
2 physician assistant shall not be required to obtain licensure
3 beyond licensure requirements mandated by the federal
4 government for supervising physicians.

5 The bill provides for modifications regarding requirements
6 for licensure as a physician assistant consistent with the
7 revised definitions and elimination of registration as a
8 physician assistant.

9 The bill provides that the boards of medical examiners and
10 physician assistant examiners shall adopt rules requiring a
11 physician, or physician assistant, to inform their respective
12 boards of the identity of the physician assistant being
13 supervised, or the supervising physician, and of any change in
14 the status of the supervisory relationship. The bill
15 additionally provides that the board of medical examiners
16 shall adopt rules providing that a supervising physician shall
17 not supervise more than two physician assistants at one time.

18 The bill provides that a physician assistant licensed
19 pursuant to Code chapter 148C or in any other state or federal
20 jurisdiction who voluntarily and gratuitously, and other than
21 in the ordinary course of the physician assistant's employment
22 or practice, responds to a need for medical care created by an
23 emergency or disaster may render such care that the physician
24 assistant is able to provide without supervision or with such
25 supervision as is available. The bill also provides that a
26 physician who supervises a physician assistant providing such
27 medical care shall not be required to meet rules relating to
28 supervision by physicians, and that the physician or a
29 physician assistant shall not be subject to criminal liability
30 by reason of having issued or executed the orders for such
31 care, and shall not be liable for civil damages for acts or
32 omissions relating to the issuance or execution of the orders
33 unless the acts or omissions constitute recklessness.

34 The bill further requires that the board of physician
35 assistant examiners adopt new rules relating to administration

1 of Code chapter 148C on or before January 1, 2004.

2 The bill takes effect upon enactment.

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HOUSE FILE 628

H-1274

1 Amend House File 628 as follows:

2 1. Page 1, lines 34 and 35, by striking the words
3 "~~after consultation with the board of medical~~
4 ~~examiners and the board of pharmacy examiners~~", and
5 inserting the following: ", after consultation with
6 the board of medical examiners and the board of
7 pharmacy examiners".

8 2. Page 2, by striking lines 18 and 19 and
9 inserting the following:

10 "Sec. ____ . Section 148.13, subsection 1, Code
11 2003, is amended to read as follows:

12 1. The board of medical examiners shall adopt
13 rules setting forth in detail its criteria and
14 procedures for determining the ineligibility of a
15 physician to serve as a supervising physician under
16 chapter 148C. The rules shall be adopted as soon as
17 possible after the effective date of this Act and in
18 no event later than December 31, 1988 provide that a
19 physician may serve as a supervising physician under
20 chapter 148C until such time as the board determines,
21 following normal disciplinary procedures, that the
22 physician is ineligible to serve in that capacity."

23 3. Page 4, line 10, by inserting after the word
24 "training" the following: "or not prohibited by the
25 board".

26 4. Page 4, by inserting after line 16 the
27 following:

28 "6. The board shall adopt rules pursuant to this
29 section after consultation with the board of medical
30 examiners."

31 5. Page 5, line 33, by inserting after the figure
32 "148C" the following: ", after consultation with the
33 board of medical examiners,".

34 6. By renumbering as necessary.

By BODDICKER of Cedar
MURPHY of Dubuque

H-1274 FILED APRIL 3, 2003

Adopted 4/8/03

HOUSE FILE 628

H-1288

1 Amend the amendment, H-1274, to House File 628, as
2 follows:

3 1. Page 1, by inserting after line 22 the
4 following:

5 "____ . Page 4, by striking lines 1 through 4 and
6 inserting the following: "chapter requiring a
7 licensed physician assistant to be supervised by
8 physicians. The rules shall provide that not more
9 than two physician assistants shall be supervised by a
10 physician at one time. The rules shall also provide
11 that a"."

