

1 *House* BILL NO. 73
 2 INTRODUCED BY *Orin Thomas, Eugene Lester, Paul...*
 3 *...*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING THE
 5 UTILIZATION OF PARAMEDICAL SPECIALISTS OR PHYSICIANS'
 6 ASSISTANTS BY PHYSICIANS."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Legislative findings. The legislature
 10 finds that there has been an increase in the utilization in
 11 paramedical specialists by physicians as authorized by
 12 section 66-1012 (2) (1), R.C.M. 1947; that there is
 13 widespread interest in the state of Montana in the further
 14 utilization of paramedical specialists by physicians; that
 15 there now exist many different programs for training such
 16 specialists, and that paramedical specialists are known as
 17 physicians' assistants, medex, and by other names. The
 18 legislature further finds that because of this increased
 19 utilization of such specialists and the various programs for
 20 training, the regulation of paramedical specialists,
 21 hereinafter referred to as physicians' assistants, is in the
 22 public interest.

23 Section 2. Definitions. As used in this act:

24 (1) "Board" means board of medical examiners of the
 25 state of Montana.

1 (2) "Approved program" means an American Medical
 2 Association approved course of study for the education and
 3 training of physicians' assistants which has been reviewed
 4 and approved by the board of medical examiners.

5 (3) "Physician's assistant" means a person who is a
 6 student or graduate of an approved program, who has been
 7 authorized by the board to render patient services under the
 8 direction of a supervising physician.

9 (4) "Supervising physician" means a person licensed to
 10 practice medicine in the state, who is in active practice
 11 and maintains evidence of continued postgraduate education
 12 as required by the board, and approved by the board to
 13 supervise a physician's assistant.

14 Section 3. Powers and duties of the board. The board
 15 is empowered and directed to:

16 (1) Issue approval for programs of education and
 17 training of physicians' assistants which meet board
 18 standards and to issue certificates to approved physicians'
 19 assistants-physician teams.

20 (2) Develop criteria for program approval and
 21 proficiency testing of physicians' assistants.

22 (3) Formulate guide lines for the consideration of
 23 applications by physicians to supervise physicians'
 24 assistants. Each application made by a physician to the
 25 board should include:

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1 (a) Qualifications, including related experience
2 possessed by the proposed physician's assistant.

3 (b) The professional background and specialty of the
4 physician.

5 (c) A description by the physician of his practice and
6 how the physician's assistant is to be utilized.

7 (4) The board shall approve an application by
8 physicians to supervise physicians' assistants when the
9 board finds that the proposed physicians' assistants are
10 graduates or students of an approved program and are fully
11 qualified by reason of experience and education to perform
12 medical services under the supervision of a physician. The
13 board shall not approve an application permitting a
14 physician or physicians to supervise more physicians'
15 assistants than the number of physicians making application.
16 No physician's assistant may be utilized in a place other
17 than that of the supervising physician's regular place of
18 treating patients unless personally accompanying the
19 supervising physician. No physician who uses the services
20 of a physician's assistant in accordance with the terms and
21 permission granted by the board shall be considered as
22 aiding and abetting an unlicensed person to practice
23 medicine. However, any physician shall retain professional
24 and personal responsibility for any act which is performed
25 by a physician's assistant in his employ."

1 Section 4. Fees. A fee set by the board shall be
2 charged for each initial certification as a physician's
3 assistant. Annual renewal fees shall be set by the board.
4 Additional charges shall be made for examinations as deemed
5 necessary by the board. All fees shall be paid to the
6 board.

7 Section 5. Penalties. Any person other than one who
8 has been approved by the board who holds himself out as a
9 qualified physician's assistant or who uses any other term
10 indicating or implying that he is a physician's assistant is
11 guilty of a misdemeanor.

