

HOUSE BILL 727

J2

3lr1582
CF SB 673

By: **Delegate Kerr**

Introduced and read first time: February 8, 2023

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Physician Assistants – Revisions**
3 **(Physician Assistant Modernization Act of 2023)**

4 FOR the purpose of requiring that a physician assistant have a collaboration registration,
5 rather than a delegation agreement, in order to practice as a physician assistant;
6 altering the scope of practice of a physician assistant; altering the education required
7 for licensure as a physician assistant; authorizing physician assistants who are
8 employees of the federal government to perform acts, tasks, or functions as a
9 physician assistant during a certain disaster; providing certain immunity to certain
10 physician assistants; and generally relating to physician assistants.

11 BY repealing and reenacting, with amendments,
12 Article – Education
13 Section 7–402(c) and 18–802(a)(8)
14 Annotated Code of Maryland
15 (2022 Replacement Volume)

16 BY repealing and reenacting, without amendments,
17 Article – Education
18 Section 18–802(a)(1)
19 Annotated Code of Maryland
20 (2022 Replacement Volume)

21 BY repealing and reenacting, without amendments,
22 Article – Health – General
23 Section 4–201(a), 5–601(a), and 13–3301(a)
24 Annotated Code of Maryland
25 (2019 Replacement Volume and 2022 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Health – General

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 4–201(s), 5–601(v), and 13–3301(d)(1)(v)
Annotated Code of Maryland
(2019 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–102(c)(2)(iv) and (v), 14–306(a) and (e)(3), 15–101, 15–102, 15–103,
15–202(b), 15–205(a), 15–301, 15–302, 15–302.2, 15–303, 15–306,
15–309(a), 15–310, 15–314(a)(43) through (45), 15–317, 15–401, and
15–402.1(a)
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY adding to
Article – Health Occupations
Section 12–102(c)(2)(vi) and 15–314(a)(41)
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 15–202(a)(1) and (2)
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY repealing
Article – Health Occupations
Section 15–302.1, 15–302.3, 15–313, and 15–314(a)(41) and (42)
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–616(a)(1)
Annotated Code of Maryland
(2020 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–616(a)(7)
Annotated Code of Maryland
(2020 Replacement Volume and 2022 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

1 7–402.

2 (c) The physical examination required under subsection (b) of this section shall
3 be completed by:

4 (1) A licensed physician;

5 (2) A licensed physician assistant [with a delegation agreement approved
6 by the State Board of Physicians]; or

7 (3) A certified nurse practitioner.

8 18–802.

9 (a) (1) In this section the following words have the meanings indicated.

10 (8) “Physician assistant” means an individual [to whom duties are
11 delegated by a licensed physician under the rules and regulations of the State Board of
12 Physicians] **LICENSED UNDER TITLE 15 OF THE HEALTH OCCUPATIONS ARTICLE TO**
13 **PRACTICE AS A PHYSICIAN ASSISTANT.**

14 **Article – Health – General**

15 4–201.

16 (a) In this subtitle the following words have the meanings indicated.

17 (s) “Physician assistant” means an individual who is licensed under Title 15 of
18 the Health Occupations Article to practice [medicine with physician supervision] **AS A**
19 **PHYSICIAN ASSISTANT.**

20 5–601.

21 (a) In this subtitle the following words have the meanings indicated.

22 (v) “Physician assistant” means an individual who is licensed under Title 15 of
23 the Health Occupations Article to practice [medicine with physician supervision] **AS A**
24 **PHYSICIAN ASSISTANT.**

25 13–3301.

26 (a) In this subtitle the following words have the meanings indicated.

27 (d) “Certifying provider” means an individual who:

(1) (v) 1. Has an active, unrestricted license to practice as a physician assistant issued by the State Board of Physicians under Title 15 of the Health Occupations Article; **AND**

2. [Has an active delegation agreement with a primary supervising physician who is a certifying provider; and

3.] Is in good standing with the State Board of Physicians;

Article – Health Occupations

12–102.

(c) (2) This title does not prohibit:

(iv) A licensed physician who complies with the requirements of item (ii) of this paragraph from personally preparing and dispensing a prescription written by:

1. A physician assistant [in accordance with a delegation agreement that] **WHO** complies with Title 15, Subtitle 3 of this article; or

2. A nurse practitioner who is authorized to practice under Title 8, Subtitle 3 of this article and is working with the physician in the same office setting; [or]

(v) A hospital–based clinic from dispensing prescriptions to its patients; **OR**

(VI) A PHYSICIAN ASSISTANT FROM PERSONALLY PREPARING AND DISPENSING A PRESCRIPTION IN ACCORDANCE WITH § 15–302.1 OF THIS ARTICLE.

14–306.

(a) To the extent permitted by the rules, regulations, and orders of the Board, an individual to whom duties are delegated by a licensed physician **OR A PHYSICIAN ASSISTANT WHO HAS THE APPROPRIATE EDUCATION, TRAINING, AND EXPERIENCE TO PERFORM X–RAY DUTIES** may perform those duties without a license as provided in this section.

(e) Except as otherwise provided in this section, an individual may perform X–ray duties without a license only if the duties:

(3) Are performed:

(i) By an individual who is not employed primarily to perform X-ray duties;

(ii) 1. In the medical office of the physician who delegates the duties; [and] OR

2. IN THE SETTING IN WHICH THE PHYSICIAN ASSISTANT PRACTICES AS A PHYSICIAN ASSISTANT; AND

(iii) 1. By an individual who, before October 1, 2002, has:

A. Taken a course consisting of at least 30 hours of training in performing X-ray procedures approved by the Maryland Radiological Society in consultation with the Maryland Society of Radiologic Technologists; and

B. Successfully passed an examination based on that course that has been approved by the Maryland Radiological Society in consultation with the Maryland Society of Radiologic Technologists; or

2. By a licensed physician assistant [who has completed a course that includes anterior-posterior and lateral radiographic studies of extremities on at least 20 separate patients under the direct supervision of the delegating physician or radiologist using a mini C-arm or similar low-level radiation machine to perform nonfluoroscopic X-ray procedures, if the duties:

A. Include only the X-ray procedures described in paragraph (2)(iii) of this subsection; and

B. Are performed pursuant to a Board-approved delegation agreement that includes a request to perform advanced duties under § 15-302(c)(2) of this article] **WHO HAS THE APPROPRIATE EDUCATION, TRAINING, AND EXPERIENCE TO PERFORM X-RAY DUTIES.**

15-101.

(a) In this title the following words have the meanings indicated.

[(b) “Alternate supervising physician” means one or more physicians designated by the primary supervising physician to provide supervision of a physician assistant in accordance with the delegation agreement on file with the Board.]

