

## LEGISLATIVE BILL 101

Approved by the Governor February 26, 1973

Introduced by Schmit, 23

AN ACT relating to physician's assistants; to define terms; to provide when a physician's assistant may render services; to provide for the certification of programs and physician's assistants; to establish guidelines for applications for physician's assistants; to require annual reports to the Legislature; to set fees; to provide for penalties; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. The Legislature finds:

(1) That in its concern with the geographic maldistribution of health care services in Nebraska it is essential to develop additional health manpower;

(2) That it is essential to encourage the more effective utilization of the skills of physicians by enabling them to delegate health care tasks to qualified physician's assistants when such delegation is consistent with the patient's health and welfare; and

(3) That this act is established to encourage the utilization of such physician's assistants by physicians.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Approved program shall mean a program for the education of physician's assistants which the board formally approves;

(2) Board shall mean the Board of Examiners in Medicine and Surgery;

(3) Department shall mean the Department of Health of the State of Nebraska;

(4) Physician's assistant shall mean any person who graduates from an approved program or its equivalent as determined by the board and who the board, with the concurrence of the department, approves to perform medical services under the supervision of a physician or group of physicians approved by the board to supervise

such assistant;

(5) Supervision shall mean responsible supervision and control, where the licensed physician assumes legal liability for the services that the physician's assistant renders. Except in cases of emergency, supervision shall require the easy availability or physical presence of the licensed physician for consultation and direction of the actions of the physician's assistant. The board shall further establish rules and regulations as to what constitutes responsible supervision of the physician's assistant; and

(6) Trainee shall mean any person who is currently enrolled in an approved program.

Sec. 3. Notwithstanding any other provision of law, a physician's assistant may perform medical services when he renders such services under the supervision of a licensed physician or group of physicians approved by the board, in the specialty area or areas for which the physician's assistant shall be trained or experienced. Any physician's assistant certified under the provisions of this act to perform services may perform those services only:

(1) In the office of the physician to whom the physician's assistant is assigned, where such physician maintains his primary practice;

(2) When the physician to whom he is assigned is present;

(3) In a hospital, with the approval of the governing board of such hospital, where the physician to whom he is assigned is a member of the staff; or

(4) On calls outside such office, on the direct order of the physician to whom he is assigned and with the approval of the governing board of any affected hospital.

The provisions of this section may be further clarified by rules and regulations of the board.

Sec. 4. Notwithstanding any other provision of law, a trainee may perform medical services when he renders such services within the scope of an approved program.

Sec. 5. (1) The board shall issue certificates of approval for programs for the education and training of physician's assistants which meet board standards.

Such educational programs may include provision for continuing educational requirements established by the board.

(2) The board may recognize groups of specialty classifications of training for physician's assistants. These classifications shall reflect the training and experience of the physician's assistant. The physician's assistant may receive training in one or more such classifications which shall be shown on the certificate issued.

Sec. 6. (1) The board shall formulate guidelines for the consideration of applications by a licensed physician or physicians to supervise physician's assistants. Any application made by a physician or physicians shall include all of the following:

(a) The qualifications, including related experience, of the physician's assistant intended to be employed;

(b) The professional background and specialty of the physician or physicians; and

(c) A description by the physician of his, or physicians of their, practice and the way in which the assistant or assistants shall be utilized.

(2) The board, with the concurrence of the department, shall approve an application by a licensed physician to supervise a physician's assistant when the board is satisfied that the proposed assistant is a graduate of an approved program or its equivalent as determined by the board, is fully qualified to perform medical services under the responsible supervision of a licensed physician, and the public shall be adequately protected by the arrangement proposed in the application.

(3) The board shall certify no more than two physician's assistants for any practicing physician.

Sec. 7. Any person who has not been approved by the board, with the concurrence of the department, and who holds himself out as a physician's assistant, or who uses any other term to indicate or imply that he is a physician's assistant, shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine of not more than five thousand dollars, or by imprisonment in the Nebraska Penal and Correctional Complex for not more than six years, or by both such a fine and imprisonment.

Sec. 8. The board shall report to the Legislature no later than March 15, 1974, and annually thereafter, as to:

(1) The number and types of programs which have been approved under this act and a description of each;

(2) The number of physician's assistants who have been approved for supervision under this act;

(3) An evaluation of the programs and the acceptance of them by the community;

(4) Background concerning the number of physicians supervising assistants, their specialties, and the counties in which they practice;

(5) The scope of practice of approved physician's assistants;

(6) Such other information as would be useful to the Legislature in evaluating the physician's assistant program for either expanding or discontinuing such program; and

(7) The doctor-patient ratios of the several counties and the counties where such physician's assistants are being utilized.

Sec. 9. The board, with the concurrence of the department, may deny, suspend, or revoke the certificate of approval to supervise a physician's assistant held by any physician when it finds that the provisions of this act or any of the rules and regulations adopted by the board thereunder are not being complied with. In cases of failure to pay the required fees, denial shall be automatic. Any denial, suspension, or revocation shall be subject to review pursuant to the provisions of Chapter 84, article 9, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

Sec. 10. The board shall adopt rules and regulations necessary for the administration of the physician's assistant program, and such rules and regulations shall be adopted in accordance with Chapter 84, article 9, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto. The board shall adopt such rules and regulations as shall be necessary to insure both the continued competency of physician's assistants and the proper utilization of them by physicians or groups of physicians. Rules and regulations shall be adopted to assure that every physician's assistant performs his services under the responsible supervision

and control of a physician or group of physicians. The board shall adopt all rules and regulations required and authorized by the provisions of this act only with the approval of the department.

Sec. 11. In developing criteria for program approval and approval of applications to utilize physician's assistants and in preparing its report to the Legislature, the board shall consult with and seek the advice of professional medical organizations and appropriate specialty representatives.

Sec. 12. (1) A fee of fifty dollars shall accompany the annual application to the board by a physician or group of physicians for authorization to supervise a physician's assistant.

(2) Upon approval by the board of an application for certification of a physician's assistant, the applicant shall be charged a fee of twenty-five dollars, and a fee of fifteen dollars shall accompany each yearly application for renewal of the physician's assistant certificate.

(3) All fees shall be expended for the benefit of the profession of medicine and surgery, and otherwise used as provided in section 71-162, Reissue Revised Statutes of Nebraska, 1943, and for the purpose of administering and enforcing the provisions of this act.

Sec. 13. Nothing in this act shall be construed as authorizing any physician's assistant to engage in any of the health professions licensed by the department pursuant to the provisions of Chapter 71, article 1, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, without having the proper license therefor.

Sec. 14. Any physician or physician groups utilizing physician's assistants shall be liable for any negligent acts or omissions of physician's assistants while acting under their supervision and control.

Sec. 15. Any physician's assistant who is certified and who renders services under the supervision and control of a licensed physician as provided by this act shall not be construed to be engaged in the unauthorized practice of medicine.

Sec. 16. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.