

# MAINE STATE LEGISLATURE

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Date: 6/9/15

L.D. 830  
(Filing No. H-362)

**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 564, L.D. 830, Bill, "An Act To Eliminate the Dual Licensing of Physician Assistants"

Amend the bill by striking out everything after the enacting clause and inserting the following:

**Sec. 1. 32 MRSA §2594-B**, as amended by PL 2013, c. 101, §§2 and 3, is repealed.

**Sec. 2. 32 MRSA §2594-C**, as amended by PL 2013, c. 101, §4, is repealed.

**Sec. 3. 32 MRSA §2594-E** is enacted to read:

**§2594-E. License and registration of physician assistants**

**1. License and registration required.** A physician assistant may not render medical services under the supervision of an osteopathic physician or an allopathic physician pursuant to a plan of supervision until the physician assistant has applied for and obtained from either the Board of Osteopathic Licensure or the Board of Licensure in Medicine:

A. A license, which must be renewed biennially with the board that issued the initial license; and

B. A certificate of registration.

Applications for licensure and certificate of registration as a physician assistant must be made to the board that licenses the physician assistant's primary supervising physician at the time the applications for initial licensure and certificate of registration are filed. A physician assistant who applies for licensure without a designated primary supervising physician may submit the application to either the Board of Osteopathic Licensure or the Board of Licensure in Medicine. A license granted by either the Board of Osteopathic Licensure or the Board of Licensure in Medicine authorizes the physician assistant to render medical services under the supervision of an osteopathic or allopathic physician regardless of which board issued the license to the physician assistant.

**COMMITTEE AMENDMENT**

1           **2. Qualification for licensure.** The board may issue to an individual a license to  
2 practice as a physician assistant under the following conditions:

3           A. A license may be issued to an individual who:

4                   (1) Graduated from a physician assistant program approved by the board;

5                   (2) Passed a physician assistant national certifying examination administered by  
6 the National Commission on Certification of Physician Assistants or its successor  
7 organization;

8                   (3) Demonstrates current clinical competency;

9                   (4) Does not have a license or certificate of registration that is the subject of  
10 disciplinary action such as probation, restriction, suspension, revocation or  
11 surrender;

12                   (5) Completes an application approved by the board;

13                   (6) Pays an application fee of up to \$250; and

14                   (7) Passes an examination approved by the board.

15           B. No grounds exist as set forth in section 2591-A to deny the application.

16           **3. Certificate of registration.** A physician assistant may not render medical  
17 services until issued a certificate of registration by the board. The board may issue a  
18 certificate of registration to a physician assistant under the following requirements:

19           A. The physician assistant shall:

20                   (1) Submit an application on forms approved by the board. The application must  
21 include:

22                           (a) A written statement by the proposed supervising physician taking  
23 responsibility for all medical activities of the physician assistant; and

24                           (b) A written statement by the physician assistant and proposed supervising  
25 physician that a written plan of supervision has been established; and

26                   (2) Pays an application fee of up to \$50.

27           B. A proposed supervising physician must hold an active license to practice  
28 medicine in the State and be in good standing.

29           **4. Delegation by physician assistant.** A physician assistant may delegate medical  
30 acts to a medical assistant employed by the physician assistant or by an employer of the  
31 physician assistant as long as that delegation is permitted in the plan of supervision  
32 established by the physician assistant and the supervising physician.

33           **5. Rules.** The Board of Osteopathic Licensure is authorized to adopt rules regarding  
34 the training and licensure of physician assistants and the agency relationship between the  
35 physician assistant and the supervising physician. These rules, which must be adopted  
36 jointly with the Board of Licensure in Medicine, may pertain to, but are not limited to, the  
37 following matters:

COMMITTEE AMENDMENT "A" to H.P. 564, L.D. 830

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A. Information to be contained in the application for a license and certificate of registration;

B. Information that is required on the application for a certificate of registration filed by the proposed supervising physician;

C. Training and education requirements and scope of permissible clinical medical procedures of the physician assistant and the manner and methods by which the supervising physician shall supervise the physician assistant's medical services;

D. Scope of practice for physician assistants, including prescribing of controlled drugs;

E. Requirements for written plans of supervision;

F. Requirements for a physician assistant to notify the board regarding certain circumstances, including but not limited to any change in address, any change in the identity or address of the physician assistant's employer or in the physician assistant's employment status, any change in the identity or address of the supervising physician, the permanent departure of the physician assistant from the State, any criminal convictions of the physician assistant and any discipline by other jurisdictions of the physician assistant;

G. Issuance of temporary physician assistant licenses and temporary registration of physician assistants;

H. Appointment of an advisory committee for continuing review of the physician assistant program and rules. The physician assistant member of the board pursuant to section 2561 must be a member of the advisory committee;