[(c)] (b) “Ambulatory surgical facility” means a facility:

(1) Accredited by:

(i) The American Association for Accreditation of Ambulatory Surgical Facilities;

(ii) The Accreditation Association for Ambulatory Health Care; or

(iii) The Joint Commission on Accreditation of Healthcare Organizations; or

(2) Certified to participate in the Medicare program, as enacted by Title XVIII of the Social Security Act.

[(d)] (C) “Board” means the State Board of Physicians, established under § 14–201 of this article.

(D) “COLLABORATION REGISTRATION” MEANS A DOCUMENT THAT:

(1) OUTLINES A COLLABORATIVE RELATIONSHIP BETWEEN A PHYSICIAN ASSISTANT AND:

(I) AN INDIVIDUAL PHYSICIAN;

(II) A GROUP OF PHYSICIANS; OR

(III) A HEALTH CARE FACILITY OR ORGANIZATION THAT EMPLOYS, CONTRACTS WITH, OR CREDENTIALS PHYSICIANS;

(2) IS DEVELOPED BY A PHYSICIAN ASSISTANT AND A PERSON LISTED IN ITEM (1) OF THIS SUBSECTION; AND

(3) IS SUBMITTED TO THE BOARD.

(e) “Committee” means the Physician Assistant Advisory Committee.

(f) “Controlled dangerous substances” has the meaning stated in § 5–101 of the Criminal Law Article.

(g) “Correctional facility” includes a State or local correctional facility.

[(h)] “Delegated medical acts” means activities that constitute the practice of medicine delegated by a physician under Title 14 of this article.

(i) “Delegation agreement” means a document that is executed by a primary supervising physician and a physician assistant containing the requirements of § 15–302 of this title.

(i-1)] (H) “Disciplinary panel” means a disciplinary panel of the Board established under § 14–401 of this article.

[(j)] (I) “Dispense” or “dispensing” has the meaning stated in § 12–101 of this article.

[(k)] (J) “Drug sample” means a unit of a prescription drug that is intended to promote the sale of the drug and is not intended for sale.

[(l)] (K) “Hospital” means:

(1) A hospital as defined under § 19–301 of the Health – General Article;

(2) A comprehensive care facility that:

(i) Meets the requirements of a hospital–based skilled nursing facility under federal law; and

(ii) Offers acute care in the same building; and

(3) An emergency room that is physically connected to a hospital or a freestanding medical facility that is licensed under Title 19, Subtitle 3A of the Health – General Article.

[(m)] (L) “License” means a license issued by the Board to a physician assistant under this title.

[(n)] (M) “National certifying examination” means the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physician Assistants or its successor.

[(o)] (N) “Physician assistant” means an individual who is licensed under this title to practice [medicine with physician supervision] **AS A PHYSICIAN ASSISTANT.**

[(p)] (O) “Practice as a physician assistant” means the performance of medical acts that are:

(1) [Delegated by a supervising physician to a physician assistant;

(2) Within the supervising physician’s scope of practice; and

(3)] Appropriate to the physician assistant’s education, training, and experience; **AND**

(2) PERFORMED BY A PHYSICIAN ASSISTANT WHO HAS SUBMITTED A COLLABORATION REGISTRATION WITH THE BOARD.

1 **[(q)] (P)** “Prescriptive authority” means the authority [delegated by a primary
2 or alternate supervising physician to] **OF** a physician assistant to:

3 (1) Prescribe and administer controlled dangerous substances, prescription
4 drugs, medical devices, and the oral, written, or electronic ordering of medications; and

5 (2) Dispense as provided under [§ 15–302.2(b), (c), and (d)] **§ 15–302.1** of
6 this title.

7 **[(r)]** “Primary supervising physician” means a physician who:

8 (1) Completes a delegation agreement that meets the requirements under
9 §§ 15–301(d) and (e) and 15–302 of this title and files a copy with the Board;

10 (2) Acts as the physician responsible to ensure that a physician assistant
11 practices medicine in accordance with this title and the regulations adopted under this title;

12 (3) Ensures that a physician assistant practices within the scope of practice
13 of the primary supervising physician or any designated alternate supervising physician;
14 and

15 (4) Ensures that a list of alternate supervising physicians is maintained at
16 the practice setting.]

17 **[(s)] (Q)** “Public health facility” means a site where clinical public health
18 services are rendered under the auspices of the Department, a local health department in
19 a county, or the Baltimore City Health Department.

20 **[(t)] (R)** “Starter dosage” means an amount of a drug sufficient to begin therapy:

21 (1) Of short duration of 72 hours or less; or

22 (2) Prior to obtaining a larger quantity of the drug to complete therapy.

23 **[(u)] (1)** “Supervision” means the responsibility of a physician to exercise
24 on-site supervision or immediately available direction for physician assistants performing
25 delegated medical acts.

26 (2) “Supervision” includes physician oversight of and acceptance of direct
27 responsibility for the patient services and care rendered by a physician assistant, including
28 continuous availability to the physician assistant in person, through written instructions,
29 or by electronic means and by designation of one or more alternate supervising physicians.]

30 15–102.

(a) A physician assistant may not practice within the scope of practice of any of the following health occupations authorized under this article:

(1) Nursing;

(2) Optometry; **OR**

(3) Physical therapy[; or

(4) Psychology].

(b) This title does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under this article.

15–103.

(a) In this section, “alternative health care system” has the meaning stated in § 1–401 of this article.

(b) (1) Subject to paragraph (2) of this subsection, an employer of a physician assistant shall report to the Board, on the form prescribed by the Board, any termination of employment of the physician assistant if the cause of termination is related to a quality of care issue.

(2) Subject to subsection (d) of this section, a [supervising physician] **PERSON THAT DEVELOPS A COLLABORATION REGISTRATION WITH A PHYSICIAN ASSISTANT** or an employer of a physician assistant shall notify the Board within 10 days of the termination of employment of the physician assistant for reasons that would be grounds for discipline under this title.

(3) A [supervising physician and a] **PERSON THAT DEVELOPS A COLLABORATION REGISTRATION WITH A PHYSICIAN ASSISTANT OR THE** physician assistant shall notify the Board within [10] **30** days of the termination of the relationship under a [delegation agreement for any reason] **COLLABORATION REGISTRATION**.

(c) Except as otherwise provided under subsections (b) and (d) of this section, a hospital, a related institution, an alternative health care system, or an employer of a physician assistant shall report to the Board any limitation, reduction, or other change of the terms of employment of the physician assistant or any termination of employment of the physician assistant for any reason that might be grounds for disciplinary action under § 15–314 of this title.

