

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 37

Introduced by Hilkemann, 4.

Read first time January 10, 2019

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Podiatry Practice Act; to amend
- 2 sections 38-2047 and 38-3001, Reissue Revised Statutes of Nebraska;
- 3 to provide for a physician assistant to assist a podiatrist as
- 4 prescribed; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-2047, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-2047 (1) A physician assistant may perform medical services that
4 (a) are delegated by and provided under the supervision of a licensed
5 physician, (b) are appropriate to the level of competence of the
6 physician assistant, (c) form a component of the supervising physician's
7 scope of practice, and (d) are not otherwise prohibited by law.

8 (2) A physician assistant shall be considered an agent of his or her
9 supervising physician in the performance of practice-related activities
10 delegated by the supervising physician, including, but not limited to,
11 ordering diagnostic, therapeutic, and other medical services.

12 (3) Each physician assistant and his or her supervising physician
13 shall be responsible to ensure that (a) the scope of practice of the
14 physician assistant is identified, (b) the delegation of medical tasks is
15 appropriate to the level of competence of the physician assistant, (c)
16 the relationship of and access to the supervising physician is defined,
17 and (d) a process for evaluation of the performance of the physician
18 assistant is established.

19 (4) A physician assistant may pronounce death and may complete and
20 sign death certificates and any other forms if such acts are within the
21 scope of practice of the physician assistant, are delegated by his or her
22 supervising physician, and are not otherwise prohibited by law.

23 (5) In order for a physician assistant to practice in a hospital,
24 (a) his or her supervising physician shall be a member of the medical
25 staff of the hospital, (b) the physician assistant shall be approved by
26 the governing board of the hospital, and (c) the physician assistant
27 shall comply with applicable hospital policies, including, but not
28 limited to, reasonable requirements that the physician assistant and the
29 supervising physician maintain professional liability insurance with such
30 coverage and limits as established by the governing board of the
31 hospital.

1 (6) For physician assistants with less than two years of experience,
2 the department, with the recommendation of the board, shall adopt and
3 promulgate rules and regulations establishing minimum requirements for
4 the personal presence of the supervising physician, stated in hours or
5 percentage of practice time, and may provide different minimum
6 requirements for the personal presence of the supervising physician based
7 on the geographic location of the supervising physician's primary and
8 other practice sites and other factors the board deems relevant.

9 (7) A physician assistant may render services in a setting
10 geographically remote from the supervising physician, except that a
11 physician assistant with less than two years of experience shall comply
12 with standards of supervision established in rules and regulations
13 adopted and promulgated under the Medicine and Surgery Practice Act. The
14 board may consider an application for waiver of the standards and may
15 waive the standards upon a showing of good cause by the supervising
16 physician. The department may adopt and promulgate rules and regulations
17 establishing minimum requirements for such waivers.

18 (8) A physician assistant may practice under the direction of a
19 podiatrist as provided in section 3 of this act.

20 Sec. 2. Section 38-3001, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 38-3001 Sections 38-3001 to 38-3012 and sections 3 and 4 of this act
23 shall be known and may be cited as the Podiatry Practice Act.

24 Sec. 3. A physician assistant may perform services that (1) are
25 delegated by and provided under the supervision of a licensed podiatrist,
26 (2) are appropriate to the level of competence of the physician
27 assistant, (3) form a component of the supervising podiatrist's scope of
28 practice, and (4) are not otherwise prohibited by law.

29 Sec. 4. (1) To supervise a physician assistant, a podiatrist shall:

30 (a) Be licensed to practice podiatry under the Podiatry Practice
31 Act;

1 (b) Have no restriction imposed by the board on his or her ability
2 to supervise a physician assistant; and

3 (c) Maintain an agreement with the physician assistant as provided
4 in subsection (2) of this section.

5 (2)(a) An agreement between a podiatrist and a physician assistant
6 shall (i) provide that the podiatrist will exercise supervision over the
7 physician assistant, (ii) define the scope of practice of the physician
8 assistant, (iii) provide that the podiatrist will retain professional and
9 legal responsibility for podiatry services rendered by the physician
10 assistant pursuant to such agreement, and (iv) be signed by the
11 podiatrist and the physician assistant.

12 (b) The podiatrist shall keep the agreement on file at his or her
13 primary practice site, shall keep a copy of the agreement on file at each
14 practice site where the physician assistant provides podiatry services,
15 and shall make the agreement available to the board and the department
16 upon request.

17 (3) Supervision of a physician assistant by a podiatrist shall be
18 continuous but shall not require the physical presence of the podiatrist
19 at the time and place that the services are rendered.

20 (4) A podiatrist may supervise no more than four physician
21 assistants at any one time. The board may consider an application for
22 waiver of this limit and may waive the limit upon a showing that the
23 podiatrist meets the minimum requirements for the waiver. The department
24 may adopt and promulgate rules and regulations establishing minimum
25 requirements for such waivers.

26 Sec. 5. Original sections 38-2047 and 38-3001, Reissue Revised
27 Statutes of Nebraska, are repealed.