By BODDICKER of Cedar

H-1288 FILED APRIL 8, 2003

ADOPTED

HOUSE FILE 628
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 191)

(As Amended and Passed by the House April 8, 2003)

Passed House, Date Passed 4/8/03 Passed Senate, Date Passed 4/16/03
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved 4/30/03

A BILL FOR

1 An Act relating to physician assistant licensure, and providing
2 an effective date.

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

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House Amendments _____

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1 Section 1. Section 147.74, subsection 16, Code 2003, is
2 amended to read as follows:

3 16. A physician assistant ~~registered-or~~ licensed under
4 chapter 148C may use the words "physician assistant" after the
5 person's name or signify the same by the use of the letters
6 "P. A." after the person's name.

7 Sec. 2. Section 147.80, subsection 5, Code 2003, is
8 amended to read as follows:

9 5. Application for a license to practice as a physician
10 assistant, issuance of a license to practice as a physician
11 assistant issued upon the basis of an examination given or
12 approved by the board of physician assistant examiners,
13 issuance of a license to practice as a physician assistant
14 issued under a reciprocal agreement, renewal of a license to
15 practice as a physician assistant, temporary license to
16 practice as a physician assistant,~~registration-of-a-physician~~
17 ~~assistant,-temporary-registration-of-a-physician-assistant,-~~
18 ~~renewal-of-a-registration-of-a-physician-assistant.~~

19 Sec. 3. Section 147.107, subsection 5, Code 2003, is
20 amended to read as follows:

21 5. Notwithstanding subsection 1 and any other provision of
22 this section to the contrary, a physician may delegate the
23 function of prescribing drugs, controlled substances, and
24 medical devices to a physician assistant licensed pursuant to
25 chapter 148C. When delegated prescribing occurs, the
26 supervising physician's name shall be used, recorded, or
27 otherwise indicated in connection with each individual
28 prescription so that the individual who dispenses or
29 administers the prescription knows under whose delegated
30 authority the physician assistant is prescribing. Rules
31 relating to the authority of physician assistants to prescribe
32 drugs, controlled substances, and medical devices pursuant to
33 this subsection shall be adopted by the board of physician
34 assistant examiners, after consultation with the board of
35 medical examiners and the board of pharmacy examiners,-as-soon

1 ~~as possible after July 17, 1991. The rules shall be reviewed~~
2 ~~and approved by the physician assistant rules review group~~
3 ~~created under subsection 7 and shall be adopted in final form~~
4 ~~by January 17, 1993. However, the rules shall prohibit the~~
5 ~~prescribing of schedule II controlled substances which are~~
6 ~~listed as stimulants or depressants pursuant to chapter 124.~~
7 ~~If rules are not reviewed and approved by the physician~~
8 ~~assistant rules review group created under subsection 7 and~~
9 ~~adopted in final form by January 17, 1993, a physician~~
10 ~~assistant may prescribe drugs as a delegated act of a~~
11 ~~supervising physician under rules adopted by the board of~~
12 ~~physician assistant examiners and subject to the rules review~~
13 ~~process established in section 148C-7. The board of physician~~
14 ~~assistant examiners shall be the only board to regulate the~~
15 ~~practice of physician assistants relating to prescribing and~~
16 ~~supplying prescription drugs, controlled substances and~~
17 ~~medical devices, notwithstanding section 148C-6A.~~

18 Sec. 4. Section 148.13, subsection 1, Code 2003, is
19 amended to read as follows:

20 1. The board of medical examiners shall adopt rules
21 setting forth in detail its criteria and procedures for
22 determining the ineligibility of a physician to serve as a
23 supervising physician under chapter 148C. The rules shall be
24 adopted as soon as possible after the effective date of this
25 Act and in no event later than December 31, 1988 provide that
26 a physician may serve as a supervising physician under chapter
27 148C until such time as the board determines, following normal
28 disciplinary procedures, that the physician is ineligible to
29 serve in that capacity.

30 Sec. 5. Section 148.13, subsection 4, Code 2003, is
31 amended by striking the subsection and inserting in lieu
32 thereof the following:

33 4. The board of medical examiners shall adopt rules
34 requiring a physician serving as a supervising physician to
35 notify the board of the identity of a physician assistant the

1 physician is supervising, and of any change in the status of
2 the supervisory relationship.