I. Continuing education requirements as a precondition to continued licensure or licensure renewal;

J. Fees for the application for an initial physician assistant license, which may not exceed \$250;

K. Fees for an initial certificate of registration, which may not exceed \$100;

L. Fees for transfer of the certificate of registration by a physician assistant from one supervising physician to another, which may not exceed \$50; and

M. Fees for the biennial renewal of a physician assistant license in an amount not to exceed \$250.

**Sec. 4. 32 MRSA §3270-B**, as amended by PL 2013, c. 101, §§6 and 7, is repealed.

**Sec. 5. 32 MRSA §3270-E** is enacted to read:

**§3270-E. License and registration of physician assistants**

**1. License and registration required.** A physician assistant may not render medical services under the supervision of an osteopathic physician or an allopathic physician pursuant to a plan of supervision until the physician assistant has applied for

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and obtained from either the Board of Licensure in Medicine or the Board of Osteopathic Licensure:

A. A license, which must be renewed biennially with the board that issued the initial license; and

B. A certificate of registration.

Applications for licensure and certificate of registration as a physician assistant must be made to the board that licenses the physician assistant's primary supervising physician at the time the applications for initial licensure and certificate of registration are filed. A physician assistant who applies for licensure without a designated primary supervising physician may submit the application to either the Board of Osteopathic Licensure or the Board of Licensure in Medicine. A license granted by either the Board of Osteopathic Licensure or the Board of Licensure in Medicine authorizes the physician assistant to render medical services under the supervision of an allopathic or osteopathic physician regardless of which board issued the license to the physician assistant.

2. Qualification for licensure. The board may issue to an individual a license to practice as a physician assistant under the following conditions:

A. A license may be issued to an individual who:

- (1) Graduated from a physician assistant program approved by the board;
- (2) Passed a physician assistant national certifying examination administered by the National Commission on Certification of Physician Assistants or its successor organization;
- (3) Demonstrates current clinical competency;
- (4) Does not have a license or certificate of registration that is the subject of disciplinary action such as probation, restriction, suspension, revocation or surrender;
- (5) Completes an application approved by the board;
- (6) Pays an application fee of up to \$250; and
- (7) Passes an examination approved by the board; and

B. No grounds exist as set forth in section 3282-A to deny the application.

3. Certificate of registration. A physician assistant may not render medical services until issued a certificate of registration by the board. The board may issue a certificate of registration to a physician assistant under the following requirements:

A. The physician assistant shall:

- (1) Submit an application on forms approved by the board. The application must include:
  - (a) A written statement by the proposed supervising physician taking responsibility for all medical activities of the physician assistant; and

- 1                    (b) A written statement by the physician assistant and proposed supervising
- 2                    physician that a written plan of supervision has been established; and
- 3                    (2) Pays an application fee of up to \$50.
- 4                    B. A proposed supervising physician must hold an active license to practice
- 5                    medicine in the State and be in good standing.
- 6                    **4. Delegation by physician assistant. A physician assistant may delegate medical**
- 7                    **acts to a medical assistant employed by the physician assistant or by an employer of the**
- 8                    **physician assistant as long as that delegation is permitted in the plan of supervision**
- 9                    **established by the physician assistant and the supervising physician.**
- 10                   **5. Rules. The Board of Licensure in Medicine is authorized to adopt rules regarding**
- 11                   **the training and licensure of physician assistants and the agency relationship between the**
- 12                   **physician assistant and the supervising physician. These rules, which must be adopted**
- 13                   **jointly with the Board of Osteopathic Licensure, may pertain to, but are not limited to, the**
- 14                   **following matters:**
- 15                   **A. Information to be contained in the application for a license and certificate of**
- 16                   **registration;**
- 17                   **B. Information that is required on the application for a certificate of registration filed**
- 18                   **by the proposed supervising physician;**
- 19                   **C. Training and education requirements and scope of permissible clinical medical**
- 20                   **procedures of the physician assistant and the manner and methods by which the**
- 21                   **supervising physician shall supervise the physician assistant's medical services;**
- 22                   **D. Scope of practice for physician assistants, including prescribing of controlled**
- 23                   **drugs;**
- 24                   **E. Requirements for written plans of supervision;**
- 25                   **F. Requirements for a physician assistant to notify the board regarding certain**
- 26                   **circumstances, including but not limited to any change in address, any change in the**
- 27                   **identity or address of the physician assistant's employer or in the physician assistant's**
- 28                   **employment status, any change in the identity or address of the supervising**
- 29                   **physician, the permanent departure of the physician assistant from the State, any**
- 30                   **criminal convictions of the physician assistant and any discipline by other**
- 31                   **jurisdictions of the physician assistant;**
- 32                   **G. Issuance of temporary physician assistant licenses and temporary registration of**
- 33                   **physician assistants;**
- 34                   **H. Appointment of an advisory committee for continuing review of the physician**
- 35                   **assistant program and rules. The physician assistant member of the board pursuant to**
- 36                   **section 2561 must be a member of the advisory committee;**
- 37                   **I. Continuing education requirements as a precondition to continued licensure or**
- 38                   **licensure renewal;**
- 39                   **J. Fees for the application for an initial physician assistant license, which may not**
- 40                   **exceed \$250;**

COMMITTEE AMENDMENT "A" to H.P. 564, L.D. 830

- 1           K. Fees for an initial certificate of registration, which may not exceed \$100;
- 2           L. Fees for transfer of the certificate of registration by a physician assistant from one
- 3           supervising physician to another, which may not exceed \$50; and
- 4           M. Fees for the biennial renewal of a physician assistant license in an amount not to
- 5           exceed \$250.

