

## House Bill 1028 Section Description

**Title:** An Act to revise certain provisions regarding the regulation of physician assistants

**Introduced by:** House Health & Human Services Committee on behalf of the South Dakota Board of Medical & Osteopathic Examiners

### **Section 1. Definitions.**

Updates §36-4A-1. Deletes outdated definitions, updates definition of supervising physician and adds definition of supervision.

### **Section 2. PA Advisory Board.**

Updates §36-4A-3.1. Clarifies PA advisory committee role is to help the Board regulate physician assistants.

### **Section 3. Unlawful practice.**

Updates §36-4A-4. Changes penalty from a Class 2 from a Class 1 misdemeanor for violations of the chapter, consistent with physicians and nurse practitioners.

### **Section 4. Student and trainee activities.**

Updates §36-4A-5. Updates language regarding student and trainee activities not being limited while participating in an “accredited” course of study.

### **Section 5. Federal employees & Christian Scientists exempted.**

Updates §36-4A-6. Exempts Christian Scientists from chapter. Exempts PAs employed by federal government from the provisions of the chapter, unless they practice in the state outside the federal system.

### **Section 6. License requirements and qualifications.**

Updates §36-4A-8. Updates requirements for licensure to reflect accreditation of professional education programs and national certification. Eliminates requirement for a signed practice agreement prior to issuing a license, consistent with similarly licensed professionals. *Note that Section 9 requires that an approved practice agreement prior to beginning practice.*

### **Section 7. Temporary license.**

Updates §36-4A-8.1. Changes term “permit” to “license.” Updates requirements for a temporary license to reflect educational requirements. Shortens temporary license timeframe from 8 months to 120 days.

### **Section 8. Assistants practicing when chapter enacted.**

Updates §36-4A-10. Changes term “permit” to “license.” Retains provision to license those PAs in practice prior to July 1973.

### **Section 9. Practice agreement defined.**

New section that updates old SDCL 36-4A-20. Outlines the contents of the practice agreement between a physician assistant and supervising physician. Requires that a practice agreement be approved by the Board prior to beginning practice.

**Section 10. Physician assistant delegated functions.**

New section that replaces the existing outdated task list and references to primary care and specialist tasks found in SDCL 36-4A-21 through 36-4A-26. Describes the physician/PA delegation relationship and the medical functions that may be delegated by the supervising physician to the PA and included in the practice agreement. Retains specific references to prescriptive authority, radiologic procedures and athletic examinations from prior statutes to clarify those as permitted functions should changes be made elsewhere in the code that could affect a PA's ability to perform delegated functions, similar to language governing Certified Nurse Practitioners. Adds specific language authorizing that PAs may receive drug samples has been added.

**Section 11. Practice allowed in emergency and disaster situations.**

New section. Provides that a PA may render medical services in an emergency or disaster situation without the supervision defined in this chapter. Provides that any physician who supervises a PA in such an emergency is not required to meet the requirements in this chapter for a supervising physician.

**Section 12. Immunity in emergency and disaster situations.**

New section. Provides immunity from civil damages from any personal injury resulting from emergency care.

**Section 13. Practice of auxiliary professions not authorized.**

Updates SDCL 36-4A-27. Provides that PAs may not perform specific functions and duties of chiropractors, dentists and dental hygienists, podiatrists, optometrists, pharmacists.

**Section 14. Hospital rules applicable.**

Updates SDCL 36-4A-28. Provides that a hospital or related institution may further limit a PA's practice while practicing within that setting.

**Section 15. Physician supervision and responsibility - Methods**

Amends SDCL-36-4A-29. Permits Board of Medical & Osteopathic examiners to establish PA supervision requirements. Retains onsite supervision, but deletes mandatory ½ weekly onsite requirement. Retains specific supervision requirements for a PA holding a temporary license. *Note: Section 27 adds supervision requirements to the Board's rule-making authority.*

**Section 16. Modification of supervision – Number of physician assistants.**

Updates language of 36-4A-29.1. Retains physician/physician assistant 1:4 ratio.

**Section 17. Supervising physician requirements.**

New section. Specifies the requirements of a supervising physician.

**Section 18. Physician not relieved of professional responsibility.**

Updates 36-4A-30. Maintains supervising physician's responsibility for patient care provided by supervised PA.

**Section 19. Employment relationship not restricted.**

New section. Provides that the provisions of this chapter shall not limit employment arrangements of a licensed PA.

**Section 20. Annual license and fee.**

Updates SDCL 36-4A-31. Provides for an annual license and payment of fee. Permits the license date to be set in rule by the board to facilitate meeting PA CME requirements.

**Section 21. License renewal requirements.**

Updates §36-4A-32. Specifies license renewal requirements. Permits NCCPA certification as proof of continuing education requirements.

**Section 22. Suspension of license not renewed—Reinstatement.**

Updates §36-4A-33. Provides that a license may be suspended for non-renewal and specifies requirements for reinstatement with the payment of a fee.

**Section 23. Fees payable.**

Updates §36-4A-34. Eliminates fees for minor requests and includes the fee for temporary license that was originally in 36.4A.8.1. No fee has been included for the approval of additional practice agreements to reduce barriers and enhance the ability of PAs to provide medical coverage in temporary or emergency circumstances. This relates to the repeal of the locum tenens license and associated fees in Sections 50-55.

**Section 24. Collection and crediting of fees—No refund.**

Updates §36-4A-36. Removes reference to “Medical Examiners Fund.” Provides that all money collected by the board be deposited in a bank authorized by the board. Maintain requirement that a report of revenues and expenditures be submitted to the state auditor each fiscal year.

**Section 25. Grounds for refusal, revocation, suspension of license.**

Updates §36-4A-37. Provides grounds for disciplinary action by the board pursuant to chapter 1-26 and describes the range of disciplinary actions.

**Section 26. Reissuance of canceled, revoked or suspended license.**

Updates §36-4A-41. Provides that a cancelled, suspended or revoked license may be reissued. Deletes requirement that Board wait one year to reissue.

**Section 27. Promulgation of rules by board.**

Updates §36-4A-42. Deletes references to PA placement and adds supervision requirements and fees to rule-making authority of the board.

**Sections 28 – 56. Repeal of outdated statutes.**

Repeals outdated statutes relating to PA education programs, terminology and statutes referring to primary care and specialty PAs, outdated list of tasks that can be delegated to PAs, locum tenens licenses.