

AMENDED IN SENATE JUNE 28, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 3

Introduced by Assembly Member Bass

December 4, 2006

An act to amend Section 32580 of the Public Resources Code, relating to the Baldwin Hills Conservancy; An act to amend Sections 3502, 3502.1, 3516, and 3516.5 of, and to repeal Section 3516.1 of, the Business and Professions Code, and to add Section 14132.966 to the Welfare and Institutions Code, relating to physician assistants.

LEGISLATIVE COUNSEL'S DIGEST

AB 3, as amended, Bass. ~~Baldwin Hills Conservancy; repeal.~~
Physician assistants.

(1) Existing law, the Physician Assistant Practice Act, establishes the Physician Assistant Committee of the Medical Board of California (the medical board) and provides for its licensure of physician assistants meeting specified criteria and for the regulation of their practice. Under the act, a physician assistant is authorized to perform medical services under the supervision of a physician and surgeon who is authorized to supervise not more than 2 physician assistants at any one time, except under specified circumstances. The act prohibits a physician assistant from administering, providing, or issuing a drug order for Schedule II through Schedule V controlled substances without advance approval from a supervising physician and surgeon.

This bill would delete this particular prohibition on the authority of a physician assistant to issue a drug order for these classes of controlled

substances. The bill would require a physician assistant and his or her supervising physician and surgeon to establish written supervisory guidelines and would specify that this requirement may be satisfied by the adoption of specified protocols. The bill would increase to 4 the number of physician assistants a physician and surgeon may supervise and would make related changes.

(2) Existing law, the Medi-Cal Act, establishes the Medi-Cal program to provide health care benefits and services to persons who meet specified eligibility criteria.

This bill would specify that services provided by a physician assistant are included as a covered benefit under the Medi-Cal program.

~~Existing law establishes the Baldwin Hills Conservancy to acquire and direct the management of public lands within the Baldwin Hills area of Los Angeles County, as defined, and prescribes the management, powers, and duties of the conservancy. Existing law repeals the provisions establishing the conservancy on January 1, 2008.~~

~~This bill would extend the repeal date to January 1, 2018.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *This act shall be known as the California*
2 *Physician Team Practice Improvement Act.*

3 SEC. 2. *Section 3502 of the Business and Professions Code is*
4 *amended to read:*

5 3502. (a) *Notwithstanding any other provision of law, a*
6 *physician assistant may perform those medical services as set forth*
7 *by the regulations of the board when the services are rendered*
8 *under the supervision of a licensed physician and surgeon ~~or of~~*
9 *physicians and surgeons approved by the board, except as provided*
10 *in Section 3502.5 who is not subject to a disciplinary condition*
11 *imposed by the board prohibiting that supervision or prohibiting*
12 *the employment of a physician assistant.*

13 (b) *Notwithstanding any other provision of law, a physician*
14 *assistant performing medical services under the supervision of a*
15 *physician and surgeon may assist a doctor of podiatric medicine*
16 *who is a partner, shareholder, or employee in the same medical*
17 *group as the supervising physician and surgeon. A physician*
18 *assistant who assists a doctor of podiatric medicine pursuant to*

1 this subdivision shall do so only according to patient-specific orders
2 from the supervising physician and surgeon.

3 The supervising physician and surgeon shall be physically
4 available to the physician assistant for consultation when such
5 assistance is rendered. A physician assistant assisting a doctor of
6 podiatric medicine shall be limited to performing those duties
7 included within the scope of practice of a doctor of podiatric
8 medicine.

