

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1915 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: John Pfeiffer

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 1915

By: David and Kidd of the
Senate

6 and

7 Pfeiffer and Brewer of the
8 House

9
10
11 FLOOR SUBSTITUTE

12 An Act relating to professions and occupations;
13 amending 59 O.S. 2011, Sections 519.2, as amended by
14 Section 1, Chapter 163, O.S.L. 2015, 519.6, as
15 amended by Section 3, Chapter 163, O.S.L. 2015,
16 519.7, 519.8, as amended by Section 7, Chapter 428,
17 O.S.L. 2019, 519.11, as amended by Section 5, Chapter
18 163, O.S.L. 2015 (59 O.S. Supp. 2019, Sections 519.2,
19 519.6, 519.8 and 519.11), which relate to physician
20 assistants; modifying definitions; modifying
21 provisions related to services by physician
22 assistants; requiring filing of certain agreements
23 with State Board of Medical Licensure and
24 Supervision; providing for multiple practice
agreements; requiring good standing; imposing duties
on State Board of Medical Licensure and Supervision;
prescribing report and contents thereof; modifying
provisions related to administrative rules; providing
for status of physician assistants; prescribing
requirements related to payment for services;
prescribing requirements related to medical billing;
prohibiting certain practices or requirements by
insurance company or third-party payer; authorizing
rendition of certain medical care; providing for
immunity for certain liability; providing exception;

1 providing for construction of Physician Assistants
2 Act; and providing for codification.

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4
5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

6 SECTION 1. AMENDATORY 59 O.S. 2011, Section 519.2, as
7 amended by Section 1, Chapter 163, O.S.L. 2015 (59 O.S. Supp. 2019,
8 Section 519.2), is amended to read as follows:

9 Section 519.2 As used in the Physician Assistant Act:

- 10 1. "Board" means the State Board of Medical Licensure and
11 Supervision;
- 12 2. "Committee" means the Physician Assistant Committee;
- 13 3. "Practice of medicine" means services which require training
14 in the diagnosis, treatment and prevention of disease, including the
15 use and administration of drugs, and which are performed by
16 physician assistants so long as such services are within the
17 physician assistants' skill, form a component of the physician's
18 scope of practice, and are provided with physician supervision,
19 including authenticating ~~with the~~ by signature any form that may be
20 authenticated by the ~~supervising~~ delegating physician's signature
21 with prior delegation by the physician.
22 ~~Nothing in the Physician Assistant Act shall be construed to permit~~
23 ~~physician assistants to provide health care services independent of~~
24 ~~physician supervision;~~

1 4. "Patient care setting" means and includes, but is not
2 limited to, a physician's office, clinic, hospital, nursing home,
3 extended care facility, patient's home, ambulatory surgical center,
4 hospice facility or any other setting authorized by the ~~supervising~~
5 delegating physician;

6 5. "Physician assistant" means a health care professional,
7 qualified by academic and clinical education and licensed by the
8 State Board of Medical Licensure and Supervision, to practice
9 medicine with physician supervision;

10 6. "~~Supervising~~ Delegating physician" means an individual
11 holding a license in good standing as a physician from the State
12 Board of Medical Licensure and Supervision or the State Board of
13 Osteopathic Examiners, who supervises physician assistants and
14 delegates decision making pursuant to the practice agreement;

15 7. "Supervision" means overseeing or delegating the activities
16 ~~of, and accepting responsibility for,~~ the medical services rendered
17 by a physician assistant through a practice agreement between a
18 medical doctor or osteopathic physician performing procedures or
19 directly or indirectly involved with the treatment of a patient, and
20 the physician assistant working jointly toward a common goal of
21 providing services. Delegation shall be defined by the practice
22 agreement. The ~~constant~~ physical presence of the ~~supervising~~
23 delegating physician is not required as long as the ~~supervising~~
24 delegating physician and physician assistant are or can be easily in

1 contact with each other by telecommunication. At all times a
2 physician assistant shall be considered an agent of the delegating
3 physician;