(d) A hospital, related institution, alternative health care system, or employer that has [reason to know] **ACTUAL KNOWLEDGE** that a physician assistant has committed an action or has a condition that might be grounds for reprimand or probation of the physician assistant or suspension or revocation of the license of the physician assistant

under § 15–314 of this title because the physician assistant is alcohol– or drug–impaired is not required to report to the Board if:

(1) The hospital, related institution, alternative health care system, or employer knows that the physician assistant is:

(i) In an alcohol or drug treatment program that is accredited by the Joint Commission on the Accreditation of Healthcare Organizations or is certified by the Department; or

(ii) Under the care of a health care practitioner who is competent and capable of dealing with alcoholism and drug abuse;

(2) The hospital, related institution, alternative health care system, or employer is able to verify that the physician assistant remains in the treatment program until discharge; and

(3) The action or condition of the physician assistant has not caused injury to any person while the physician assistant is practicing as a licensed physician assistant.

(e) (1) If the physician assistant enters, or is considering entering, an alcohol or drug treatment program that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or that is certified by the Department, the physician assistant shall notify the hospital, related institution, alternative health care system, or employer of the physician assistant's decision to enter the treatment program.

(2) If the physician assistant fails to provide the notice required under paragraph (1) of this subsection, and the hospital, related institution, alternative health care system, or employer learns that the physician assistant has entered a treatment program, the hospital, related institution, alternative health care system, or employer shall report to the Board that the physician assistant has entered a treatment program and has failed to provide the required notice.

(3) If the physician assistant is found to be noncompliant with the treatment program's policies and procedures while in the treatment program, the treatment program shall notify the hospital, related institution, alternative health care system, or employer of the physician assistant's noncompliance.

(4) On receipt of the notification required under paragraph (3) of this subsection, the hospital, related institution, alternative health care system, or employer of the physician assistant shall report the physician assistant's noncompliance to the Board.

(f) A person is not required under this section to make any report that would be in violation of any federal or State law, rule, or regulation concerning the confidentiality of alcohol– and drug–abuse patient records.

(g) The hospital, related institution, alternative health care system, or employer shall submit the report within [10] 30 days of any action described in this section.

(h) A report under this section is not subject to subpoena or discovery in any civil action other than a proceeding arising out of a hearing and decision of the Board or a disciplinary panel under this title.

(i) (1) A disciplinary panel may impose a civil penalty of up to \$1,000 for failure to report under this section.

(2) The Board shall pay any fees collected under this subsection into the General Fund of the State.

(j) An employer shall make the report required under this section to the Board within [5] 14 days after the date of termination of employment.

(k) The Board shall adopt regulations to implement the provisions of this section. 15–202.

(a) (1) The Committee shall consist of 7 members appointed by the Board.

(2) Of the 7 Committee members:

(i) 3 shall be licensed physicians;

(ii) 3 shall be licensed physician assistants; and

(iii) 1 shall be a consumer.

(b) Of the three physician members of the Committee, two shall [be previously or currently serving as supervising physicians of a physician assistant under a Board-approved delegation agreement] **HAVE DEVELOPED A COLLABORATION REGISTRATION WITH A PHYSICIAN ASSISTANT.**

15–205.

(a) In addition to the powers set forth elsewhere in this title, the Committee, on its initiative or on the Board's request, may:

(1) Recommend to the Board regulations for carrying out the provisions of this title;

(2) Recommend to the Board approval, modification, or disapproval of an application for licensure [or a delegation agreement];

(3) Report to the Board any conduct of a [supervising physician] **PERSON WHO DEVELOPS A COLLABORATION REGISTRATION WITH A PHYSICIAN ASSISTANT** or a physician assistant that may be cause for disciplinary action under this title or under § 14–404 of this article; and

(4) Report to the Board any alleged unauthorized practice of a physician assistant.
15–301.

(a) [Nothing in this] **THIS** title may **NOT** be construed to authorize a physician assistant to practice [independent of a primary or alternate supervising physician] **INDEPENDENTLY**.

(b) A license issued to a physician assistant shall limit the physician assistant's scope of practice to medical acts[:

(1) Delegated by the primary or alternate supervising physician;

(2) Appropriate] **APPROPRIATE** to the education, training, and experience of the physician assistant[;

(3) Customary to the practice of the primary or alternate supervising physician; and

(4) Consistent with the delegation agreement filed with the Board].

(c) Patient services that may be provided by a physician assistant include:

[(1) (i) Taking complete, detailed, and accurate patient histories; and

(ii) Reviewing patient records to develop comprehensive medical status reports;

(2) Performing physical examinations and recording all pertinent patient data;

(3) Interpreting and evaluating patient data as authorized by the primary or alternate supervising physician for the purpose of determining management and treatment of patients;

(4) Initiating requests for or performing diagnostic procedures as indicated by pertinent data and as authorized by the supervising physician;

(5) Providing instructions and guidance regarding medical care matters to patients;

1 (6) Assisting the primary or alternate supervising physician in the delivery
2 of services to patients who require medical care in the home and in health care institutions,
3 including:

4 (i) Recording patient progress notes;

5 (ii) Issuing diagnostic orders; and

6 (iii) Transcribing or executing specific orders at the direction of the
7 primary or alternate supervising physician; and

8 (7) Exercising prescriptive authority under a delegation agreement and in
9 accordance with § 15–302.2 of this subtitle]

10 **(1) OBTAINING COMPREHENSIVE HEALTH HISTORIES;**

11 **(2) PERFORMING PHYSICAL EXAMINATIONS;**

12 **(3) EVALUATING, DIAGNOSING, MANAGING, AND PROVIDING**
13 **MEDICAL TREATMENT;**

14 **(4) ORDERING, PERFORMING, AND INTERPRETING DIAGNOSTIC**
15 **STUDIES AND THERAPEUTIC PROCEDURES;**

16 **(5) EXERCISING PRESCRIPTIVE AUTHORITY IN ACCORDANCE WITH §**
17 **15–302.1 OF THIS SUBTITLE;**

18 **(6) INFORMING PATIENTS ABOUT HEALTH PROMOTION AND DISEASE**
19 **PREVENTION;**

20 **(7) PROVIDING CONSULTATIONS;**

21 **(8) WRITING MEDICAL ORDERS;**

22 **(9) PROVIDING SERVICES IN HEALTH CARE FACILITIES, INCLUDING**
23 **HOSPITALS, NURSING FACILITIES, ASSISTED LIVING FACILITIES, AND HOSPICE**
24 **FACILITIES;**

25 **(10) OBTAINING INFORMED CONSENT;**

26 **(11) DELEGATING OR ASSIGNING THERAPEUTIC AND DIAGNOSTIC**
27 **MEASURES TO BE PERFORMED BY LICENSED OR UNLICENSED PERSONNEL AND**

1 SUPERVISING LICENSED OR UNLICENSED PERSONNEL PERFORMING THERAPEUTIC
2 AND DIAGNOSTIC MEASURES;

3 (12) CERTIFYING A PATIENT'S HEALTH OR DISABILITY AS REQUIRED
4 BY A FEDERAL, STATE, OR LOCAL PROGRAM; AND

5 (13) AUTHENTICATING ANY DOCUMENT THAT A PHYSICIAN MAY
6 AUTHENTICATE THROUGH SIGNATURE, CERTIFICATION, STAMP VERIFICATION,
7 AFFIDAVIT, OR ENDORSEMENT.