3 Sec. 6. Section 148C.1, subsection 1, Code 2003, is
4 amended by striking the subsection and inserting in lieu
5 thereof the following:

6 1. "Approved program" means a program for the education of
7 physician assistants which has been accredited by the American
8 medical association's committee on allied health education and
9 accreditation, by its successor, the commission on
10 accreditation of allied health educational programs, or by its
11 successor, the accreditation review commission on education
12 for the physician assistant, or its successor.

13 Sec. 7. Section 148C.1, subsection 5, Code 2003, is
14 amended to read as follows:

15 5. "Physician" means a person who is currently licensed in
16 Iowa to practice medicine and surgery, osteopathic medicine
17 and surgery, or osteopathy. Notwithstanding this subsection,
18 a physician supervising a physician assistant practicing in a
19 federal facility or under federal authority shall not be
20 required to obtain licensure beyond licensure requirements
21 mandated by the federal government for supervising physicians.

22 Sec. 8. Section 148C.1, subsection 7, Code 2003, is
23 amended by striking the subsection.

24 Sec. 9. Section 148C.3, Code 2003, is amended by striking
25 the section and inserting in lieu thereof the following:

26 148C.3 LICENSURE.

27 1. The board shall adopt rules to govern the licensure of
28 physician assistants. An applicant for licensure shall submit
29 the fee prescribed by the board and shall meet the
30 requirements established by the board with respect to each of
31 the following:

32 a. Academic qualifications, including evidence of
33 graduation from an approved program. A physician assistant
34 who is not a graduate of an approved program, but who passed
35 the national commission on certification of physician

1 assistants' physician assistant national certifying
2 examination prior to 1986, is exempt from this graduation
3 requirement.

4 b. Evidence of passing the national commission on the
5 certification of physician assistants' physician assistant
6 national certifying examination or an equivalent examination
7 approved by the board.

8 c. Hours of continuing medical education necessary to
9 become or remain licensed.

10 2. Rules shall be adopted by the board pursuant to this
11 chapter requiring a licensed physician assistant to be
12 supervised by physicians. The rules shall provide that not
13 more than two physician assistants shall be supervised by a
14 physician at one time. The rules shall also provide that a
15 physician assistant shall notify the board of the identity of
16 their supervising physician, and of any change in the status
17 of the supervisory relationship.

18 3. A licensed physician assistant shall perform only those
19 services for which the licensed physician assistant is
20 qualified by training or not prohibited by the board.

21 4. The board may issue a temporary license under special
22 circumstances and upon conditions prescribed by the board. A
23 temporary license shall not be valid for more than one year
24 and shall not be renewed more than once.

25 5. The board may issue an inactive license under
26 conditions prescribed by rules adopted by the board.

27 6. The board shall adopt rules pursuant to this section
28 after consultation with the board of medical examiners.

29 Sec. 10. Section 148C.4, Code 2003, is amended to read as
30 follows:

31 148C.4 SERVICES PERFORMED BY PHYSICIAN ASSISTANTS.

32 1. A physician assistant may perform medical services when
33 the services are rendered under the supervision of the a
34 ~~physician or-physicians-specified-in-the-physician-assistant~~
35 ~~license-approved-by-the-board.~~ A trainee physician assistant

1 student may perform medical services when the services are
2 rendered within the scope of an approved program. For the
3 purposes of this section, "medical services when the services
4 are rendered under the supervision of ~~the physician or~~
5 physicians-specified-in-the-physician-assistant-license
6 approved-by-the-board" a physician" includes making a
7 pronouncement of death for a patient whose death is
8 anticipated if the death occurs in a licensed hospital, a
9 licensed health care facility, a Medicare-certified home
10 health agency, or a Medicare-certified hospice program or
11 facility, with notice of the death to a physician and in
12 accordance with the directions of a physician.

