

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~~

1 (6) writing medical orders [~~assisting at surgery,~~
2 [~~(7) offering counseling and education to meet patient~~
3 ~~needs,~~
4 [~~(8) requesting, receiving, and signing for the~~
5 ~~receipt of pharmaceutical sample prescription medications and~~
6 ~~distributing the samples to patients in a specific practice setting~~
7 ~~in which the physician assistant is authorized to prescribe~~
8 ~~pharmaceutical medications and sign prescription drug orders as~~
9 ~~provided by Section 157.0512 or 157.054;~~
10 [~~(9) prescribing or ordering a drug or device as~~
11 ~~provided by Subchapter B, Chapter 157; and~~
12 [~~(10) making appropriate referrals].~~

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

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

20 Sec. 204.204. COLLABORATION [~~SUPERVISION~~] REQUIREMENTS.

21 (a) A physician assistant shall collaborate with [~~be supervised~~
22 ~~by~~] a collaborating [~~supervising~~] physician. A physician assistant
23 may have more than one collaborating [~~supervising~~] physician. The
24 collaborating [~~supervising~~] physician oversees the [~~activities of,~~
25 ~~and accepts responsibility for,~~] medical services provided by the
26 physician assistant.

27 (b) Collaboration with [~~Supervision of~~] a physician

1 assistant by a collaborating [~~supervising~~] physician must be
2 continuous. The collaboration [~~supervision~~] does not require the
3 constant physical presence of the collaborating [~~supervising~~]
4 physician where physician assistant services are being performed,
5 but, if a collaborating [~~supervising~~] physician is not present, the
6 collaborating [~~supervising~~] physician and the physician assistant
7 must be, or must be able to easily be, in contact with one another by
8 radio, telephone, or another telecommunication device.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 [~~(B) retain professional and legal~~
25 ~~responsibility for the care provided by the physician assistant,~~
26 ~~and~~

27 [~~(4) receive approval from the medical board to~~

1 ~~supervise the physician assistant~~].

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

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

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

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

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

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

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

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

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

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1 ~~the physician assistant's supervising physician.]~~

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