4 8. "Telecommunication" means the use of electronic technologies
5 to transmit words, sounds or images for interpersonal communication,
6 clinical care (telemedicine) and review of electronic health
7 records; and

8 9. ~~"Application to practice" means a written description that~~
9 ~~defines the scope of practice and the terms of supervision of a~~
10 ~~physician assistant in a medical practice~~ "Practice agreement" means
11 a written agreement between a physician assistant and the delegating
12 physician concerning the scope of practice of the physician
13 assistant to only be determined by the delegating physician and the
14 physician assistant based on the education, training, skills and
15 experience of the physician assistant. The agreement shall involve
16 the joint formulation, discussion and agreement on the methods of
17 supervision and collaboration for diagnosis, consultation and
18 treatment of medical conditions.

19 SECTION 2. AMENDATORY 59 O.S. 2011, Section 519.6, as
20 amended by Section 3, Chapter 163, O.S.L. 2015 (59 O.S. Supp. 2019,
21 Section 519.6), is amended to read as follows:

22 Section 519.6 A. No health care services may be performed by a
23 physician assistant unless a current ~~application to practice,~~
24 ~~jointly filed by the supervising physician and physician assistant,~~

1 license is on file with and approved by the State Board of Medical
2 Licensure and Supervision. ~~The application shall include a~~
3 ~~description of the physician's practice, methods of supervising and~~
4 ~~utilizing the physician assistant, and names of alternate~~
5 ~~supervising physicians who will supervise the physician assistant in~~
6 ~~the absence of the primary supervising physician~~ All practice
7 agreements and any amendments shall be filed with the State Board of
8 Medical Licensure and Supervision within ten (10) business days of
9 being executed. Practice agreements may be filed electronically.
10 The State Board of Medical Licensure and Supervision shall not
11 charge a fee for filing or amendments of practice agreements.

12 B. A physician assistant may have practice agreements with
13 multiple allopathic or osteopathic physicians. Each physician shall
14 be in good standing with the State Board of Medical Licensure and
15 Supervision or the State Board of Osteopathic Examiners.

16 C. The ~~supervising~~ delegating physician need not be physically
17 present nor be specifically consulted before each delegated patient
18 care service is performed by a physician assistant, so long as the
19 ~~supervising~~ delegating physician and physician assistant are or can
20 be easily in contact with one another by means of telecommunication.
21 In all patient care settings, the ~~supervising~~ delegating physician
22 shall provide appropriate methods of ~~supervising the~~ participating
23 in health care services provided by the physician assistant
24 including:

- 1 a. being responsible for the formulation or approval of
2 all orders and protocols, whether standing orders,
3 direct orders or any other orders or protocols, which
4 direct the delivery of health care services provided
5 by a physician assistant, and periodically reviewing
6 such orders and protocols,
- 7 b. regularly reviewing the health care services provided
8 by the physician assistant and any problems or
9 complications encountered,
- 10 c. being available physically or through telemedicine or
11 direct telecommunications for consultation, assistance
12 with medical emergencies or patient referral,
- 13 d. reviewing a sample of outpatient medical records.
14 Such reviews shall take place at ~~the practice~~ a site
15 ~~as determined by the supervising~~ agreed upon between
16 the delegating physician and ~~with approval of the~~
17 ~~State Board of Medical Licensure and Supervision~~
18 physician assistant in the practice agreement which
19 may also occur using electronic or virtual
20 conferencing, and
- 21 e. that it remains clear that the physician assistant is
22 an agent of the ~~supervising~~ delegating physician; but,
23 in no event shall the ~~supervising~~ delegating physician
24 be an employee of the physician assistant.

1 ~~C.~~ D. In patients with newly diagnosed complex illnesses, the
2 physician assistant shall contact the ~~supervising~~ delegating
3 physician within forty-eight (48) hours of the physician assistant's
4 initial examination or treatment and schedule the patient for
5 appropriate evaluation by the ~~supervising~~ delegating physician as
6 directed by the physician. The ~~supervising~~ delegating physician
7 shall determine which conditions qualify as complex illnesses based
8 on the clinical setting and the skill and experience of the
9 physician assistant.

