87R8740 ANG-F

By:  Beckley H.B. No. 4352

A BILL TO BE ENTITLED

AN ACT

relating to the scope of practice of physician assistants.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Sections 204.202(a), (b), and (c), Occupations Code, are amended to read as follows:

(a)  The practice of a physician assistant includes providing medical and surgical services delegated by a collaborating [~~supervising~~] physician that are within the skills [~~education, training, and experience~~] of the physician assistant, a component of the physician assistant's scope of practice, and provided through collaboration with a physician.

(b)  Medical and surgical services provided by a physician assistant may include:

(1)  obtaining patient histories and performing physical examinations;

(2)  evaluating, diagnosing, managing, and providing medical treatment;

(3)  ordering, [~~or~~] performing, and interpreting diagnostic studies and therapeutic procedures;

[~~(3)  formulating a working diagnosis;~~]

(4)  educating patients on health promotion and disease prevention [~~developing and implementing a treatment plan~~];

(5)  providing consultation on request [~~monitoring the effectiveness of therapeutic interventions~~]; and

(6)  writing medical orders [~~assisting at surgery;~~

[~~(7)  offering counseling and education to meet patient needs;~~

[~~(8)  requesting, receiving, and signing for the receipt of pharmaceutical sample prescription medications and distributing the samples to patients in a specific practice setting in which the physician assistant is authorized to prescribe pharmaceutical medications and sign prescription drug orders as provided by Section 157.0512 or 157.054;~~

[~~(9)  prescribing or ordering a drug or device as provided by Subchapter B, Chapter 157; and~~

[~~(10)  making appropriate referrals~~].

(c)  The activities listed by Subsection (b) may be performed in a health care facility or other location [~~any place authorized by a supervising physician~~], including a clinic, hospital, ambulatory surgical center, patient home, nursing home, or other institutional setting.

SECTION 2.  Section 204.204, Occupations Code, is amended to read as follows:

Sec. 204.204.  COLLABORATION [~~SUPERVISION~~] REQUIREMENTS. (a) A physician assistant shall collaborate with [~~be supervised by~~] a collaborating [~~supervising~~] physician. A physician assistant may have more than one collaborating [~~supervising~~] physician. The collaborating [~~supervising~~] physician oversees the [~~activities of, and accepts responsibility for,~~] medical services provided by the physician assistant.

(b)  Collaboration with [~~Supervision of~~] a physician assistant by a collaborating [~~supervising~~] physician must be continuous. The collaboration [~~supervision~~] does not require the constant physical presence of the collaborating [~~supervising~~] physician where physician assistant services are being performed, but, if a collaborating [~~supervising~~] physician is not present, the collaborating [~~supervising~~] physician and the physician assistant must be, or must be able to easily be, in contact with one another by radio, telephone, or another telecommunication device.

(c)  The number of physician assistants a physician may collaborate with [~~supervise~~] in a practice setting may not be less than the number of physician assistants to whom a physician may delegate the authority to prescribe or order a drug or device in that practice setting under Subchapter B, Chapter 157.

SECTION 3.  Sections 204.2045(a) and (c), Occupations Code, are amended to read as follows:

(a)  The collaboration [~~supervision~~] and delegation requirements of this chapter and Subtitle B do not apply to medical tasks performed by a physician assistant:

(1)  during a disaster under the state emergency management plan adopted under Section 418.042, Government Code;

(2)  during a disaster declared by the governor or United States government; or

(3)  as a volunteer for a charitable organization or at a public or private event, including a religious event, sporting event, community event, or health fair.

(c)  A physician assistant may perform tasks described by this section:

(1)  by collaborating with [~~under the supervision of~~] any physician who is also performing volunteer work in the disaster, for the charitable organization, or at the public or private event; or

(2)  without collaborating with [~~the supervision of~~] a physician, if a physician is not available to provide supervision.

SECTION 4.  Section 204.205, Occupations Code, is amended to read as follows:

Sec. 204.205.  REQUIREMENTS FOR COLLABORATING [~~SUPERVISING~~] PHYSICIAN. A collaborating [~~supervising~~] physician must have a practice agreement with the physician assistant with whom the physician will collaborate regarding the scope of practice of the physician assistant that is based on the physician assistant's practice level and taking into consideration the physician assistant's education, training, and experience[~~:~~

[~~(1)  hold an unrestricted and active license as a physician in this state;~~

[~~(2)  notify the medical board of the physician's intent to supervise a physician assistant;~~

[~~(3)  submit to the medical board a statement that the physician will:~~

[~~(A)  supervise the physician assistant according to medical board rule; and~~

[~~(B)  retain professional and legal responsibility for the care provided by the physician assistant; and~~

[~~(4)  receive approval from the medical board to supervise the physician assistant~~].

SECTION 5.  Section 204.206, Occupations Code, is amended to read as follows:

Sec. 204.206.  ESTABLISHMENT OF CERTAIN FUNCTIONS AND STANDARDS. Each physician assistant and the physician assistant's collaborating [~~supervising~~] physician shall ensure that:

(1)  the physician assistant's scope of function is identified;

(2)  delegation of medical tasks is appropriate to the physician assistant's level of education, training, and experience [~~competence~~];

(3)  the relationship between the physician assistant and the collaborating [~~supervising~~] physician and the access of the physician assistant to the supervising physician are defined; and

(4)  a process is established for evaluating the physician assistant's performance.

SECTION 6.  Section 204.207, Occupations Code, is amended to read as follows:

Sec. 204.207.  ASSUMPTION OF PROFESSIONAL LIABILITY. A physician assistant shall be legally responsible for the care provided by the physician assistant [~~(a) Each supervising physician retains legal responsibility for a physician assistant's patient care activities, including the provision of care and treatment to a patient in a health care facility~~].

[~~(b)  If a physician assistant is employed by an entity, including a health care facility, the entity shares the legal responsibility for the physician assistant's acts or omissions with the physician assistant's supervising physician.~~]

SECTION 7.  This Act takes effect September 1, 2021.