

Senate Study Bill 1142 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON SCHULTZ)

A BILL FOR

1 An Act relating to the practice of physician assistants without
2 supervision by a physician.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135.24, subsection 7, paragraph d, Code
2 2023, is amended to read as follows:

3 *d.* "Health care provider" means a physician licensed under
4 chapter 148; a chiropractor licensed under [chapter 151](#); a
5 physical therapist licensed pursuant to [chapter 148A](#); an
6 occupational therapist licensed pursuant to [chapter 148B](#);
7 a podiatrist licensed pursuant to [chapter 149](#); a physician
8 assistant licensed ~~and practicing under a supervising physician~~
9 ~~pursuant to~~ [chapter 148C](#); a licensed practical nurse, a
10 registered nurse, or an advanced registered nurse practitioner
11 licensed pursuant to [chapter 152](#) or [152E](#); a respiratory
12 therapist licensed pursuant to [chapter 152B](#); a dentist, dental
13 hygienist, or dental assistant registered or licensed to
14 practice under [chapter 153](#); an optometrist licensed pursuant
15 to [chapter 154](#); a psychologist licensed pursuant to chapter
16 154B; a social worker licensed pursuant to [chapter 154C](#); a
17 mental health counselor, marital and family therapist, behavior
18 analyst, or assistant behavior analyst licensed pursuant to
19 chapter 154D; a speech pathologist or audiologist licensed
20 pursuant to [chapter 154F](#); a pharmacist licensed pursuant to
21 chapter 155A; or an emergency medical care provider certified
22 pursuant to [chapter 147A](#).

23 Sec. 2. Section 135G.1, subsection 8, Code 2023, is amended
24 to read as follows:

25 8. "Physician assistant" means a person licensed ~~to practice~~
26 ~~under the supervision of a physician as authorized in chapters~~
27 ~~147 and~~ [chapter 148C](#).

28 Sec. 3. Section 135P.1, subsection 2, Code 2023, is amended
29 to read as follows:

30 2. "Health care provider" means a physician or osteopathic
31 physician licensed under [chapter 148](#), a physician assistant
32 licensed ~~and practicing under a supervising physician pursuant~~
33 ~~to~~ [chapter 148C](#), a podiatrist licensed under [chapter 149](#), a
34 chiropractor licensed under [chapter 151](#), a licensed practical
35 nurse, a registered nurse, or an advanced registered nurse

1 practitioner licensed under [chapter 152](#) or [152E](#), a dentist
2 licensed under [chapter 153](#), an optometrist licensed under
3 [chapter 154](#), a pharmacist licensed under [chapter 155A](#), or
4 any other person who is licensed, certified, or otherwise
5 authorized or permitted by the law of this state to administer
6 health care in the ordinary course of business or in the
7 practice of a profession.

8 Sec. 4. Section 147.14, subsection 1, paragraph 1, Code
9 2023, is amended to read as follows:

10 1. For the board of physician assistants, five members
11 licensed to practice as physician assistants, at least two of
12 whom practice in counties with a population of less than fifty
13 thousand, one member licensed to practice medicine and surgery
14 who ~~supervises~~ collaborates with a physician assistant, one
15 member licensed to practice osteopathic medicine and surgery
16 who ~~supervises~~ collaborates with a physician assistant, and two
17 members who are not licensed to practice either medicine and
18 surgery or osteopathic medicine and surgery or licensed as a
19 physician assistant and who shall represent the general public.
20 At least one of the physician or osteopathic physician members
21 shall be in practice in a county with a population of less than
22 fifty thousand.

23 Sec. 5. Section 147.107, subsection 4, Code 2023, is amended
24 to read as follows:

25 4. A Notwithstanding subsection 1 and any other provision
26 of this section to the contrary, a physician assistant may
27 prescribe, dispense, order, administer, or procure prescription
28 drugs, controlled substances, or medical devices necessary to
29 complete a course of therapy pursuant to [section 148C.4](#). Rules
30 relating to the authority of physician assistants to prescribe
31 drugs, controlled substances, and medical devices pursuant to
32 this subsection shall be adopted by the board of physician
33 assistants after consultation with the board of medicine and
34 board of pharmacy.

35 Sec. 6. Section 147.107, subsections 5 and 6, Code 2023, are

1 amended by striking the subsections.