6           **Sec. 6. 37-B MRSA §185, sub-§1-A,** as enacted by PL 2009, c. 587, §1, is  
7 amended to read:

8           **1-A. Immunity from civil and criminal liability for supervising physician.**  
9 Subsection 1 applies to the supervising physician of a physician assistant under Title 32,  
10 section ~~2594-B~~ 2594-E or ~~3270-B~~ 3270-E:

- 11           A. With regard to any act of the physician assistant in providing services to
- 12           individuals not on active state service;
- 13           B. When the physician assistant is on active state service in the performance of the
- 14           physician assistant's duty; and
- 15           C. When the supervising physician is not on active state service.

16           **Sec. 7. Transition period.** A license issued to a physician assistant by the Board  
17 of Licensure in Medicine or the Board of Osteopathic Licensure that is current and valid  
18 on the effective date of this Act remains in effect until that license is required to be  
19 renewed by the board that initially issued the license. A license renewed by a physician  
20 assistant after the effective date of this Act must be renewed in compliance with any rules  
21 jointly adopted by the Board of Licensure in Medicine and the Board of Osteopathic  
22 Licensure.

23           **Sec. 8. Appropriations and allocations.** The following appropriations and  
24 allocations are made.

25           **PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**  
26           **Licensure in Medicine - Board of 0376**

27           Initiative: Allocates funds for the cost of rulemaking and licensing system enhancements  
28           in order to establish a single physician assistant license.

29	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
30	All Other	\$15,781	\$0
31			
32	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	\$15,781	\$0

33           **Osteopathic Licensure - Board of 0383**

34           Initiative: Allocates funds for the cost of rulemaking and licensing system enhancements  
35           in order to establish a single physician assistant license.

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COMMITTEE AMENDMENT "A" to H.P. 564, L.D. 830

1	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
2	All Other	\$4,711	\$0
3			
4	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$4,711</u>	<u>\$0</u>
5	<b>PROFESSIONAL AND FINANCIAL</b>		
6	<b>REGULATION, DEPARTMENT OF</b>		
7	<b>DEPARTMENT TOTALS</b>	<b>2015-16</b>	<b>2016-17</b>
8			
9	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$20,492</b>	<b>\$0</b>
10			
11	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$20,492</b></u>	<u><b>\$0</b></u>
12			

13 **SUMMARY**

14 The amendment replaces the bill, which was a concept draft, and establishes a  
15 licensing process for physician assistants by which a qualified applicant may apply for  
16 licensure by the board that licenses the applicant's supervising physician, if known. If the  
17 applicant does not identify a supervising physician, the applicant may apply to either the  
18 Board of Osteopathic Licensure or the Board of Licensure in Medicine. An applicant for  
19 physician assistant licensure may be issued a license by only one of the boards, but may  
20 practice under the supervision of either an osteopathic physician or an allopathic  
21 physician. The amendment allows both boards to jointly adopt rules governing the  
22 licensure of physician assistants.

23 **FISCAL NOTE REQUIRED**  
24 (See attached)

**COMMITTEE AMENDMENT**





# 127th MAINE LEGISLATURE

LD 830

LR 1328(02)

## An Act To Eliminate the Dual Licensing of Physician Assistants

Fiscal Note for Bill as Amended by Committee Amendment *A (H-3602)*  
Committee: Labor, Commerce, Research and Economic Development

Fiscal Note Required: Yes

### Fiscal Note

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$20,492	\$0	\$0	\$0
<b>Revenue</b>				
Other Special Revenue Funds	(\$4,275)	\$3,225	(\$4,275)	\$3,225

#### Fiscal Detail and Notes

This bill includes a one-time Other Special Revenue Funds allocation of \$15,781 to the Board of Licensure in Medicine in fiscal year 2015-16 and a one-time Other Special Revenue Funds allocation of \$4,711 to the Board of Osteopathic Licensure, also in fiscal year 2015-16, for the cost to each board for rulemaking and technology enhancements associated with establishing a single license for physician assistants. Both boards have sufficient revenue to support the one-time costs without increasing fees.

The Board of Licensure in Medicine estimates the net impact on revenues from license and certificate of registration fees to be a reduction of approximately \$8,300 over the biennium while the Board of Osteopathic Licensure anticipates a net increase of \$7,250 over the same 2-year period.