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Louisiana

State Board of Medical Examiners

Louisiana State Board of Medical Examiners Provides Clarification to Comments Concerning Regulations for Physician Assistants

(JULY 21, 2014) - While Louisiana law and the rules adopted by the Louisiana State Board of Medical Examiners (the "Board") governing physician assistants ("PAs") are somewhat technical, all of its licensees are expected to be conversant with the particular rules regulating their profession. For this reason, when comments concerning the effect of the law or the Board's rules are misleading or incomplete, there is sometimes a need to address the inaccuracies in order to provide clarity to the situation, said Mark Dawson, M.D., current President of the Board and a physician who practices family medicine in Rayne, Louisiana.

The clarifications were made by Dr. Dawson in response to an article that appeared in the *Healthcare Journal of New Orleans*' June 2014 edition, "Frustrated Dream or Possible Reality?," which discusses the most recent effort of the Louisiana Academy of Physician Assistants ("LAPA") to seek rule changes and get restrictions lifted on their scope of practice.

The article claimed or intimated that, among other matters, the Board's rules limit PA scope of practice to *direct supervision* by supervising physicians ("SPs"). "This is not so," said Dr. Dawson. Direct supervision, as customarily understood, "means the physician is in the facility and immediately available throughout the service to render assistance," he said.

Louisiana law provides that "supervision of a physician assistant shall be continuous but shall not be construed as *necessarily requiring* the physical presence of the supervising physician at the time and place that the services are rendered." La. R.S. 37:1360.28A; 37:1360.22(8.) Consistent with the law, Dr. Dawson noted that "the Board's rules provide that PAs may practice under *general supervision*, provided the PA and SP have the capacity to contact one another by telephone or another telecommunications device and the PA practices in accord with clinical practice guidelines or protocols set forth by the SP."

Another comment in the publication claimed that in the VA system PAs can order tests and write

prescriptions. “The remarks left the reader with the distinct impression that PAs cannot do these things in Louisiana, which is also incorrect,” said Dr. Dawson. The law and Board regulations authorize PAs to order tests and write prescriptions to the extent delegated by a SP.

Finally, it was asserted that Board’s rules burden SPs by: (i) not allowing a SP to supervise more than *2 PAs at a time*; and (ii) requiring the SP to countersign every progress note a PA makes in a patient’s chart *within 24 hrs*. These comments are misleading. Both the law and the Board’s rules take into consideration physician limitations by providing that while a SP may supervise any number of PAs, he or she may not serve as *primary SP* for more than 2 PAs *or* supervise more than 4 PAs (not 2 as claimed) *simultaneously at the same time*.

Further, “While there is a 24-hour co-signature requirement, it only applies to chart entries of patients seen in an in-patient setting (*e.g.*, in a hospital),” said Dr. Dawson. In a nursing home and all other sub-acute settings the co-signature requirement is 48 hours and in all other settings it’s 72 hours. Dr. Dawson noted that “the Board is currently reviewing the co-signature requirement with an eye towards whether or not any revision of the rules is in order.”

The Board is a professional licensing and regulatory agency of the state of Louisiana, constituted under the Louisiana Medical Practice Act. The Board functions within the Department of Health and Hospitals and is charged with protecting the health, welfare and safety of Louisiana citizens against the “unprofessional, improper, unauthorized and unqualified practice of medicine by ensuring that those who engage in the practice of medicine are competent to do so. In addition to medicine, the Board is charged with license and regulatory jurisdiction over thirteen (13) categories of allied health care professions. As a result, more than 31,000 physicians and allied health care professionals are currently licensed, registered or certified by the Board to practice in this State.

As to all professions which the Board oversees, its principal functions and duties are primarily the same: (i) initial validation of competence by licensing, registration or certification; (ii) the prescription of substantive regulations for practice by administrative rulemaking; and (iii) enforcement of its regulations and the provisions of the various practice acts (laws) which it administers by administrative adjudication in individual cases toward the revocation, suspension or imposition of probationary terms, conditions or restrictions on an individual’s license. The Board is also authorized to bring an action for injunction to prevent unlicensed individuals from practicing a health care profession that it regulates. Finally, the Board serves in an advisory capacity to the public and the state on matters within its jurisdiction.

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