8 (d) (1) Except as otherwise provided in this title, an individual shall be
9 licensed by the Board before the individual may practice as a physician assistant.

10 (2) [Except as otherwise provided in this title, a physician may not
11 supervise a physician assistant in the performance of delegated medical acts without filing
12 a completed delegation agreement with the Board.

13 (3)] Except as otherwise provided in this title or in a medical emergency, a
14 physician assistant may not perform any medical act for which:

15 (i) The individual has not been licensed; and

16 (ii) [The medical acts have not been delegated by a primary or
17 alternate supervising physician] **THE INDIVIDUAL HAS NOT RECEIVED APPROPRIATE**
18 **EDUCATION, TRAINING, AND EXPERIENCE.**

19 [(e) A physician assistant is the agent of the primary or alternate supervising
20 physician in the performance of all practice-related activities, including the oral, written,
21 or electronic ordering of diagnostic, therapeutic, and other medical services.]

22 (E) A PHYSICIAN ASSISTANT SHALL CONSULT AND COLLABORATE WITH OR
23 REFER AN INDIVIDUAL TO AN APPROPRIATE LICENSED PHYSICIAN OR ANY OTHER
24 HEALTH CARE PROVIDER AS APPROPRIATE.

25 (F) A PHYSICIAN ASSISTANT WHO HAS NOT BEEN PREVIOUSLY LICENSED BY
26 THE BOARD TO PRACTICE AS A PHYSICIAN ASSISTANT OR LICENSED, CERTIFIED, OR
27 REGISTERED AS A PHYSICIAN ASSISTANT BY ANOTHER STATE REGULATORY
28 AUTHORITY SHALL BE MENTORED BY A LICENSED PHYSICIAN OR PHYSICIANS WHO
29 ARE IDENTIFIED IN AN INITIAL COLLABORATION REGISTRATION TO CONSULT AND
30 COLLABORATE WITH THE PHYSICIAN ASSISTANT FOR AT LEAST 18 MONTHS AFTER
31 THE DATE AN INITIAL COLLABORATION REGISTRATION IS SUBMITTED TO THE
32 BOARD.

1 **[(f)] (G)** Except as **OTHERWISE** provided in [subsection (g) of this section] **THIS**
2 **TITLE**, the following individuals may practice as a physician assistant without a license:

3 (1) A physician assistant student enrolled in a physician assistant
4 educational program that is accredited by the Accreditation Review Commission on
5 Education for the Physician Assistant or its successor and approved by the Board; or

6 (2) A physician assistant employed in the service of the federal government
7 while performing duties incident to that employment.

8 **[(g)** A physician may not delegate prescriptive authority to a physician assistant
9 student in a training program that is accredited by the Accreditation Review Commission
10 on Education for the Physician Assistant or its successor.]

11 (h) (1) If a medical act that is to be **[delegated]** **PERFORMED BY A PHYSICIAN**
12 **ASSISTANT** under this section is a part of the practice of a health occupation that is
13 regulated under this article by another board, any rule or regulation concerning that
14 medical act shall be adopted jointly by the State Board of Physicians and the board that
15 regulates the other health occupation.

16 (2) If the two boards cannot agree on a proposed rule or regulation, the
17 proposal shall be submitted to the Secretary for a final decision.

18 15-302.

19 (a) A physician **[may delegate medical acts to a physician assistant only after:**

20 (1) A delegation agreement has been executed and filed with the Board;
21 and

22 (2) Any advanced duties have been authorized as required under
23 subsection (c) of this section] **ASSISTANT MAY PRACTICE AS A PHYSICIAN ASSISTANT**
24 **ONLY AFTER SUBMITTING A COLLABORATION REGISTRATION TO THE BOARD.**

25 (b) **(1)** **[The delegation agreement]** **SUBJECT TO PARAGRAPH (2) OF THIS**
26 **SUBSECTION, A COLLABORATION REGISTRATION** shall contain:

27 **[(1)] (I)** A description of the qualifications of the **[primary supervising**
28 **physician]** **PERSON WHO DEVELOPED THE COLLABORATION REGISTRATION WITH**
29 **THE PHYSICIAN ASSISTANT** and **THE** physician assistant;

30 **[(2)] (II)** A description of the settings in which the physician assistant will
31 practice;

32 **[(3)** A description of the continuous physician supervision mechanisms that
33 are reasonable and appropriate to the practice setting;

(4) A description of the delegated medical acts that are within the primary or alternate supervising physician's scope of practice and require specialized education or training that is consistent with accepted medical practice;

(5) An attestation that all medical acts to be delegated to the physician assistant are within the scope of practice of the primary or alternate supervising physician and appropriate to the physician assistant's education, training, and level of competence;

(6) An attestation of continuous supervision of the physician assistant by the primary supervising physician through the mechanisms described in the delegation agreement;

(7) An attestation by the primary supervising physician of the physician's acceptance of responsibility for any care given by the physician assistant;

(8) A description prepared by the primary supervising physician of the process by which the physician assistant's practice is reviewed appropriate to the practice setting and consistent with current standards of acceptable medical practice;

(9) An attestation by the primary supervising physician that the physician will respond in a timely manner when contacted by the physician assistant;

(10) The following statement: "The primary supervising physician and the physician assistant attest that:

(i) They will establish a plan for the types of cases that require a physician plan of care or require that the patient initially or periodically be seen by the supervising physician; and

(ii) The patient will be provided access to the supervising physician on request"; and

(11) Any other information deemed necessary by the Board to carry out the provisions of this subtitle]

(III) AN ATTESTATION BY THE PHYSICIAN ASSISTANT THAT THE PHYSICIAN ASSISTANT WILL CONSULT AND COLLABORATE WITH OR REFER AN INDIVIDUAL TO AN APPROPRIATE LICENSED PHYSICIAN OR ANY OTHER HEALTH CARE PROVIDER, AS APPROPRIATE; AND

(IV) AN ATTESTATION BY THE PERSON THAT DEVELOPED THE COLLABORATION REGISTRATION WITH THE PHYSICIAN ASSISTANT THAT THE PERSON WILL ENSURE THAT A PHYSICIAN WILL RESPOND IN A TIMELY MANNER WHEN CONTACTED BY THE PHYSICIAN ASSISTANT.

