

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 556

H.P. 375

House of Representatives, February 19, 2013

An Act To Modernize the Statutes Governing Physician Assistants

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MASTRACCIO of Sanford.
Cosponsored by Senator GRATWICK of Penobscot and
Representatives: DION of Portland, HERBIG of Belfast, KORNFIELD of Bangor, McCABE
of Skowhegan, SANBORN of Gorham, SIROCKI of Scarborough, VOLK of Scarborough,
WINCHENBACH of Waldoboro.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 32 MRSA §2561**, as amended by PL 1997, c. 50, §1, is further amended to
3 read:

4 **§2561. Membership; qualifications; tenure; vacancies**

5 The Board of Osteopathic Licensure, as established by Title 5, section 12004-A,
6 subsection 29, and in this chapter called the "board," consists of ~~9~~ 10 members appointed
7 by the Governor. ~~These members~~ Members must be residents of this State. ~~Six of these~~
8 members must be graduates of a school or college of osteopathic medicine approved by
9 the American Osteopathic Association and must be, at the time of appointment, actively
10 engaged in the practice of the profession of osteopathic medicine in the State for a period
11 of at least 5 years, ~~and 3 of these.~~ One member must be a physician assistant licensed
12 under this chapter who has been actively engaged in that member's profession in this
13 State for at least 5 years preceding appointment to the board. Three members must be
14 public members. Consumer groups may submit nominations to the Governor for the
15 members to be appointed to represent the interest of consumers. A full term of
16 appointment is for 5 years. Appointment of members must comply with section 60. A
17 member of the board may be removed from office for cause by the Governor.

18 **Sec. 2. 32 MRSA §2594-B, sub-§3**, as enacted by PL 1993, c. 600, Pt. A, §185,
19 is repealed.

20 **Sec. 3. 32 MRSA §2594-B, sub-§4** is enacted to read:

21 **4. Delegation by physician assistant.** A physician assistant may delegate medical
22 acts to a medical assistant employed by the physician assistant or by an employer of the
23 physician assistant as long as that delegation is permitted in the plan of supervision
24 established by the physician assistant and the supervisory physician.

25 **Sec. 4. 32 MRSA §2594-C, sub-§1**, as amended by PL 1993, c. 600, Pt. A, §186,
26 is further amended to read:

27 **1. Rules authorized.** The board may adopt rules, which must be adopted jointly with
28 the Board of Licensure in Medicine, dealing with osteopathic physician assistants as are
29 necessary to carry out sections 2594-A to 2594-D. The rules must provide for the
30 issuance of a single license regardless of the number of practice sites or supervisory
31 physicians.

32 **Sec. 5. 32 MRSA §3263, first ¶**, as amended by PL 2007, c. 695, Pt. B, §11, is
33 further amended to read:

34 The Board of Licensure in Medicine, as established by Title 5, section 12004-A,
35 subsection 24, and in this chapter called the "board," consists of ~~9~~ 10 individuals who are
36 residents of this State, appointed by the Governor. Three individuals must be
37 representatives of the public. Six individuals must be graduates of a legally chartered
38 medical college or university having authority to confer degrees in medicine and must
39 have been actively engaged in the practice of their profession in this State for a

1 continuous period of 5 years preceding their appointments to the board. One individual
2 must be a physician assistant licensed under this chapter who has been actively engaged
3 in the practice of that individual's profession in this State for a continuous period of 5
4 years preceding appointment to the board. A full-term appointment is for 6 years.
5 Appointment of members must comply with Title 10, section 8009. A member of the
6 board may be removed from office for cause by the Governor.

7 **Sec. 6. 32 MRSA §3270-B, first ¶**, as amended by PL 1997, c. 271, §8, is further
8 amended to read:

9 A physician assistant is not permitted to practice until the physician assistant has
10 applied for and obtained a license issued by the Board of Licensure in Medicine, which
11 must be renewed biennially, and a certificate of registration. All applications for
12 certificate of registration must be accompanied by an application by the proposed
13 supervisory physician that must contain a statement that that physician is responsible for
14 all medical activities of the physician assistant. A physician assistant may delegate
15 medical acts to a medical assistant employed by the physician assistant or by an employer
16 of the physician assistant as long as that delegation is permitted in the plan of supervision
17 established by the physician assistant and the supervisory physician. The Board of
18 Licensure in Medicine is authorized to adopt rules regarding the training and licensure of
19 physician assistants and the agency relationship between the physician assistant and the
20 supervising physician. Those rules, which must be adopted jointly with the Board of
21 Osteopathic Licensure, may pertain, but are not limited, to the following matters:

22 **Sec. 7. 32 MRSA §3270-B, sub-§6**, as amended by PL 1993, c. 600, Pt. A, §206,
23 is further amended to read:

24 **6. Advisory committee appointment.** Appointment of an advisory committee for
25 continuing review of the physician assistant program and rules. The physician assistant
26 member of the board must be a member of the advisory committee;

27 SUMMARY

28 This bill accomplishes the following.

29 1. It adds a physician assistant member to the Board of Licensure in Medicine and
30 the Board of Osteopathic Licensure, which are the boards that issue licenses to physician
31 assistants.

32 2. It permits physician assistants to delegate medical acts to medical assistants as
33 long as that delegation is included in the plan of supervision established by the physician
34 assistant and the supervising physician.

35 3. It repeals a provision in the laws governing licensing by the Board of Osteopathic
36 Licensure that prohibits a physician assistant from employing a supervising physician.

37 4. In order to have one set of rules governing physician assistants and their
38 supervising physicians, it requires the Board of Osteopathic Licensure and the Board of
39 Licensure in Medicine to do joint rulemaking and requires that the rules provide for the

1 issuance of a single license regardless of the number of practice sites or supervisory
2 physicians.