13 2. Notwithstanding subsection 1, a physician assistant
14 licensed pursuant to this chapter or authorized to practice in
15 any other state or federal jurisdiction who voluntarily and
16 gratuitously, and other than in the ordinary course of the
17 physician assistant's employment or practice, responds to a
18 need for medical care created by an emergency or a state or
19 local disaster may render such care that the physician
20 assistant is able to provide without supervision as described
21 in this section or with such supervision as is available.

22 A physician who supervises a physician assistant providing
23 medical care pursuant to this subsection shall not be required
24 to meet the requirements of rules adopted pursuant to section
25 148C.3, subsection 2, relating to supervision by physicians.
26 A physician providing physician assistant supervision pursuant
27 to this subsection or a physician assistant, who voluntarily
28 and gratuitously, and other than in the ordinary course of the
29 physician assistant's employment or practice, responds to a
30 need for medical care created by an emergency or a state or
31 local disaster shall not be subject to criminal liability by
32 reason of having issued or executed the orders for such care,
33 and shall not be liable for civil damages for acts or
34 omissions relating to the issuance or execution of the orders
35 unless the acts or omissions constitute recklessness.

1 Sec. 11. Section 148C.11, Code 2003, is amended to read as
2 follows:

3 148C.11 PROHIBITION -- CRIME.

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

8 Sec. 12. PHYSICIAN ASSISTANTS -- RULES. The board shall
9 adopt new rules pursuant to chapter 17A to administer chapter
10 148C, after consultation with the board of medical examiners,
11 no later than January 1, 2004. The rules shall be designed to
12 encourage the utilization of physician assistants in a manner
13 that is consistent with the provision of quality health care
14 and medical services for the citizens of Iowa through better
15 utilization of available physicians and the development of
16 sound programs for the education and training of skilled
17 physician assistants well qualified to assist physicians in
18 providing health care and medical services.

19 Sec. 13. Sections 148C.2, 148C.5A, 148C.6A, and 148C.7,
20 Code 2003, are repealed.

21 Sec. 14. EFFECTIVE DATE. This Act, being deemed of
22 immediate importance, takes effect upon enactment.

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Boddicker, Ch.
Tymeson
Watto
Heddens
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Suc ed By
SF. 0628

HSB 191
HUMAN RESOURCES

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON HUMAN
RESOURCES BILL BY
CHAIRPERSON BODDICKER)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to physician assistant licensure, and providing
2 an effective date.

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

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3 16. A physician assistant ~~registered-or~~ licensed under
4 chapter 148C may use the words "physician assistant" after the
5 person's name or signify the same by the use of the letters
6 "P. A." after the person's name.

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16 practice as a physician assistant~~7-registration-of-a-physician~~
17 ~~assistant7-temporary-registration-of-a-physician-assistant7~~
18 ~~renewal-of-a-registration-of-a-physician-assistant.~~

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21 5. Notwithstanding subsection 1 and any other provision of
22 this section to the contrary, a physician may delegate the
23 function of prescribing drugs, controlled substances, and
24 medical devices to a physician assistant licensed pursuant to
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27 otherwise indicated in connection with each individual
28 prescription so that the individual who dispenses or
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31 relating to the authority of physician assistants to prescribe
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33 this subsection shall be adopted by the board of physician
34 assistant examiners~~7-after-consultation-with-the-board-of~~
35 ~~medical-examiners-and-the-board-of-pharmacy-examiners7-as-soon~~

~~1 as possible after July 17, 1991. The rules shall be reviewed~~
~~2 and approved by the physician assistant rules review group~~
~~3 created under subsection 7 and shall be adopted in final form~~
4 by January 17, 1993. However, the rules shall prohibit the
5 prescribing of schedule II controlled substances which are
6 listed as stimulants or depressants pursuant to chapter 124.
~~7 If rules are not reviewed and approved by the physician~~
~~8 assistant rules review group created under subsection 7 and~~
~~9 adopted in final form by January 17, 1993, a physician~~
10 assistant may prescribe drugs as a delegated act of a
11 supervising physician under rules adopted by the board of
12 physician assistant examiners and subject to the rules review
13 process established in section 148C.7. The board of physician
14 assistant examiners shall be the only board to regulate the
15 practice of physician assistants relating to prescribing and
16 supplying prescription drugs, controlled substances and
17 medical devices, notwithstanding section 148C.6A.