1 **(2) IF A PHYSICIAN ASSISTANT WHO SUBMITS AN INITIAL**
2 **COLLABORATION REGISTRATION TO THE BOARD HAS NOT BEEN PREVIOUSLY**
3 **LICENSED BY THE BOARD TO PRACTICE AS A PHYSICIAN ASSISTANT OR LICENSED,**
4 **CERTIFIED, OR REGISTERED AS A PHYSICIAN ASSISTANT BY ANOTHER STATE**
5 **REGULATORY AUTHORITY, THE INITIAL COLLABORATION REGISTRATION SHALL**
6 **IDENTIFY A LICENSED PHYSICIAN OR PHYSICIANS WHO WILL CONSULT AND**
7 **COLLABORATE WITH THE PHYSICIAN ASSISTANT FOR AT LEAST 18 MONTHS AFTER**
8 **THE DATE THE INITIAL COLLABORATION REGISTRATION IS SUBMITTED TO THE**
9 **BOARD.**

10 (c) **[(1)]** The Board may not require [prior] approval of a [delegation agreement
11 that includes advanced duties, if an advanced duty will be performed in a hospital or
12 ambulatory surgical facility, provided that:

13 (i) A physician, with credentials that have been reviewed by the
14 hospital or ambulatory surgical facility as a condition of employment, as an independent
15 contractor, or as a member of the medical staff, supervises the physician assistant;

16 (ii) The physician assistant has credentials that have been reviewed
17 by the hospital or ambulatory surgical facility as a condition of employment, as an
18 independent contractor, or as a member of the medical staff; and

19 (iii) Each advanced duty to be delegated to the physician assistant is
20 reviewed and approved within a process approved by the governing body of the health care
21 facility before the physician assistant performs the advanced duties] **COLLABORATION**
22 **REGISTRATION.**

23 **[(2) (i)]** In any setting that does not meet the requirements of paragraph
24 (1) of this subsection, a primary supervising physician shall obtain the Board's approval of
25 a delegation agreement that includes advanced duties, before the physician assistant
26 performs the advanced duties.

27 (ii) 1. Before a physician assistant may perform X-ray duties
28 authorized under § 14-306(e) of this article in the medical office of the physician delegating
29 the duties, a primary supervising physician shall obtain the Board's approval of a
30 delegation agreement that includes advanced duties in accordance with subsubparagraph
31 2 of this subparagraph.

32 2. The advanced duties set forth in a delegation agreement
33 under this subparagraph shall be limited to nonfluoroscopic X-ray procedures of the
34 extremities, anterior-posterior and lateral, not including the head.

35 (3) Notwithstanding paragraph (1) of this subsection, a primary
36 supervising physician shall obtain the Board's approval of a delegation agreement before
37 the physician assistant may administer, monitor, or maintain general anesthesia or
38 neuroaxial anesthesia, including spinal and epidural techniques, under the agreement.

(d) For a delegation agreement containing advanced duties that require Board approval, the Committee shall review the delegation agreement and recommend to the Board that the delegation agreement be approved, rejected, or modified to ensure conformance with the requirements of this title.

(e) The Committee may conduct a personal interview of the primary supervising physician and the physician assistant.

(f) (1) On review of the Committee's recommendation regarding a primary supervising physician's request to delegate advanced duties as described in a delegation agreement, the Board:

(i) May approve the delegation agreement; or

(ii) 1. If the physician assistant does not meet the applicable education, training, and experience requirements to perform the specified delegated acts, may modify or disapprove the delegation agreement; and

2. If the Board takes an action under item 1 of this item:

A. Shall notify the primary supervising physician and the physician assistant in writing of the particular elements of the proposed delegation agreement that were the cause for the modification or disapproval; and

B. May not restrict the submission of an amendment to the delegation agreement.

(2) To the extent practicable, the Board shall approve a delegation agreement or take other action authorized under this subsection within 90 days after receiving a completed delegation agreement including any information from the physician assistant and primary supervising physician necessary to approve or take action.]

[(g)] (D) If the Board determines that a [primary or alternate supervising physician] **PERSON THAT DEVELOPS A COLLABORATION REGISTRATION WITH A PHYSICIAN ASSISTANT** or A physician assistant is practicing in a manner inconsistent with the requirements of this title or Title 14 of this article, the Board on its own initiative or on the recommendation of the Committee may demand modification of the practice[, withdraw the approval of the delegation agreement,] or refer the matter to a disciplinary panel for the purpose of taking other disciplinary action under § 14–404 or § 15–314 of this article.

[(h) A primary supervising physician may not delegate medical acts under a delegation agreement to more than four physician assistants at any one time, except in a hospital or in the following nonhospital settings:

1 (1) A correctional facility;

2 (2) A detention center; or

3 (3) A public health facility.

4 (i) A person may not coerce another person to enter into a delegation agreement
5 under this subtitle.

6 (j) A physician may supervise a physician assistant:

7 (1) As a primary supervising physician in accordance with a delegation
8 agreement approved by the Board under this subtitle; or

9 (2) As an alternate supervising physician if:

10 (i) The alternate supervising physician supervises in accordance
11 with a delegation agreement filed with the Board;

12 (ii) The alternate supervising physician supervises no more than
13 four physician assistants at any one time, except in a hospital, correctional facility,
14 detention center, or public health facility;

15 (iii) The alternate supervising physician's period of supervision, in
16 the temporary absence of the primary supervising physician, does not exceed:

17 1. The period of time specified in the delegation agreement;
18 and

19 2. A period of 45 consecutive days at any one time; and

20 (iv) The physician assistant performs only those medical acts that:

21 1. Have been delegated under the delegation agreement filed
22 with the Board; and

23 2. Are within the scope of practice of the primary supervising
24 physician and alternate supervising physician.]

25 [(k)] (E) Subject to the notice required under § 15–103 of this title, a physician
26 assistant may terminate a [delegation agreement filed with the Board under]
27 **COLLABORATION REGISTRATION DEVELOPED IN ACCORDANCE WITH** this subtitle at
28 any time.

29 [(l)] (1) In the event of the sudden departure, incapacity, or death of the
30 primary supervising physician of a physician assistant, or change in license status that
31 results in the primary supervising physician being unable to legally practice medicine, an

1 alternate supervising physician designated under subsection (b) of this section may
2 supervise the physician assistant for not longer than 15 days following the event.

3 (2) If there is no designated alternate supervising physician or the
4 designated alternate supervising physician does not agree to supervise the physician
5 assistant, the physician assistant may not practice until the physician assistant receives
6 approval of a new delegation agreement under § 15–302.1 of this subtitle.

7 (3) An alternate supervising physician or other licensed physician may
8 assume the role of primary supervising physician by submitting a new delegation
9 agreement to the Board for approval under subsection (b) of this section.

