

LEGISLATIVE BILL 316

Approved by the Governor March 8, 1993

Introduced by Wesely, 26

AN ACT relating to physician assistants; to amend sections 71-1,107.16, 71-1,107.17, and 71-1,107.20, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to supervision as provided; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 71-1,107.16, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,107.16. ~~As used in~~ For purposes of sections 71-1,107.15 to 71-1,107.30, unless the context otherwise requires:

(1) Approved program shall mean a program for the education of physician 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 assistant shall mean any person who graduates from a program approved by the Council on Allied Health Education and Accreditation or its successor agency and the board, who satisfactorily completes a proficiency examination, and ~~who~~ whom 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 the ready availability of the supervising physician for consultation and direction of the activities of the physician assistant. Contact with the supervising physician by telecommunication shall be sufficient to show ready availability if the board finds that such contact is sufficient to provide quality medical care. The level of supervision may vary by geographic location as provided in section 71-1,107.17;

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

(7) Proficiency examination shall mean the initial certifying examination approved by the board for the certification of physician assistants, including, but not limited to, the examination administered by the National Commission on Certification of Physician Assistants or other national organization established for such purpose that is recognized by the board;

(8) Supervising physician shall mean a (a) board-approved physician who utilizes an approved physician assistant or (b) backup

physician;

(9) Backup physician shall mean a physician designated by the supervising physician to ensure supervision of the physician assistant in the supervising physician's absence. A backup physician shall be subject to the same requirements imposed upon the supervising physician when the backup physician is acting as a supervising physician; and

(10) Committee shall mean the Physician Assistant Committee created in section 71-1,107.25.

Sec. 2. That section 71-1,107.17, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,107.17. (1) Notwithstanding any other provision of law, a physician assistant may perform medical services when he or she 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 assistant shall be trained or experienced. Any physician assistant certified under sections 71-1,107.15 to 71-1,107.30 to perform services may perform those services only:

(+) (a) In the office of the supervising physician where such physician maintains his or her primary practice;

(2) (b) In any other office which is operated by the supervising physician with the personal presence of the supervising physician. The physician assistant may function without the personal presence of the supervising physician in an office other than where such physician maintains his or her primary practice as provided in subsection (2) of this section and when approved on an individual basis by the board. Any such approval shall require site visits by the supervising physician, regular reporting to the supervising physician by the physician assistant, and arrangements for supervision at all times by the supervising physician which are sufficient to provide quality medical care;

(3) (c) In a hospital, with the approval of the governing board of such hospital, where the supervising physician is a member of the staff and the physician assistant is subject to the rules and regulations of the hospital. Such rules and regulations may include, but need not be limited to, reasonable requirements that physician assistants and the supervising physician maintain professional liability insurance with such coverage and limits as may be established by the hospital governing board, upon the recommendation of the medical staff; or

(4) (d) On calls outside such offices, when authorized by the supervising physician and with the approval of the governing board of any affected hospital.

(2) The board shall adopt and promulgate rules and regulations establishing minimum requirements for the personal presence of the supervising physician, stated in hours or percentage of practice time. The board may provide different minimum requirements for the personal presence of the supervising physician based on the geographic location of the supervising physician's primary and other practice sites and other factors the board deems relevant.

Sec. 3. That section 71-1,107.20, Reissue Revised Statutes

of Nebraska, 1943, be amended to read as follows:

71-1,107.20. (1) The board shall formulate guidelines for the consideration of applications by a licensed physician or physicians to supervise physician assistants. Any application made by a physician or physicians shall include all of the following:

(a) The qualifications, including related experience, of the physician 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 her, or physicians of their, practice and the way in which the assistant or assistants shall be utilized. The application shall provide for the personal presence of the supervising physician in conformance with requirements established by the board under section 71-1,107.17.

(2) The board, with the concurrence of the department, shall approve an application by a licensed physician to supervise a physician assistant when the board is satisfied that the proposed assistant is a graduate of an approved program, has satisfactorily completed a proficiency examination, and is fully qualified to perform medical services under the responsible supervision of a licensed physician. The public shall be adequately protected by the arrangement proposed in the application.

(3) The board shall certify no more than two physician assistants for any practicing physician, except that this limitation may be waived by the board upon a showing of good cause by the practicing physician.

Sec. 4. That original sections 71-1,107.16, 71-1,107.17, and 71-1,107.20, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.