10 ~~D.~~ E. 1. A physician assistant under the direction of a
11 ~~supervising~~ delegating physician may prescribe written and oral
12 prescriptions and orders. The physician assistant may prescribe
13 drugs, including controlled medications in Schedules II through V
14 pursuant to Section 2-312 of Title 63 of the Oklahoma Statutes, and
15 medical supplies and services as delegated by the ~~supervising~~
16 delegating physician and as approved by the State Board of Medical
17 Licensure and Supervision after consultation with the State Board of
18 Pharmacy on the Physician Assistant Drug Formulary.

19 2. A physician assistant may write an order for a Schedule II
20 drug for immediate or ongoing administration on site. Prescriptions
21 and orders for Schedule II drugs written by a physician assistant
22 must be included on a written protocol determined by the ~~supervising~~
23 delegating physician and approved by the medical staff committee of
24 the facility or by direct verbal order of the ~~supervising~~ delegating

1 physician. Physician assistants may not dispense drugs, but may
2 request, receive, and sign for professional samples and may
3 distribute professional samples to patients.

4 ~~E.~~ F. A physician assistant may perform health care services in
5 patient care settings as authorized by the ~~supervising~~ delegating
6 physician.

7 ~~F.~~ G. Each physician assistant licensed under the Physician
8 Assistant Act shall keep his or her license available for inspection
9 at the primary place of business and shall, when engaged in
10 professional activities, identify himself or herself as a physician
11 assistant.

12 H. A physician assistant shall be bound by the provisions
13 contained in Sections 725.1 through 725.5 of Title 59 of the
14 Oklahoma Statutes.

15 SECTION 3. AMENDATORY 59 O.S. 2011, Section 519.7, is
16 amended to read as follows:

17 Section 519.7 A. The Secretary of the State Board of Medical
18 Licensure and Supervision is authorized to grant temporary approval
19 of a license ~~and application to practice~~ to any ~~physician and~~
20 physician assistant who ~~have jointly~~ has filed a license ~~and~~
21 ~~application to practice~~ which meets the requirements set forth by
22 the Board. Such temporary licensure approval ~~to practice~~ shall be
23 reviewed at the next regularly scheduled meeting of the Board. The
24 temporary approval may be approved, extended or rejected by the

1 Board. If rejected, the temporary approval shall expire
2 immediately.

3 B. The State Board of Medical Licensure and Supervision shall
4 collect the following data and publish a report compiling such data
5 on an annual basis:

6 1. Whether the physician assistant practices at the same
7 location as the delegating physician;

8 2. The type of facility in which the physician assistant
9 practices;

10 3. Number of physicians the physician assistant has a practice
11 agreement with;

12 4. Number of physician assistants physicians have a practice
13 agreement with;

14 5. Number of years a physician assistant has been practicing;
15 and

16 6. Number of licensed physician assistants in Oklahoma.

17 SECTION 4. AMENDATORY 59 O.S. 2011, Section 519.8, as
18 amended by Section 7, Chapter 428, O.S.L. 2019 (59 O.S. Supp. 2019,
19 Section 519.8), is amended to read as follows:

20 Section 519.8 A. Licenses issued to physician assistants shall
21 be renewed annually on a date determined by the State Board of
22 Medical Licensure and Supervision. Each application for renewal
23 shall document that the physician assistant has earned at least
24 twenty (20) hours of continuing medical education during the

1 preceding calendar year. Such continuing medical education shall
2 include not less than one (1) hour of education in pain management
3 or one (1) hour of education in opioid use or addiction.