10 (4) The Board may terminate a delegation agreement if:

11 (i) The physician assistant has a change in license status that
12 results in the physician assistant being unable to legally practice as a physician assistant;

13 (ii) At least 15 days have elapsed since an event listed under
14 paragraph (1) of this subsection if there is an alternate supervising physician designated
15 under subsection (b) of this section; or

16 (iii) Immediately after an event listed under paragraph (1) of this
17 subsection if there is no alternate supervising physician designated under subsection (b) of
18 this section.]

19 [(m)] **(F)** A physician assistant whose [delegation agreement] **COLLABORATION**
20 **REGISTRATION** is terminated may not practice as a physician assistant until the physician
21 assistant [receives preliminary approval of a new delegation agreement under § 15–302.1
22 of this subtitle] **SUBMITS A NEW COLLABORATION REGISTRATION TO THE BOARD.**

23 [(n) Individual members of the Board are not civilly liable for actions regarding
24 the approval, modification, or disapproval of a delegation agreement described in this
25 section.

26 (o) A physician assistant may practice in accordance with a delegation agreement
27 filed with the Board under this subtitle.]

28 [15–302.1.

29 (a) If a delegation agreement does not include advanced duties or the advanced
30 duties have been approved under § 15–302(c)(1) of this subtitle, a physician assistant may
31 assume the duties under a delegation agreement on the date that the Board acknowledges
32 receipt of the completed delegation agreement.

33 (b) In this section, “pending” means that a delegation agreement that includes
34 delegation of advanced duties in a setting that does not meet the requirements under §

1 15-302(c)(1) of this subtitle has been executed and submitted to the Board for its approval,
2 but:

3 (1) The Committee has not made a recommendation to the Board; or

4 (2) The Board has not made a final decision regarding the delegation
5 agreement.

6 (c) Subject to subsection (d) of this section, if a delegation agreement is pending,
7 on receipt of a temporary practice letter from the staff of the Board, a physician assistant
8 may perform the advanced duty if:

9 (1) The primary supervising physician has been previously approved to
10 supervise one or more physician assistants in the performance of the advanced duty; and

11 (2) The physician assistant has been previously approved by the Board to
12 perform the advanced duty.

13 (d) If the Committee recommends a denial of the pending delegation agreement
14 or the Board denies the pending delegation agreement, on notice to the primary supervising
15 physician and the physician assistant, the physician assistant may no longer perform the
16 advanced duty that has not received the approval of the Board.

17 (e) The Board may disapprove any delegation agreement if it believes that:

18 (1) The agreement does not meet the requirements of this subtitle; or

19 (2) The physician assistant is unable to perform safely the delegated
20 duties.

21 (f) If the Board disapproves a delegation agreement or the delegation of any
22 function under an agreement, the Board shall provide the primary supervising physician
23 and the physician assistant with written notice of the disapproval.

24 (g) A physician assistant who receives notice that the Board has disapproved a
25 delegation agreement or an advanced function under the delegation agreement shall
26 immediately cease to practice under the agreement or to perform the disapproved function.]

27 [15-302.2.] **15-302.1.**

28 [(a) A primary supervising physician may not delegate prescribing, dispensing,
29 and administering of controlled dangerous substances, prescription drugs, or medical
30 devices unless the primary supervising physician and physician assistant include in the
31 delegation agreement:

32 (1) A notice of intent to delegate prescribing and, if applicable, dispensing
33 of controlled dangerous substances, prescription drugs, or medical devices;

1 (2) An attestation that all prescribing and, if applicable, dispensing
2 activities of the physician assistant will comply with applicable federal and State
3 regulations;

4 (3) An attestation that all medical charts or records will contain a notation
5 of any prescriptions written or dispensed by a physician assistant in accordance with this
6 section;

7 (4) An attestation that all prescriptions written or dispensed under this
8 section will include the physician assistant's name and the supervising physician's name,
9 business address, and business telephone number legibly written or printed;

10 (5) An attestation that the physician assistant has:

11 (i) Passed the physician assistant national certification exam
12 administered by the National Commission on the Certification of Physician Assistants
13 within the previous 2 years; or

14 (ii) Successfully completed 8 category 1 hours of pharmacology
15 education within the previous 2 years; and

16 (6) An attestation that the physician assistant has:

17 (i) A bachelor's degree or its equivalent; or

18 (ii) Successfully completed 2 years of work experience as a physician
19 assistant.

20 (b) (1) A primary supervising physician may not delegate the prescribing or
21 dispensing of substances that are identified as Schedule I controlled dangerous substances
22 under § 5–402 of the Criminal Law Article.

23 (2) A primary supervising physician may delegate the prescribing or
24 dispensing of substances that are identified as Schedules II through V controlled dangerous
25 substances under § 5–402 of the Criminal Law Article, including legend drugs as defined
26 under § 503(b) of the Federal Food, Drug, and Cosmetic Act.

27 (3) A primary supervising physician may not delegate the prescribing or
28 dispensing of controlled dangerous substances to a physician assistant unless the physician
29 assistant has a valid:

30 (i) State controlled dangerous substance registration; and

31 (ii) Federal Drug Enforcement Agency (DEA) registration.]

(A) IN THIS SECTION, “PERSONALLY PREPARE AND DISPENSE” MEANS THAT A PHYSICIAN ASSISTANT:

(1) IS PHYSICALLY PRESENT ON THE PREMISES WHERE A PRESCRIPTION IS FILLED; AND

(2) PERFORMS A FINAL CHECK OF THE PRESCRIPTION BEFORE IT IS PROVIDED TO THE PATIENT.

(B) A PHYSICIAN ASSISTANT MAY PRESCRIBE, DISPENSE, ORDER, OR ADMINISTER:

(1) SUBJECT TO SUBSECTION (C)(2) OF THIS SECTION, DRUGS AND SUBSTANCES THAT ARE IDENTIFIED AS SCHEDULES II THROUGH V CONTROLLED DANGEROUS SUBSTANCES UNDER §§ 5–403 THROUGH 5–406 OF THE CRIMINAL LAW ARTICLE, INCLUDING LEGEND DRUGS AS DEFINED UNDER § 503(B) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT;

(2) MEDICAL DEVICES; AND

(3) DURABLE MEDICAL EQUIPMENT.

(C) (1) A PHYSICIAN ASSISTANT MAY NOT PRESCRIBE OR DISPENSE SUBSTANCES THAT ARE IDENTIFIED AS SCHEDULE I CONTROLLED DANGEROUS SUBSTANCES UNDER § 5–402 OF THE CRIMINAL LAW ARTICLE.

(2) A PHYSICIAN ASSISTANT MAY NOT PRESCRIBE OR DISPENSE CONTROLLED DANGEROUS SUBSTANCES UNLESS THE PHYSICIAN ASSISTANT HAS A VALID:

(I) STATE CONTROLLED DANGEROUS SUBSTANCE REGISTRATION; AND

(II) FEDERAL DRUG ENFORCEMENT AGENCY (DEA) REGISTRATION.