-End-

Approved by Committee
on Public Health, Welfare
& Safety

HOUSE BILL NO. 73

INTRODUCED BY JACK MOORE, FABREGA, LESTER,
BARDANOUVE, SEIFERT

A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING THE
UTILIZATION OF PARAMEDICAL SPECIALISTS OR PHYSICIANS'
ASSISTANTS BY PHYSICIANS; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Legislative findings. The legislature finds that there has been an increase in the utilization in paramedical specialists by physicians as authorized by section 66-1012 (2) (1), R.C.M. 1947; that there is widespread interest in the state of Montana in the further utilization of paramedical specialists by physicians; that there now exist many different programs for training such specialists, and that paramedical specialists are known as physicians' assistants, OR medexy-and-by-other-names. The legislature further finds that because of this increased utilization of such specialists and the various programs for training, the regulation of paramedical specialists, hereinafter referred to as physicians' assistants, is in the public interest.

Section 2. Definitions. As used in this act:

(1) "Board" means board of medical examiners of the

state of Montana.

(2) "Approved program" means an American Medical Association approved course of study for the education and training of physicians' assistants which has been reviewed and approved by the board of medical examiners.

(3) "Physician's assistant" means a person who is a student or graduate of an approved program, who has been authorized by the board to render patient services under the direction of a supervising physician.

(4) "Supervising physician" means a person licensed to practice medicine in the state, who is in active practice and maintains evidence of continued postgraduate education as required by the board, and approved by the board to supervise a physician's assistant.

Section 3. Powers and duties of the board. The board is empowered and directed to:

(1) Issue approval for programs of education and training of physicians' assistants which meet board standards SPECIFICATIONS and to issue certificates to approved physicians' assistants-physician teams.

(2) Develop criteria for program approval, LENGTH OF TIME and proficiency testing of physicians' assistants.

(3) Formulate guide lines for the consideration of applications by physicians to supervise physicians' assistants. Each application made by a physician to the

1 board should include:

2 (a) Qualifications, including related experience
3 possessed by the proposed physician's assistant.

4 (b) The professional background and specialty of the
5 physician.

6 (c) A description by the physician of his practice and
7 how the physician's assistant is to be utilized.

8 (4) The board shall approve an application by
9 physicians to supervise physicians' assistants when the
10 board finds that the proposed physicians' assistants are
11 graduates or students of an approved program and are fully
12 qualified by reason of experience and education to perform
13 medical services under the supervision of a physician. The
14 board shall not approve an application permitting a
15 physician or physicians to supervise more physicians'
16 assistants than the number of physicians making application.
17 ~~No--physician's--assistant--may--be--utilized--in--a--place--other~~
18 ~~than--that--of--the--supervising--physician's--regular--place--of~~
19 ~~treating---patients---unless---personally---accompanying---the~~
20 ~~supervising--physician.~~ NO PHYSICIAN'S ASSISTANT MAY BE
21 UTILIZED IN ANY PLACE IN WHICH THE SUPERVISING PHYSICIAN
22 REGULARLY PRACTICES WITHOUT THE APPROVAL OF THE SUPERVISING
23 PHYSICIAN, WITH THE EXCEPTION OF PERFORMING SERVICES IN A
24 LICENSED HOSPITAL UNLESS GRANTED SUCH A PRIVILEGE BY THE
25 FACILITY IN ACCORDANCE WITH ITS STANDING POLICY OR UNLESS

1 PERSONALLY ACCOMPANIED BY THE SUPERVISING PHYSICIAN. No
2 physician who uses the services of a physician's assistant
3 in accordance with the terms and permission granted by the
4 board shall be considered as aiding and abetting an
5 unlicensed person to practice medicine. However, any
6 physician shall retain professional and personal
7 responsibility for any act which is performed by a
8 physician's assistant in his employ. NO PHYSICIAN'S
9 ASSISTANT MAY PRESCRIBE DRUGS UNLESS SPECIFICALLY GRANTED
10 APPROVAL TO DO SO BY THE BOARD IN WRITING. NO PHYSICIAN'S
11 ASSISTANT MAY PRACTICE ANY DUTIES WHICH DO NOT LIE WITHIN
12 THE LEGAL SCOPE OF THE SUPERVISING PHYSICIAN'S LICENSURE.