4 B. The Board shall promulgate, in the manner established by its
5 rules, fees for the following:

- 6 1. Initial licensure;
- 7 2. License renewal;
- 8 3. Late license renewal; and
- 9 4. ~~Application to practice; and~~
- 10 5. ~~Disciplinary hearing.~~

11 SECTION 5. AMENDATORY 59 O.S. 2011, Section 519.11, as
12 amended by Section 5, Chapter 163, O.S.L. 2015 (59 O.S. Supp. 2019,
13 Section 519.11), is amended to read as follows:

14 Section 519.11. A. Nothing in the Physician Assistant Act
15 shall be construed to prevent or restrict the practice, services or
16 activities of any persons of other licensed professions or personnel
17 supervised by licensed professions in this state from performing
18 work incidental to the practice of their profession or occupation,
19 if that person does not represent himself as a physician assistant.

20 B. Nothing stated in the Physician Assistant Act shall prevent
21 any hospital from requiring the physician assistant ~~and/or the~~
22 ~~supervising~~ or the delegating physician to meet and maintain certain
23 staff appointment and ~~eredentialling~~ credentialing qualifications
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1 for the privilege of practicing as, or utilizing, a physician
2 assistant in the hospital.

3 C. Nothing in the Physician Assistant Act shall be construed to
4 permit a physician assistant to practice medicine or prescribe drugs
5 and medical supplies in this state except when such actions are
6 performed under the supervision and at the direction of a physician
7 or physicians approved by the State Board of Medical Licensure and
8 Supervision.

9 D. Nothing herein shall be construed to require licensure under
10 ~~this act~~ the Physician Assistant Act of a physician assistant
11 student enrolled in a physician assistant educational program
12 accredited by the Accreditation Review Commission on Education for
13 the Physician Assistant.

14 E. Notwithstanding any other provision of law, no one who is
15 not a physician licensed to practice medicine in ~~the state of~~
16 ~~Oklahoma~~ this state may perform acts restricted to such physicians
17 pursuant to the provisions of Section 1-731 of Title 63 of the
18 Oklahoma Statutes. This paragraph is inseverable.

19 SECTION 6. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 521.1 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 Notwithstanding any other provision of law or regulation, a
23 physician assistant shall be considered to be a primary care
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1 provider when the physician assistant is practicing in the medical
2 specialties required for a physician to be a primary care provider.

3 SECTION 7. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 521.2 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Payment for services within the physician assistant's scope
7 of practice by a health insurance plan shall be made when ordered or
8 performed by the physician assistant, if the same service would have
9 been covered if ordered or performed by a physician. A physician
10 assistant shall be authorized to bill for and receive direct payment
11 for the medically necessary services the physician assistant
12 delivers.

13 B. To ensure accountability and transparency for patients,
14 payers and the health care system, an in-network physician assistant
15 shall be identified as the rendering professional in the billing and
16 claims process when the physician assistant delivers medical or
17 surgical services to patients.

18 C. No insurance company or third-party payer shall impose a
19 practice, education, or collaboration requirement that is
20 inconsistent with or more restrictive than existing physician
21 assistant state laws or regulations.

22 SECTION 8. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 521.3 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

1 A. A physician assistant licensed in this state or licensed or
2 authorized to practice in any other U.S. jurisdiction or who is
3 credentialed as a physician assistant by a federal employer who is
4 responding to a need for medical care created by an emergency or a
5 state or local disaster may render such care that the physician
6 assistant is able to provide.

7 B. A physician assistant so responding who voluntarily and
8 gratuitously, and other than in the ordinary course of employment or
9 practice, renders emergency medical assistance shall not be liable
10 for civil damages for any personal injuries that result from acts or
11 omissions which may constitute ordinary negligence. The immunity
12 granted by this section shall not apply to acts or omissions
13 constituting gross, willful or wanton negligence.

14 SECTION 9. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 521.4 of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 Nothing in the Physician Assistant Act shall be construed to
18 permit a physician assistant to:

- 19 1. Provide health care services independent of physician
20 supervision; or

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1 2. Maintain or operate an independent practice without a
2 practice agreement between a physician assistant and a delegating
3 physician.

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