[(c)] (D) (1) A physician assistant personally may prepare and dispense [a drug that the physician assistant is authorized to prescribe under a delegation agreement if]:

[(1) Except as otherwise provided under § 12–102(g) of this article, the supervising physician possesses a dispensing permit; and

(2) The physician assistant dispenses drugs only within:

(i) The supervising physician's scope of practice; and

(ii) The scope of the delegation agreement]

(I) A STARTER DOSAGE OF ANY DRUG THAT THE PHYSICIAN ASSISTANT IS AUTHORIZED TO PRESCRIBE TO A PATIENT OF THE PHYSICIAN ASSISTANT IF:

1. THE STARTER DOSAGE COMPLIES WITH THE LABELING REQUIREMENTS OF § 12-505 OF THIS ARTICLE;

2. NO CHARGE IS MADE FOR THE STARTER DOSAGE; AND

3. THE PHYSICIAN ASSISTANT ENTERS AN APPROPRIATE RECORD IN THE PATIENT'S MEDICAL RECORD; OR

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ANY DRUG THAT A PHYSICIAN ASSISTANT MAY PRESCRIBE TO THE EXTENT AUTHORIZED BY LAW IN THE COURSE OF TREATING A PATIENT AT:

1. A MEDICAL FACILITY OR CLINIC THAT SPECIALIZES IN THE TREATMENT OF MEDICAL CASES REIMBURSABLE THROUGH WORKERS' COMPENSATION INSURANCE;

2. A MEDICAL FACILITY OR CLINIC THAT IS OPERATED ON A NONPROFIT BASIS;

3. A HEALTH CENTER THAT OPERATES ON A CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION;

4. A PUBLIC HEALTH FACILITY, A MEDICAL FACILITY UNDER CONTRACT WITH A STATE OR LOCAL HEALTH DEPARTMENT, OR A FACILITY FUNDED WITH PUBLIC FUNDS; OR

5. A NONPROFIT HOSPITAL OR A NONPROFIT HOSPITAL OUTPATIENT FACILITY AS AUTHORIZED UNDER THE POLICIES ESTABLISHED BY THE HOSPITAL.

(2) A PHYSICIAN ASSISTANT WHO PERSONALLY PREPARES AND DISPENSES A DRUG IN THE COURSE OF TREATING A PATIENT AS AUTHORIZED UNDER THIS SUBSECTION SHALL:

1 **(I) COMPLY WITH THE LABELING REQUIREMENTS OF § 12-505**
2 **OF THIS ARTICLE;**

3 **(II) RECORD THE DISPENSING OF THE PRESCRIPTION DRUG ON**
4 **THE PATIENT'S CHART;**

5 **(III) ALLOW THE OFFICE OF CONTROLLED SUBSTANCES**
6 **ADMINISTRATION TO ENTER AND INSPECT THE PHYSICIAN ASSISTANT'S OFFICE AT**
7 **ALL REASONABLE HOURS; AND**

8 **(IV) EXCEPT FOR STARTER DOSAGES OR SAMPLES DISPENSED**
9 **WITHOUT CHARGE, PROVIDE THE PATIENT WITH A WRITTEN PRESCRIPTION,**
10 **MAINTAIN PRESCRIPTION FILES, AND MAINTAIN A SEPARATE FILE FOR SCHEDULE**
11 **II PRESCRIPTIONS FOR A PERIOD OF AT LEAST 5 YEARS.**

12 **[(d)] (E)** A physician assistant who personally dispenses a drug in the course of
13 treating a patient as authorized under subsections (b) and **[(c)] (D)** of this section shall
14 comply with the requirements under Titles 12 and 14 of this article and applicable federal
15 law and regulations.

16 **[(e)]** Before a physician assistant may renew a license for an additional 2-year
17 term under § 15-307 of this subtitle, the physician assistant shall submit evidence to the
18 Board of successful completion of 8 category 1 hours of pharmacology education within the
19 previous 2 years.]

20 **(F) A PRESCRIPTION DISPENSED UNDER THIS SECTION SHALL INCLUDE**
21 **THE PHYSICIAN ASSISTANT'S:**

22 **(1) NAME;**

23 **(2) BUSINESS ADDRESS; AND**

24 **(3) BUSINESS TELEPHONE NUMBER.**

25 **(G) A PHYSICIAN ASSISTANT STUDENT IN A TRAINING PROGRAM THAT IS**
26 **ACCREDITED BY THE ACCREDITATION REVIEW COMMISSION ON EDUCATION FOR**
27 **THE PHYSICIAN ASSISTANT MAY NOT EXERCISE PRESCRIPTIVE AUTHORITY.**

28 **[15-302.3.**

29 **(a)** On a quarterly basis, the Board shall provide to the Board of Pharmacy a list
30 of physician assistants whose delegation agreements include the delegation of prescriptive
31 authority.

(b) The list required under subsection (a) of this section shall specify whether each physician assistant has been delegated the authority to prescribe controlled dangerous substances, prescription drugs, or medical devices.

(c) If a primary supervising physician who has delegated authority to exercise prescriptive authority to a physician assistant subsequently restricts or removes the delegation, the primary supervising physician shall notify the Board of the restriction or removal within 5 business days.]

15–303.

(a) To qualify for a license, an applicant shall:

(1) Complete a criminal history records check in accordance with § 14–308.1 of this article;

(2) Be of good moral character;

(3) Demonstrate oral and written competency in the English language as required by the Board;

(4) Be at least 18 years old; [and]

(5) [(i) Be a graduate of a physician assistant training program approved by the Board; or

(ii) Have passed the physician assistant national certifying examination administered by the National Commission on Certification of Physician Assistants prior to 1986, maintained all continuing education and recertification requirements, and been in continuous practice since passage of the examination] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, HAVE SUCCESSFULLY COMPLETED AN EDUCATIONAL PROGRAM FOR PHYSICIAN ASSISTANTS ACCREDITED BY:**

(I) THE ACCREDITATION REVIEW COMMISSION ON EDUCATION FOR THE PHYSICIAN ASSISTANT; OR

(II) IF COMPLETED BEFORE 2001:

1. THE COMMITTEE ON ALLIED HEALTH EDUCATION AND ACCREDITATION; OR

2. THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH EDUCATION PROGRAMS; AND

1 **(6) HAVE PASSED THE PHYSICIAN ASSISTANT NATIONAL**
2 **CERTIFYING EXAMINATION ADMINISTERED BY THE NATIONAL COMMISSION ON**
3 **CERTIFICATION OF PHYSICIAN ASSISTANTS.**

4 **[(b) Except as otherwise provided in this title, the applicant shall pass a national**
5 **certifying examination approved by the Board.]**

6 **(B) THE BOARD MAY GRANT A LICENSE TO AN APPLICANT WHO DOES NOT**
7 **MEET THE EDUCATIONAL REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION**
8 **IF THE APPLICANT HAS PASSED THE PHYSICIAN ASSISTANT NATIONAL CERTIFYING**
9 **EXAMINATION ADMINISTERED BY THE NATIONAL COMMISSION ON CERTIFICATION**
10 **OF PHYSICIAN ASSISTANTS.**

11 (c) An applicant who graduates from [a physician assistant training program] **AN**
12 **ACCREDITED EDUCATIONAL PROGRAM FOR PHYSICIAN ASSISTANTS UNDER THIS**
13 **SECTION** after October 1, 2003 shall have a bachelor's degree or its equivalent.