2 Sec. 7. Section 147.136A, subsection 1, paragraph a, Code
3 2023, is amended to read as follows:

4 a. "*Health care provider*" means a hospital as defined in
5 section 135B.1, a health care facility as defined in section
6 135C.1, a health facility as defined in [section 135P.1](#), a
7 physician or an osteopathic physician licensed under chapter
8 148, a physician assistant licensed ~~and practicing under a~~
9 ~~supervising physician~~ under [chapter 148C](#), a podiatrist licensed
10 under [chapter 149](#), a chiropractor licensed under [chapter 151](#), a
11 licensed practical nurse, a registered nurse, or an advanced
12 registered nurse practitioner licensed under [chapter 152](#) or
13 152E, a dentist licensed under [chapter 153](#), an optometrist
14 licensed under [chapter 154](#), a pharmacist licensed under chapter
15 155A, a professional corporation under [chapter 496C](#) that is
16 owned by persons licensed to practice a profession listed in
17 this paragraph, or any other person or entity who is licensed,
18 certified, or otherwise authorized or permitted by the law of
19 this state to administer health care in the ordinary course of
20 business or in the practice of a profession.

21 Sec. 8. Section 147A.10, subsection 3, Code 2023, is amended
22 to read as follows:

23 3. An act of commission or omission of any appropriately
24 certified emergency medical care provider, registered nurse,
25 or licensed practical nurse, ~~or physician assistant~~, while
26 rendering emergency medical care under the responsible
27 supervision and control of a physician to a person who is
28 deemed by them to be in immediate danger of serious injury or
29 loss of life, shall not impose any liability upon the certified
30 emergency medical care provider, registered nurse, licensed
31 practical nurse, or physician assistant, the supervising
32 physician, physician designee, advanced registered nurse
33 practitioner, or any hospital, or upon the state, or any
34 county, city or other political subdivision, or the employees
35 of any of these entities; provided that [this section](#) shall not

1 relieve any person of liability for civil damages for any act
2 of commission or omission which constitutes recklessness.

3 Sec. 9. Section 148C.1, subsections 5 and 8, Code 2023, are
4 amended by striking the subsections.

5 Sec. 10. Section 148C.1, subsection 6, Code 2023, is amended
6 to read as follows:

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

14 Sec. 11. Section 148C.3, subsection 2, Code 2023, is amended
15 by striking the subsection.

16 Sec. 12. Section 148C.4, subsections 2 and 3, Code 2023, are
17 amended to read as follows:

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

27 ~~b.~~ A physician who supervises a physician assistant
28 providing medical care pursuant to [this subsection](#) shall not
29 be required to meet the requirements of rules adopted pursuant
30 to [section 148C.3, subsection 2](#), relating to supervision
31 by physicians. A physician providing physician assistant
32 supervision pursuant to [this subsection](#) or a physician
33 assistant, who voluntarily and gratuitously, and other than in
34 the ordinary course of the physician assistant's employment or
35 practice, responds to a need for medical care created by an

1 emergency or a state or local disaster shall not be subject
2 to criminal liability by reason of having ~~issued or executed~~
3 ~~the orders for~~ provided such care, and shall not be liable for
4 civil damages for acts or omissions relating to ~~the issuance or~~
5 ~~execution of the orders~~ such care unless the acts or omissions
6 constitute recklessness.

7 3. The degree of collaboration between a physician
8 assistant and the appropriate member of a health care team
9 shall be determined at the practice level, and may involve
10 decisions made by the medical group, hospital service,
11 supervising physician, or employer of the physician assistant,
12 or the credentialing and privileging system of a licensed
13 health care facility. ~~A physician shall be accessible at all~~
14 ~~times for consultation with a physician assistant unless the~~
15 ~~physician assistant is providing emergency medical services~~
16 ~~pursuant to 645 IAC 327.1(1)(n).~~ The supervising physician
17 ~~shall have ultimate responsibility for determining the medical~~
18 ~~care provided by the supervising physician-physician assistant~~
19 ~~team.~~ A physician assistant shall be responsible for the
20 services performed by the physician assistant.