18 Sec. 4. Section 148.13, subsections 1 and 4, Code 2003,
19 are amended by striking the subsections.

20 Sec. 5. Section 148C.1, subsection 1, Code 2003, is
21 amended by striking the subsection and inserting in lieu
22 thereof the following:

23 1. "Approved program" means a program for the education of
24 physician assistants which has been accredited by the American
25 medical association's committee on allied health education and
26 accreditation, by its successor, the commission on
27 accreditation of allied health educational programs, or by its
28 successor, the accreditation review commission on education
29 for the physician assistant, or its successor.

30 Sec. 6. Section 148C.1, subsection 5, Code 2003, is
31 amended to read as follows:

32 5. "Physician" means a person who is currently licensed in
33 Iowa to practice medicine and surgery, osteopathic medicine
34 and surgery, or osteopathy. Notwithstanding this subsection,
35 a physician supervising a physician assistant practicing in a

S.F. _____ H.F. _____

1 federal jurisdiction shall not be required to obtain licensure
2 beyond licensure requirements mandated by the federal
3 government for supervising physicians.

4 Sec. 7. Section 148C.1, subsection 7, Code 2003, is
5 amended by striking the subsection.

6 Sec. 8. Section 148C.3, Code 2003, is amended by striking
7 the section and inserting in lieu thereof the following:

8 148C.3 LICENSURE.

9 1. The board shall adopt rules to govern the licensure of
10 physician assistants. An applicant for licensure shall submit
11 the fee prescribed by the board and shall meet the
12 requirements established by the board with respect to each of
13 the following:

14 a. Academic qualifications, including evidence of
15 graduation from an approved program. A physician assistant
16 who is not a graduate of an approved program, but who passed
17 the national commission on certification of physician
18 assistants' physician assistant national certifying
19 examination prior to 1986, is exempt from this graduation
20 requirement.

21 b. Evidence of passing the national commission on the
22 certification of physician assistants' physician assistant
23 national certifying examination or an equivalent examination
24 approved by the board.

25 c. Hours of continuing medical education necessary to
26 become or remain licensed.

27 2. Rules shall be adopted by the board pursuant to this
28 chapter permitting a licensed physician assistant to be
29 supervised by physicians.

30 3. A licensed physician assistant shall perform only those
31 services for which the licensed physician assistant is
32 qualified by training.

33 4. The board may issue a temporary license under special
34 circumstances and upon conditions prescribed by the board. A
35 temporary license shall not be valid for more than one year

1 and shall not be renewed more than once.

2 5. The board may issue an inactive license under
3 conditions prescribed by rules adopted by the board.

4 Sec. 9. Section 148C.4, Code 2003, is amended to read as
5 follows:

6 148C.4 SERVICES PERFORMED BY PHYSICIAN ASSISTANTS.

7 1. A physician assistant may perform medical services when
8 the services are rendered under the supervision of the a
9 physician or-physicians-specified-in-the-physician-assistant
10 license-approved-by-the-board. A trainee physician assistant
11 student may perform medical services when the services are
12 rendered within the scope of an approved program. For the
13 purposes of this section, "medical services when the services
14 are rendered under the supervision of the-physician-or
15 physicians-specified-in-the-physician-assistant-license
16 approved-by-the-board" a physician" includes making a
17 pronouncement of death for a patient whose death is
18 anticipated if the death occurs in a licensed hospital, a
19 licensed health care facility, a Medicare-certified home
20 health agency, or a Medicare-certified hospice program or
21 facility, with notice of the death to a physician and in
22 accordance with the directions of a physician.

23 2. Notwithstanding subsection 1, a physician assistant
24 licensed pursuant to this chapter or authorized to practice in
25 any other state or federal jurisdiction who voluntarily and
26 gratuitously, and other than in the ordinary course of the
27 physician assistant's employment or practice, responds to a
28 need for medical care created by an emergency or a state or
29 local disaster may render such care that the physician
30 assistant is able to provide without supervision as described
31 in this section or with such supervision as is available.