14 15-306.

15 A license authorizes the licensee to practice as a physician assistant [under a
16 delegation agreement] while the license is effective.

17 15-309.

18 (a) Each licensee shall keep a license and [delegation agreement]
19 **COLLABORATION REGISTRATION** for inspection at the primary place of business of the
20 licensee.

21 15-310.

22 (a) In reviewing an application for licensure or in investigating an allegation
23 brought under § 15-314 of this subtitle, the Committee may request the Board to direct, or
24 the Board on its own initiative may direct, the physician assistant to submit to an
25 appropriate examination.

26 (b) In return for the privilege given to the physician assistant to [perform
27 delegated medical acts] **PRACTICE AS A PHYSICIAN ASSISTANT** in the State, the
28 physician assistant is deemed to have:

29 (1) Consented to submit to an examination under this section, if requested
30 by the Board in writing; and

31 (2) Waived any claim of privilege as to the testimony or examination
32 reports.

(c) The unreasonable failure or refusal of the licensed physician assistant or applicant to submit to an examination is prima facie evidence of the licensed physician assistant's inability to [perform delegated medical acts] **PRACTICE AS A PHYSICIAN ASSISTANT** and is cause for denial of the application or immediate suspension of the license.

(d) The Board shall pay the costs of any examination made under this section.
[15–313.

(a) (1) Except as otherwise provided under § 10–226 of the State Government Article, before the Board takes any action to reject or modify a delegation agreement or advanced duty, the Board shall give the licensee the opportunity for a hearing before the Board.

(2) The Board shall give notice and hold the hearing under Title 10, Subtitle 2 of the State Government Article.

(3) The Board may administer oaths in connection with any proceeding under this section.

(4) At least 14 days before the hearing, the hearing notice shall be sent to the last known address of the applicant or licensee.

(b) Any licensee aggrieved under this subtitle by a final decision of the Board rejecting or modifying a delegation agreement or advanced duty may petition for judicial review as allowed by the Administrative Procedure Act.]

15–314.

(a) Subject to the hearing provisions of § 15–315 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum, may reprimand any physician assistant, place any physician assistant on probation, or suspend or revoke a license if the physician assistant:

[(41) Performs delegated medical acts beyond the scope of the delegation agreement filed with the Board or after notification from the Board that an advanced duty has been disapproved;

(42) Performs delegated medical acts without the supervision of a physician;]

(41) PRACTICES AS A PHYSICIAN ASSISTANT WITHOUT FIRST SUBMITTING A COLLABORATION REGISTRATION TO THE BOARD;

1 [(43)] **(42)** Fails to complete a criminal history records check under §
2 14–308.1 of this article;

3 [(44)] **(43)** Fails to comply with the requirements of the Prescription Drug
4 Monitoring Program in Title 21, Subtitle 2A of the Health – General Article; or

5 [(45)] **(44)** Fails to comply with any State or federal law pertaining to the
6 practice as a physician assistant.

7 15–317.

8 (a) A physician assistant **WHO IS LICENSED** in this State or in any other state
9 **OR WHO IS AN EMPLOYEE OF THE FEDERAL GOVERNMENT** is authorized to perform
10 acts, tasks, or functions as a physician assistant [under the supervision of a physician
11 licensed to practice medicine in the State] during a disaster as defined by the Governor,
12 within a county in which a state of disaster has been declared, or counties contiguous to a
13 county in which a state of disaster has been declared.

14 (b) The physician assistant shall notify the Board in writing of the names,
15 practice locations, and telephone numbers for the physician assistant [and each primary
16 supervising physician] within 30 days [of] **AFTER** the first performance of medical acts,
17 tasks, or functions as a physician assistant during the disaster.

18 (c) A team of physicians and physician assistants or physician assistants
19 practicing under this section may not be required to maintain on-site documentation
20 describing [supervisory arrangements] **COLLABORATION REGISTRATIONS** as otherwise
21 required under this title.

22 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
23 **PHYSICIAN ASSISTANT WHO RESPONDS DURING A DISASTER MAY NOT BE LIABLE**
24 **FOR CIVIL DAMAGES FOR INJURIES THAT RESULT FROM ACTS OR OMISSIONS WITHIN**
25 **AN ACT, A TASK, OR A FUNCTION.**

26 **(2) THE IMMUNITY GRANTED UNDER PARAGRAPH (1) OF THIS**
27 **SUBSECTION DOES NOT APPLY TO ANY ACT THAT IS COMMITTED NEGLIGENTLY.**

28 15–401.

29 [(a)] Except as otherwise provided in this title, a person may not practice, attempt
30 to practice, or offer to practice as a physician assistant in the State unless the person has
31 [a]:

32 **(1) A license issued by the Board TO PRACTICE AS A PHYSICIAN**
33 **ASSISTANT; AND**

(2) SUBMITTED A COLLABORATION REGISTRATION TO THE BOARD.

[(b) Except as otherwise provided in this title, a person may not perform, attempt to perform, or offer to perform any delegated medical act beyond the scope of the license and which is consistent with a delegation agreement filed with the Board.]

15–402.1.

(a) Except as otherwise provided in this subtitle, a licensed physician may not employ [or supervise] an individual practicing as a physician assistant who does not have a license **OR WHO HAS NOT SUBMITTED A COLLABORATION REGISTRATION TO THE BOARD.**

Article – Transportation

13–616.

(a) (1) In this subtitle the following words have the meanings indicated.

(7) “Licensed physician assistant” means an individual who is licensed under Title 15 of the Health Occupations Article to practice [medicine with physician supervision] **AS A PHYSICIAN ASSISTANT.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) A physician assistant authorized to practice under a delegation agreement on October 1, 2023, may continue to practice as a physician assistant under the delegation agreement.

(b) The delegation agreement in effect on October 1, 2023, shall be treated the same as collaboration registration required under § 15–302 of the Health Occupations Article, as enacted by Section 1 of this Act, until an initial collaboration registration is submitted to the State Board of Physicians by the physician assistant.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.