9 *(c) (1) A physician assistant and his or her supervising
10 physician and surgeon shall establish written guidelines for the
11 adequate supervision of the physician assistant. This requirement
12 may be satisfied by the supervising physician and surgeon adopting
13 protocols for some or all of the tasks performed by the physician
14 assistant. The protocols adopted pursuant to this subdivision shall
15 comply with the following requirements:*

16 *(A) A protocol governing diagnosis and management shall, at
17 a minimum, include the presence or absence of symptoms, signs,
18 and other data necessary to establish a diagnosis or assessment,
19 any appropriate tests or studies to order, drugs to recommend to
20 the patient, and education to be provided to the patient.*

21 *(B) A protocol governing procedures shall set forth the
22 information to be provided to the patient, the nature of the consent
23 to be obtained from the patient, the preparation and technique of
24 the procedure, and the followup care.*

25 *(C) Protocols shall be developed by the supervising physician
26 and surgeon or adopted from, or referenced to, texts or other
27 sources.*

28 *(D) Protocols shall be signed and dated by the supervising
29 physician and surgeon and the physician assistant.*

30 *(2) The supervising physician and surgeon shall review,
31 countersign, and date a sample consisting of, at a minimum, 5
32 percent of the medical records of patients treated by the physician
33 assistant functioning under the protocols within 30 days of the
34 date of treatment by the physician assistant. The physician and
35 surgeon shall select for review those cases that by diagnosis,
36 problem, treatment, or procedure represent, in his or her judgment,
37 the most significant risk to the patient.*

38 *(3) Notwithstanding any other provision of law, the board or
39 committee may establish other alternative mechanisms for the
40 adequate supervision of the physician assistant.*

1 ~~(e)~~

2 (d) No medical services may be performed under this chapter
3 in any of the following areas:

4 (1) The determination of the refractive states of the human eye,
5 or the fitting or adaptation of lenses or frames for the aid thereof.

6 (2) The prescribing or directing the use of, or using, any optical
7 device in connection with ocular exercises, visual training, or
8 orthoptics.

9 (3) The prescribing of contact lenses for, or the fitting or
10 adaptation of contact lenses to, the human eye.

11 (4) The practice of dentistry or dental hygiene or the work of a
12 dental auxiliary as defined in Chapter 4 (commencing with Section
13 1600).

14 ~~(d)~~

15 (e) This section shall not be construed in a manner that shall
16 preclude the performance of routine visual screening as defined
17 in Section 3501.

18 SEC. 3. *Section 3502.1 of the Business and Professions Code*
19 *is amended to read:*

20 3502.1. (a) In addition to the services authorized in the
21 regulations adopted by the board, and except as prohibited by
22 Section 3502, while under the supervision of a licensed physician
23 and surgeon or physicians and surgeons authorized by law to
24 supervise a physician assistant, a physician assistant may
25 administer or provide medication to a patient, or transmit orally,
26 or in writing on a patient’s record or in a drug order, an order to a
27 person who may lawfully furnish the medication or medical device
28 pursuant to subdivisions (c) and (d).

29 (1) A supervising physician and surgeon who delegates authority
30 to issue a drug order to a physician assistant may limit this authority
31 by specifying the manner in which the physician assistant may
32 issue delegated prescriptions.

33 (2) Each supervising physician and surgeon who delegates the
34 authority to issue a drug order to a physician assistant shall first
35 prepare and adopt, or adopt, a written, practice specific, formulary
36 and protocols that specify all criteria for the use of a particular
37 drug or device, and any contraindications for the selection. The
38 drugs listed *in the protocols* shall constitute the formulary and
39 shall include only drugs that are appropriate for use in the type of
40 practice engaged in by the supervising physician and surgeon.

1 When issuing a drug order, the physician assistant is acting on
2 behalf of and as an agent for a supervising physician and surgeon.

3 (b) “Drug order” for purposes of this section means an order
4 for medication ~~which~~ *that* is dispensed to or for a patient, issued
5 and signed by a physician assistant acting as an individual
6 practitioner within the meaning of Section 1306.02 of Title 21 of
7 the Code of Federal Regulations. Notwithstanding any other
8 provision of law, (1) a drug order issued pursuant to this section
9 shall be treated in the same manner as a prescription or order of
10 the supervising physician, (2) all references to “prescription” in
11 this code and the Health and Safety Code shall include drug orders
12 issued by physician assistants pursuant to authority granted by
13 their supervising physicians *and surgeons*, and (3) the signature
14 of a physician assistant on a drug order shall be deemed to be the
15 signature of a prescriber for purposes of this code and the Health
16 and Safety Code.