32 A physician who supervises a physician assistant providing
33 medical care pursuant to this subsection shall not be required
34 to meet the requirements of rules adopted pursuant to section
35 148C.3, subsection 2, relating to supervision by physicians.

1 A physician providing physician assistant supervision pursuant
2 to this subsection or a physician assistant, who voluntarily
3 and gratuitously, and other than in the ordinary course of the
4 physician assistant's employment or practice, responds to a
5 need for medical care created by an emergency or a state or
6 local disaster shall not be subject to criminal liability by
7 reason of having issued or executed the orders for such care,
8 and shall not be liable for civil damages for acts or
9 omissions relating to the issuance or execution of the orders
10 unless the acts or omissions constitute recklessness.

11 Sec. 10. Section 148C.11, Code 2003, is amended to read as
12 follows:

13 148C.11 PROHIBITION -- CRIME.

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

18 Sec. 11. Section 496C.2, subsection 4, Code 2003, is
19 amended to read as follows:

20 4. "Profession" means the profession of certified public
21 accountancy, architecture, chiropractic, dentistry, physical
22 therapy, psychology, professional engineering, land surveying,
23 landscape architecture, law, medicine and surgery, optometry,
24 osteopathy, osteopathic medicine and surgery, accounting
25 practitioner, podiatry, speech pathology, audiology,
26 veterinary medicine, pharmacy, the practice of physician
27 assisting, and the practice of nursing.

28 Sec. 12. PHYSICIAN ASSISTANTS -- RULES. The board shall
29 adopt new rules pursuant to chapter 17A to administer chapter
30 148C no later than January 1, 2004. The rules shall be
31 designed to encourage the utilization of physician assistants
32 in a manner that is consistent with the provision of quality
33 health care and medical services for the citizens of Iowa
34 through better utilization of available physicians and the
35 development of sound programs for the education and training

1 of skilled physician assistants well qualified to assist
2 physicians in providing health care and medical services.

3 Sec. 13. Sections 148C.2, 148C.5A, 148C.6A, and 148C.7,
4 Code 2003, are repealed.

5 Sec. 14. EFFECTIVE DATE. This Act, being deemed of
6 immediate importance, takes effect upon enactment.

7 EXPLANATION

8 This bill modifies licensure requirements for physician
9 assistants.

10 The bill eliminates provisions relating to registration as
11 a physician assistant, and also eliminates the physician
12 assistant rules review group established in Code section
13 148C.7, which functions to review and either approve or
14 disapprove proposed rules by the board of physician assistant
15 examiners. The bill further eliminates provisions regarding
16 the adoption of rules by December 31, 1988, relating to the
17 eligibility of a physician to serve as a supervising
18 physician, and regarding appeals to the board of medical
19 examiners of decisions of the board of physician assistant
20 examiners in a contested case involving discipline of a
21 licensed physician assistant.

22 The bill provides for changes to the definitions applicable
23 to physician assistants pursuant to Code chapter 148C. The
24 bill provides that an approved program for the education of
25 physician assistants refers to a program accredited by the
26 American medical association's committee on allied health
27 education and accreditation, its successor, the commission on
28 accreditation of allied health educational programs, its
29 successor, the accreditation review commission on education
30 for the physician assistant, or its successor, rather than
31 pursuant to rules as currently defined.

32 The bill provides that a physician practicing in a federal
33 jurisdiction and supervising a physician assistant shall not
34 be required to obtain licensure beyond licensure requirements
35 mandated by the federal government for supervising physicians.

1 The bill provides for modifications regarding requirements
2 for licensure as a physician assistant consistent with the
3 revised definitions and elimination of registration as a
4 physician assistant.

