

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB250**

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**Hearing Date:** Thursday January 29, 2009  
**Committee On:** Health and Human Services  
**Introducer:** Gloor  
**One Liner:** Change physician assistant provisions

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 7                      Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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| <b>Proponents:</b><br>Sen. Gloor<br>Bonnie Shearer<br>Richard Blatny<br>Jodene Schmidt<br><br>Bruce Rieker | <b>Representing:</b><br>Introducer<br>Nebraska Academy of Physician Assistants<br>Nebraska Medical Association<br>Alegent Health Schuyler Memorial Hospital, Alegent<br>Health Clinic of Schuyler, Clarkson, and Howells<br>Nebraska Hospital Association |
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| <b>Opponents:</b> | <b>Representing:</b> |
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| <b>Neutral:</b> | <b>Representing:</b> |
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**Summary of purpose and/or changes:**

LB 250 changes and eliminates provisions of the Medicine and Surgery Practice Act (section 38-2001 to 38-2061) relating to physician assistants.

**Definitions**

The bill changes and eliminates definitions. The bill amends the definition of "approved program" to mean an educational program for physician assistants that is "approved by the Commission on Accreditation of Allied Health Education Program or its predecessor or successor agency."

In the definition of "physician assistant," the bill requires the Board of Medicine and Surgery (board), with the concurrence of the Department of Health and Human Services (department), to approve physician assistants to perform medical services under the supervision of a physician or group of physicians. Current law requires approval by the department with the recommendation of the board.

The bill changes the definition of "proficiency examination" to mean the "Physician Assistant National Certifying Examination" administered by the National Commission on Certification of Physician Assistants, and deletes language permitting the board to recognize examinations by other national organizations.

The bill eliminates a reference to "backup physician" in the definition of "supervising physician." The bill outright repeals the definition of "backup physician" (section 38-2009).

The bill deletes language in the definition of "supervision" relating to the availability of a supervising physician by telecommunication and allowing for levels of supervision to vary by geographic location.

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## Disciplinary Action

The bill makes the license to practice as a physician assistant subject to disciplinary action for failure to comply with sections 71-603.01, 71-604, 71-605, or 71-606 relating to the signing of birth and death certificates. The bill permits a physician assistant to pronounce death and to "authenticate with his or her signature any form that may be authenticated by a physician's signature."

## Scope of Practice

The bill changes and eliminates scope of practice provisions for physician assistants. The bill deletes existing scope of practice language and adds new language. A physician assistant "may perform those duties and responsibilities that are delegated by the supervising physician. A physician assistant shall be considered an agent of his or her supervising physician in the performance of all practice-related activities delegated by the supervising physician, including, but not limited to, ordering diagnostic, therapeutic, and other medical services."

The bill removes language relating to approval of supervising physicians by the department with the recommendation of the board.

The bill provides that "each team of supervising physician or physicians and physician assistant or physician assistants shall be responsible to ensure that the scope of practice of each physician assistant is identified, that the delegation of medical tasks is appropriate to the level of competence of each physician assistant, that the relationship of and access to the supervising physician is defined, and that a process for evaluation of the performance of the physician assistant is established."

The bill provides that "a physician assistant may provide any medical service which is delegated by the supervising physician when the service is within the skills of the physician assistant, forms a component of the physician's scope of practice, and is provided with supervision."

The bill permits a physician assistance to pronounce death and to "authenticate with his or her signature any form that may be authenticated by a physician's signature."

## Licensure

The bill changes and eliminates physician assistant licensure provisions. The bill requires approval of the board for licensure, instead of recommendation by the board. The bill changes provisions relating to temporary licenses. The bill deletes language permitting the board to recognize groups of specialty classifications for training physician assistants.

## Supervision

The bill changes and eliminates provisions relating to the supervision of physician assistants. The bill adds new requirements for supervising physicians. A supervising physician must (1) be licensed to practice medicine and surgery under the Uniform Credentialing Act; (2) be free from any restriction on his or her ability to supervise a physician assistant which has been imposed as disciplinary action by the board; and (3) maintain an agreement with the physician assistant that meets requirements as prescribed.

Supervision of a physician assistant must be continuous but will not require the physical presence of the supervising physician at the time and place that the services are rendered. A supervising physician is prohibited from supervising more than four physician assistants at any one time. The board may waive the requirement if it determines there will be appropriate supervision in the clinical setting described by the supervising physician in the waiver application.

The bill permits a physician assistant to render services in a setting geographically remote from the supervising physician, except that a physician assistant with less than two years of experience must comply with standards of supervision set by rules and regulations under the Medicine and Surgery Practice Act. The board may consider applications for waiver of the standards and may waive the standards upon a showing of good cause by the supervising physician.

In a hospital setting, the supervising physician must be a member of the medical staff of the hospital, the physician assistant must be approved by the governing board of the hospital, and the physician assistant must comply with applicable hospital policies

## Prescribing Authority

The bill deletes language requiring the signature of the supervising physician on the prescription and prescription label of drugs and devices prescribed by a physician assistant.

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**Explanation of amendments:**

The committee amendment (AM 250) replaces the bill as introduced, and makes the following changes to the bill:

1. Makes various technical and clarifying changes.
2. Provides limitations on the ability of a physician assistant to authenticate with his or her signature any form that may be authenticated by a physician's signature. Such authentication must be within the scope of the physician assistant, delegated by his or her supervising physician, and not otherwise prohibited by law.
3. Permits the Department of Health and Human Services (department) to adopt and promulgate rules and regulations relating to standards of supervision that will apply to physician assistants with less than two years experience and minimum requirements for the waiver of such standards.
4. Permits the department to adopt and promulgate rules and regulations to establish minimum requirements for a waiver of limits on the maximum number of physician assistants who may be supervised at any one time by a single physician.
5. Clarifies that prescriptions and prescription container labels must contain the name of both the physician and the physician assistant if the name of the physician is required for purposes of reimbursement.
6. Permits physician assistants to sign birth certificates.
7. Outright repeals section 38-2051.

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Tim Gay, Chairperson