17 (c) A drug order for any patient cared for by the physician
18 assistant that is issued by the physician assistant shall either be
19 based on the protocols described in subdivision (a) or shall be
20 approved by the supervising physician *and surgeon* before it is
21 filled or carried out.

22 (1) A physician assistant shall not administer or provide a drug
23 or issue a drug order for a drug other than for a drug listed in the
24 formulary without advance approval from a supervising physician
25 and surgeon for the particular patient. At the direction and under
26 the supervision of a physician and surgeon, a physician assistant
27 may hand to a patient of the supervising physician and surgeon a
28 properly labeled prescription drug prepackaged by a physician and
29 surgeon, manufacturer as defined in the Pharmacy Law, or a
30 pharmacist.

31 ~~(2) A physician assistant may not administer, provide or issue~~
32 ~~a drug order for Schedule II through Schedule V controlled~~
33 ~~substances without advance approval by a supervising physician~~
34 ~~and surgeon for the particular patient.~~

35 ~~(3)~~

36 (2) Any drug order issued by a physician assistant shall be
37 subject to a reasonable quantitative limitation consistent with
38 customary medical practice in the supervising physician and
39 surgeon’s practice.

1 (d) A written drug order issued pursuant to subdivision (a),
2 except a written drug order in a patient's medical record in a health
3 facility or medical practice, shall contain the printed name, address,
4 and phone number of the supervising physician and surgeon, the
5 printed or stamped name and license number of the physician
6 assistant, and the signature of the physician assistant. Further, a
7 written drug order for a controlled substance, except a written drug
8 order in a patient's medical record in a health facility or a medical
9 practice, shall include the federal controlled substances registration
10 number of the physician assistant. ~~The and shall otherwise comply~~
11 ~~with the provisions of Section 11162.1 of the Health and Safety~~
12 ~~Code. Except as otherwise required for written drug orders for~~
13 ~~controlled substances under Section 11162.1 of the Health and~~
14 ~~Safety Code, the requirements of this subdivision may be met~~
15 ~~through stamping or otherwise imprinting on the supervising~~
16 ~~physician and surgeon's prescription blank to show the name,~~
17 ~~license number, and if applicable, the federal controlled substances~~
18 ~~number of the physician assistant, and shall be signed by the~~
19 ~~physician assistant. When using a drug order, the physician~~
20 ~~assistant is acting on behalf of and as the agent of a supervising~~
21 ~~physician and surgeon.~~

22 (e) The medical record of any patient cared for by a physician
23 assistant for whom the ~~supervising physician and surgeon's~~
24 ~~physician assistant's~~ Schedule II drug order has been issued or
25 carried out shall be reviewed and countersigned and dated by a
26 supervising physician and surgeon within seven days.

27 (f) All physician assistants who are authorized by their
28 supervising physicians to issue drug orders for controlled
29 substances shall register with the United States Drug Enforcement
30 Administration (DEA).

31 (g) The committee shall consult with the Medical Board of
32 California and report during its sunset review required by Division
33 1.2 (commencing with Section 473) the impacts of exempting
34 Schedule III and Schedule IV drug orders from the requirement
35 for a physician and surgeon to review and countersign the affected
36 medical record of a patient.