5 The bill provides that a physician assistant licensed
6 pursuant to Code chapter 148C or in any other state or federal
7 jurisdiction who voluntarily and gratuitously, and other than
8 in the ordinary course of the physician assistant's employment
9 or practice, responds to a need for medical care created by an
10 emergency or disaster may render such care that the physician
11 assistant is able to provide without supervision or with such
12 supervision as is available. The bill also provides that a
13 physician who supervises a physician assistant providing such
14 medical care shall not be required to meet rules relating to
15 supervision by physicians, and that the physician or a
16 physician assistant shall not be subject to criminal liability
17 by reason of having issued or executed the orders for such
18 care, and shall not be liable for civil damages for acts or
19 omissions relating to the issuance or execution of the orders
20 unless the acts or omissions constitute recklessness.

21 The bill provides for the addition of the practice of
22 licensed physician assistant to the list of professions which
23 may form a professional corporation pursuant to Code chapter
24 496C.

25 The bill further requires that the board of physician
26 assistant examiners adopt new rules relating to administration
27 of Code chapter 148C on or before January 1, 2004.

28 The bill takes effect upon enactment.

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HOUSE FILE 628

AN ACT

RELATING TO PHYSICIAN ASSISTANT LICENSURE, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 147.74, subsection 16, Code 2003, is amended to read as follows:

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

Sec. 2. Section 147.80, subsection 5, Code 2003, is amended to read as follows:

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. 3. Section 147.107, subsection 5, Code 2003, is amended to read as follows:

5. Notwithstanding subsection 1 and any other provision of this section to the contrary, a physician may delegate the function of prescribing drugs, controlled substances, and medical devices to a physician assistant licensed pursuant to chapter 148C. When delegated prescribing occurs, the supervising physician's name shall be used, recorded, or otherwise indicated in connection with each individual prescription so that the individual who dispenses or administers the prescription knows under whose delegated authority the physician assistant is prescribing. Rules relating to the authority of physician assistants to prescribe drugs, controlled substances, and medical devices pursuant to this subsection shall be adopted by the board of physician assistant examiners, after consultation with the board of medical examiners and the board of pharmacy examiners, as soon as possible after July 17, 1991. The rules shall be reviewed and approved by the physician assistant rules review group created under subsection 7 and shall be adopted in final form by January 17, 1993. However, the rules shall prohibit the prescribing of schedule II controlled substances which are listed as stimulants or depressants pursuant to chapter 124. If rules are not reviewed and approved by the physician assistant rules review group created under subsection 7 and adopted in final form by January 17, 1993, a physician assistant may prescribe drugs as a delegated act of a supervising physician under rules adopted by the board of physician assistant examiners and subject to the rules review process established in section 148C.7. The board of physician assistant examiners shall be the only board to regulate the practice of physician assistants relating to prescribing and supplying prescription drugs, controlled substances and medical devices, notwithstanding section 148C.6A.

Sec. 4. Section 148.13, subsection 1, Code 2003, is amended to read as follows:

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~~ provide that a physician may serve as a supervising physician under chapter 148C until such time as the board determines, following normal disciplinary procedures, that the physician is ineligible to serve in that capacity.

Sec. 5. Section 148.13, subsection 4, Code 2003, is amended by striking the subsection and inserting in lieu thereof the following:

4. The board of medical examiners shall adopt rules requiring a physician serving as a supervising physician to notify the board of the identity of a physician assistant the physician is supervising, and of any change in the status of the supervisory relationship.

Sec. 6. Section 148C.1, subsection 1, Code 2003, is amended by striking the subsection and inserting in lieu thereof the following:

1. "Approved program" means a program for the education of physician assistants which has been accredited by the American medical association's committee on allied health education and accreditation, by its successor, the commission on accreditation of allied health educational programs, or by its successor, the accreditation review commission on education for the physician assistant, or its successor.

Sec. 7. Section 148C.1, subsection 5, Code 2003, is amended to read as follows:

5. "Physician" means a person who is currently licensed in Iowa to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy. Notwithstanding this subsection, a physician supervising a physician assistant practicing in a federal facility or under federal authority shall not be

required to obtain licensure beyond licensure requirements mandated by the federal government for supervising physicians.

Sec. 8. Section 148C.1, subsection 7, Code 2003, is amended by striking the subsection.

