

No. 2002-160

AN ACT

HB 967

Amending the act of December 20, 1985 (P.L.457, No.112), entitled "An act relating to the right to practice medicine and surgery and the right to practice medically related acts; reestablishing the State Board of Medical Education and Licensure as the State Board of Medicine and providing for its composition, powers and duties; providing for the issuance of licenses and certificates and the suspension and revocation of licenses and certificates; providing penalties; and making repeals," further providing for physician assistant licenses.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definitions of "medical training facility" and "physician assistant" in section 2 of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, are amended to read:

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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"Medical training facility." A medical college, hospital or other institution which provides courses in the art and science of medicine and surgery and related subjects for the purpose of enabling a matriculant to qualify for a license to practice medicine and surgery, graduate medical training, midwife certificate or physician assistant [certified] *license*.

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"Physician assistant." An individual who is [certified] *licensed* as a physician assistant by the board.

Section 2. Section 13.2 of the act, added December 27, 1994 (P.L.1353, No.157) is amended to read:

Section 13.2. Graduate physician assistant.

(a) Practice.—Graduates of a physician assistant program recognized by the board may register with the board and practice only under direct supervision of a physician until [certified] *licensed* by a process recognized by the board. Practice under this section shall be limited to the period between graduation and receipt of the results of the first examination after graduation offered by an examination agency in accordance with section 24. If the person applying for [certification] *licensure* fails the examination, the authority to practice under this section shall expire.

(b) Use of title.—The title "graduate physician assistant" or the abbreviation "GPA" shall be used until [certification] *licensure* is obtained.

(c) **Drugs.**—A graduate physician assistant shall not be permitted to prescribe or dispense drugs at the direction of a physician until [certification] *licensure* has been completed.

Section 3. Sections 22 and 36 of the act are amended to read:

Section 22. Licenses and certificates; general qualification.

(a) **Types of licenses and certificates.**—The board may grant the following licenses and certificates:

- (1) License without restriction.
- (2) Interim limited license.
- (3) Graduate license.
- (4) Institutional license.
- (5) Temporary license.
- (6) Extraterritorial license.
- (7) Midwife license.
- (8) Physician assistant [certificate] *license*.

(b) **Qualifications.**—The board shall not issue a license or certificate to an applicant unless the applicant establishes with evidence, verified by an affidavit or affirmation of the applicant, that the applicant is of legal age, is of good moral character and is not addicted to the intemperate use of alcohol or the habitual use of narcotics or other habit-forming drugs and that the applicant has completed the educational requirements prescribed by the board and otherwise satisfies the qualifications for the license or certificate contained in or authorized by this act. The board shall not issue a license or certificate to an applicant who has been convicted of a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or of an offense under the laws of another jurisdiction which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act, unless:

- (1) at least ten years have elapsed from the date of conviction;
- (2) the applicant satisfactorily demonstrates to the board that he has made significant progress in personal rehabilitation since the conviction such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of his patients or the public or a substantial risk of further criminal violations; and
- (3) the applicant otherwise satisfies the qualifications contained in or authorized by this act.

As used in this section the term “convicted” shall include a judgment, an admission of guilt or a plea of *nolo contendere*.

(c) **Refusal.**—The board may refuse to issue a license or certificate to an applicant based upon a ground for such action contained in section 41.

(d) **Limitation.**—The board shall not refuse to issue a license or certificate to an applicant unless the applicant has been afforded the procedural protections required by this act.

Section 36. Physician assistant [certificate] *license*.

(a) General rule.—A physician assistant [certificate] *license* empowers the holder to assist a medical doctor in the provision of medical care and services under the supervision and direction of that medical doctor as provided in this act.

(b) Requirements.—No physician assistant [certificate] *license* may be issued to the applicant unless the requirements set forth by this act and such rules and regulations issued by the board are met, including requirements for the physician assistant [certificate of] training and educational programs which shall be formulated by the board in accordance with such national criteria as are established by national organizations or societies as the board may accept.

(c) Criteria.—The board shall grant physician assistant [certificates] *licenses* to applicants who have fulfilled the following criteria:

(1) Satisfactory performance on the proficiency examination to the extent that a proficiency examination exists.

(2) Satisfactory completion of a certified program for the training and education of physician assistants.

(3) *For candidates for initial licensure after January 1, 2004, obtainment of a baccalaureate or higher degree from a college or university and completion of not less than 60 clock hours of didactic instruction in pharmacology or other related courses as the board may approve by regulation.*

(d) Biennial renewal.—A physician assistant [certificate] *license* shall be subject to biennial renewal by the board.

(e) Description of manner of assistance.—The application shall include a written request from the applicant's supervising medical doctor who shall file with the board a description of the manner in which the physician assistant will assist the supervising medical doctor, which description shall be subject to the approval of the board.

Section 4. This act shall take effect in 60 days.

APPROVED—The 9th day of December, A.D. 2002.

MARK S. SCHWEIKER