21 Sec. 13. Section 148F.7, Code 2023, is amended to read as
22 follows:

23 **148F.7 Limitation on provision of care and services.**

24 A licensed orthotist, prosthetist, or pedorthist may provide
25 care or services only if the care or services are provided
26 pursuant to an order from a licensed physician, a licensed
27 podiatric physician, an advanced registered nurse practitioner
28 licensed pursuant to [chapter 152](#) or [152E](#), or a physician
29 ~~assistant who has been delegated the authority to order the~~
30 ~~services of an orthotist, prosthetist, or pedorthist by the~~
31 ~~assistant's supervising physician~~ licensed under chapter 148C.

32 Sec. 14. Section 154F.2, subsection 1, paragraph a, Code
33 2023, is amended to read as follows:

34 a. Licensed physicians and surgeons, licensed osteopathic
35 physicians and surgeons, and licensed physician assistants,

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

10 Sec. 15. Section 225C.6, subsection 4, paragraph c,
11 subparagraph (1), Code 2023, is amended to read as follows:

12 (1) A comprehensive set of wraparound services for persons
13 who have had or are at imminent risk of having acute or
14 crisis mental health symptoms that do not permit the persons
15 to remain in or threatens removal of the persons from their
16 home and community, but who have been determined by a mental
17 health professional and a licensed health care professional,
18 subject to the professional's scope of practice, not to need
19 inpatient acute hospital services. For the purposes of this
20 subparagraph, "*mental health professional*" means the same as
21 defined in [section 228.1](#) and "*licensed health care professional*"
22 means a person licensed under [chapter 148](#) to practice medicine
23 and surgery or osteopathic medicine and surgery, an advanced
24 registered nurse practitioner licensed under [chapter 152](#) or
25 152E, or a physician assistant licensed to practice under the
26 supervision of a physician as authorized in ~~chapters 147 and~~
27 [chapter 148C](#).

28 Sec. 16. Section 280.16, subsection 1, paragraph d, Code
29 2023, is amended to read as follows:

30 d. "*Licensed health care professional*" means a person
31 licensed under [chapter 148](#) to practice medicine and surgery or
32 osteopathic medicine and surgery, an advanced registered nurse
33 practitioner licensed under [chapter 152](#) or 152E and registered
34 with the board of nursing, or a physician assistant licensed to
35 practice under the supervision of a physician as authorized in

1 ~~chapters 147~~ and chapter 148C.

2 Sec. 17. Section 489.1102, subsection 2, paragraph b, Code
3 2023, is amended to read as follows:

4 b. Nothing in this section shall be construed to expand
5 the scope of practice of a physician assistant ~~or modify the~~
6 ~~requirement in section 148C.4~~ that a physician assistant
7 ~~perform medical services under the supervision of a licensed~~
8 ~~physician~~.

9 Sec. 18. Section 489.1105, subsection 2, paragraph b, Code
10 2023, is amended to read as follows:

11 b. Nothing in this section shall be construed to expand
12 the scope of practice of a physician assistant ~~or modify the~~
13 ~~requirement in section 148C.4~~ that a physician assistant
14 ~~perform medical services under the supervision of a licensed~~
15 ~~physician~~.

16 Sec. 19. Section 496C.4, subsection 2, paragraph b, Code
17 2023, is amended to read as follows:

18 b. Nothing in this section shall be construed to expand
19 the scope of practice of a physician assistant ~~or modify the~~
20 ~~requirement in section 148C.4~~ that a physician assistant
21 ~~perform medical services under the supervision of a licensed~~
22 ~~physician~~.

23 Sec. 20. Section 496C.7, subsection 3, paragraph b, Code
24 2023, is amended to read as follows:

25 b. Nothing in this section shall be construed to expand
26 the scope of practice of a physician assistant ~~or modify the~~
27 ~~requirement in section 148C.4~~ that a physician assistant
28 ~~perform medical services under the supervision of a licensed~~
29 ~~physician~~.

30 Sec. 21. REPEAL. Sections 148.13, 148C.5, and 148.12, Code
31 2023, are repealed.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill relates to the practice of physician assistants.

S.F. _____

1 The bill repeals requirements that physician assistants
2 practice under the supervision of a licensed physician and
3 surgeon or osteopathic physician and surgeon. The bill
4 repeals provisions requiring rulemaking for the supervision
5 of physician assistants and requiring the board of physician
6 assistants and board of medicine to submit an annual report
7 regarding collaborative efforts, and makes other conforming
8 changes.