Sec. 9. Section 148C.3, Code 2003, is amended by striking the section and inserting in lieu thereof the following:
148C.3 LICENSURE.

1. The board shall adopt rules to govern the licensure of physician assistants. An applicant for licensure shall submit the fee prescribed by the board and shall meet the requirements established by the board with respect to each of the following:

a. Academic qualifications, including evidence of graduation from an approved program. A physician assistant who is not a graduate of an approved program, but who passed the national commission on certification of physician assistants' physician assistant national certifying examination prior to 1986, is exempt from this graduation requirement.

b. Evidence of passing the national commission on the certification of physician assistants' physician assistant national certifying examination or an equivalent examination approved by the board.

c. Hours of continuing medical education necessary to become or remain licensed.

2. Rules shall be adopted by the board pursuant to this chapter requiring a licensed physician assistant to be supervised by physicians. The rules shall provide that not more than two physician assistants shall be supervised by a physician at one time. The rules shall also provide that a physician assistant shall notify the board of the identity of their supervising physician, and of any change in the status of the supervisory relationship.

3. A licensed physician assistant shall perform only those services for which the licensed physician assistant is qualified by training or not prohibited by the board.

4. The board may issue a temporary license under special circumstances and upon conditions prescribed by the board. A temporary license shall not be valid for more than one year and shall not be renewed more than once.

5. The board may issue an inactive license under conditions prescribed by rules adopted by the board.

6. The board shall adopt rules pursuant to this section after consultation with the board of medical examiners.

Sec. 10. Section 148C.4, Code 2003, is amended to read as follows:

148C.4 SERVICES PERFORMED BY PHYSICIAN ASSISTANTS.

1. A physician assistant may perform medical services when the services are rendered under the supervision of the a physician or physicians specified in the physician assistant license approved by the board. A trainee physician assistant student may perform medical services when the services are rendered within the scope of an approved program. For the purposes of this section, "medical services when the services are rendered under the supervision of the physician or physicians specified in the physician assistant license approved by the board" a physician" includes making a pronouncement of death for a patient whose death is anticipated if the death occurs in a licensed hospital, a licensed health care facility, a Medicare-certified home health agency, or a Medicare-certified hospice program or facility, with notice of the death to a physician and in accordance with the directions of a physician.

2. Notwithstanding subsection 1, a physician assistant licensed pursuant to this chapter or authorized to practice in any other state or federal jurisdiction who voluntarily and gratuitously, and other than in the ordinary course of the physician assistant's employment or practice, responds to a need for medical care created by an emergency or a state or local disaster may render such care that the physician assistant is able to provide without supervision as described in this section or with such supervision as is available.

A physician who supervises a physician assistant providing medical care pursuant to this subsection shall not be required to meet the requirements of rules adopted pursuant to section 148C.3, subsection 2, relating to supervision by physicians. A physician providing physician assistant supervision pursuant to this subsection or a physician assistant, who voluntarily and gratuitously, and other than in the ordinary course of the physician assistant's employment or practice, responds to a need for medical care created by an emergency or a state or local disaster shall not be subject to criminal liability by reason of having issued or executed the orders for such care, and shall not be liable for civil damages for acts or omissions relating to the issuance or execution of the orders unless the acts or omissions constitute recklessness.

Sec. 11. Section 148C.11, Code 2003, is amended to read as follows:

148C.11 PROHIBITION -- CRIME.

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

Sec. 12. PHYSICIAN ASSISTANTS -- RULES. The board shall adopt new rules pursuant to chapter 17A to administer chapter 148C, after consultation with the board of medical examiners, no later than January 1, 2004. The rules shall be designed to encourage 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 through better utilization of available physicians and the development of sound programs for the education and training of skilled physician assistants well qualified to assist physicians in providing health care and medical services.

Sec. 13. Sections 148C.2, 148C.5A, 148C.6A, and 148C.7, Code 2003, are repealed.

Sec. 14. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

CHRISTOPHER C. RANTS
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 628, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2003

THOMAS J. VILSACK
Governor