13 IN THE EVENT OF IMPROPER PRESCRIPTION BY A PHYSICIAN'S
14 ASSISTANT, THE PHARMACIST SHALL NOT BE LIBEL.

15 Section 4. Fees. A fee set by the board shall be
16 charged for each initial certification as a physician's
17 assistant. Annual renewal fees shall be set by the board.
18 Additional charges shall be made for examinations as deemed
19 necessary by the board. All fees shall be paid to the
20 board.

21 Section 5. Penalties. Any person other than one who
22 has been approved by the board who holds himself out as a
23 qualified physician's assistant or who uses any other term
24 indicating or implying that he is a physician's assistant is
25 guilty of a misdemeanor.

1 SECTION 6. NOTHING IN THIS ACT SHALL BE CONSTRUED TO
2 AUTHORIZE A PHYSICIAN'S ASSISTANT TO PERFORM THOSE FUNCTIONS
3 AND PROCEDURES SPECIFICALLY DELEGATED BY LAW ONLY TO A
4 PERSON LICENSED AS A CHIROPRACTOR AS DEFINED IN CHAPTER 5 OF
5 TITLE 66; AS A PODIATRIST AS DEFINED UNDER CHAPTER 6, TITLE
6 66; AS A DENTIST OR DENTAL HYGIENIST AS DEFINED UNDER
7 CHAPTER 9, TITLE 66; AS AN OPTOMETRIST AS DEFINED UNDER
8 CHAPTER 13, TITLE 66; OR AS A PHARMACIST AS DEFINED UNDER
9 CHAPTER 15, TITLE 66; UNLESS THESE FUNCTIONS AND PROCEDURES:

10 (A) ARE COMMONLY PRACTICED BY THE EMPLOYING PHYSICIAN,

11 AND

12 (B) HAVE BEEN A PART OF THE TRAINING OF THE
13 PHYSICIAN'S ASSISTANT, WHICH PART OF HIS INDIVIDUAL TRAINING
14 HAS BEEN SPECIFICALLY APPROVED IN WRITING BY THE BOARD WHICH
15 LICENSES PERSONS OTHER THAN PHYSICIANS, TO PRACTICE SUCH
16 FUNCTIONS AND PROCEDURES.

17 SECTION 7. THIS ACT IS EFFECTIVE ON JANUARY 1, 1976.

-End-

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21 (2) ~~Develop~~ AFTER CONSULTATION WITH THE BOARD OF
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18 (5) NO PHYSICIAN MAY SUPERVISE MORE PHYSICIANS'
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20 UNLESS THOSE PHYSICIANS ESTABLISH TO THE SATISFACTION OF THE
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24 physician's regular place of treating patients unless
25 personally accompanying the supervising physician.

1 (6) NO PHYSICIAN'S ASSISTANT MAY BE UTILIZED IN ANY
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6 ACCORDANCE WITH ITS STANDING POLICY. OR UNLESS PERSONALLY
7 ACCOMPANIED BY THE SUPERVISING PHYSICIAN.

8 (7) No physician who uses the services of a
9 physician's assistant in accordance with the terms and
10 permission granted by the board shall be considered as
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19 WHICH DO NOT LIE WITHIN THE LEGAL SCOPE OF THE SUPERVISING
20 PHYSICIAN'S LICENSURE.

21 IN THE EVENT OF IMPROPER PRESCRIPTION BY A PHYSICIAN'S
22 ASSISTANT, THE PHARMACIST SHALL NOT BE HELD LIABLE.

23 (10) NO PHYSICIAN'S ASSISTANT SHALL SUPERVISE ANY
24 OTHER PERSON ENGAGED IN PROVIDING HEALTH CARE.

25 (11) A PHYSICIAN'S ASSISTANT MAY NOT RENDER ANY

1 SERVICE EXCEPT UNDER THE PERSONAL AND RESPONSIBLE DIRECTIONS
 2 AND SUPERVISION OF A SUPERVISING PHYSICIAN.

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