37 *SEC. 4. Section 3516 of the Business and Professions Code is*
38 *amended to read:*

39 3516. (a) Notwithstanding any other provision of law, ~~any a~~
40 physician assistant licensed by the committee shall be eligible for

1 employment or supervision by any physician approved by the
2 board to supervise physician assistants, except that: *and surgeon*
3 *who is not subject to a disciplinary condition imposed by the board*
4 *prohibiting that employment or supervision.*

5 (a)

6 (b) No physician *and surgeon* shall supervise more than ~~two~~
7 *four* physician assistants at any one time, except as provided in
8 ~~Sections Section 3502.5, 3516.1, and 3516.5.~~

9 (b)

10 (c) The board may restrict ~~physicians~~ *a physician and surgeon*
11 to supervising specific types of physician assistants including, but
12 not limited to, restricting ~~physicians~~ *a physician and surgeon* from
13 supervising physician assistants outside of the ~~physician's~~ field of
14 specialty *of the physician and surgeon.*

15 *SEC. 5. Section 3516.1 of the Business and Professions Code*
16 *is repealed.*

17 ~~3516.1. (a) (1) Notwithstanding any other provision of law,~~
18 ~~a physician who provides services in a medically underserved area~~
19 ~~may supervise not more than four physician assistants at any one~~
20 ~~time.~~

21 ~~(2) As used in this section, "medically underserved area" means~~
22 ~~a "health professional(s) shortage area" (HPSA) as defined in Part~~
23 ~~5 (commencing with Section 5.1) of Chapter 1 of Title 42 of the~~
24 ~~Code of Federal Regulations or an area of the state where unmet~~
25 ~~priority needs for physicians exist as determined by the California~~
26 ~~Healthcare Workforce Policy Commission pursuant to Section~~
27 ~~128225 of the Health and Safety Code.~~

28 ~~(b) This section shall become inoperative on July 1, 2011, and,~~
29 ~~as of January 1, 2012, is repealed, unless a later enacted statute~~
30 ~~that is enacted before January 1, 2012, deletes or extends the dates~~
31 ~~on which it becomes inoperative and is repealed.~~

32 *SEC. 6. Section 3516.5 of the Business and Professions Code*
33 *is amended to read:*

34 3516.5. (a) Notwithstanding any other provision of law and
35 in accordance with regulations established by the board, the director
36 of emergency care services in a hospital with an approved program
37 for the training of emergency care physician assistants, may apply
38 to the board for authorization under which ~~such~~ *the* director may
39 grant approval for emergency care physicians on the staff of ~~such~~
40 *the* hospital to supervise emergency care physician assistants.

1 (b) The application shall encompass all supervising physicians
2 employed in ~~such~~ *that* service.

3 (c) Nothing in this section shall be construed to authorize any
4 one emergency care physician while on duty to supervise more
5 than ~~two~~ *four* physician assistants at any one time.

6 (d) A violation of this section by the director of emergency care
7 services in a hospital with an approved program for the training
8 of emergency care physician assistants constitutes unprofessional
9 conduct within the meaning of Chapter 5 (commencing with
10 Section 2000) ~~of Division 2~~.

11 (e) ~~Any~~ A violation of this section shall be grounds for
12 suspension of the approval of the director or disciplinary action
13 against the director or suspension of the approved program under
14 Section 3527.

15 *SEC. 7. Section 14132.966 is added to the Welfare and*
16 *Institutions Code, to read:*

17 *14132.966. (a) Services provided by a physician assistant are*
18 *a covered benefit under this chapter to the extent authorized by*
19 *federal law and subject to utilization controls.*

20 *(b) Subject to subdivision (a), all services performed by a*
21 *physician assistant within his or her scope of practice that would*
22 *be a covered benefit if performed by a physician and surgeon shall*
23 *be a covered benefit under this chapter.*

24 *(c) The department shall not impose chart review,*
25 *countersignature, or other conditions of coverage or payment on*
26 *a physician and surgeon supervising physician assistants that are*
27 *more stringent than requirements imposed by Chapter 7.7*
28 *(commencing with Section 3500) of Division 2 of the Business and*
29 *Professions Code or regulations of the Medical Board of California*
30 *promulgated under that chapter.*

31 ~~SECTION 1. Section 32580 of the Public Resources Code is~~
32 ~~amended to read:~~

33 ~~32580. This division shall remain in effect only until January~~
34 ~~1, 2018, and as of that date is repealed, unless a later enacted~~
35 ~~statute, that is enacted before January 1, 2018, deletes or extends~~
36 ~~that date.~~