

Louisiana State Board of Medical Examiners

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May 3, 2017

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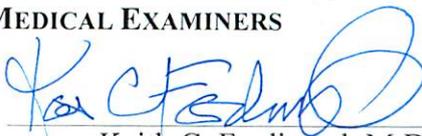
Re: Final Report; Physician Assistant
Licensure, Certification, and Practice –
(LAC 46:XLV Chapters 15 and 45)

Dear Sirs:

Pursuant to La. Rev. Stat. §49:968(D), the Louisiana State Board of Medical Examiners respectfully submits the enclosed report on the final adoption of the captioned rule amendments. Notice was previously published in the March 2017 edition of the *Louisiana Register*, Vol. 43, No. 3, pp. 595-601. The Board plans to adopt the rules by and upon publication in the June 20, 2017, edition of the *Louisiana Register*.

Very truly yours,

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

By: 

Keith C. Ferdinand, M.D.
Interim Executive Director

Enclosure

**FINAL REPORT: PROPOSED ADMENDMENT OF
ADMINISTRATIVE RULES GOVERNING
PHYSICIAN ASSISTANT LICENSURE, CERTIFICATION,
AND PRACTICE**

(La. Rev. Stat. § 49:968(D))

By The

**LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

Submitted To The

**COMMITTEE ON HEALTH AND WELFARE,
LOUISIANA SENATE,**

**COMMITTEE ON HEALTH AND WELFARE,
LOUISIANA HOUSE OF REPRESENTATIVES,**

PRESIDENT OF THE SENATE

And

SPEAKER OF THE HOUSE OF REPRESENTATIVES

May 3, 2017

**FINAL REPORT: PROPOSED AMENDMENT OF
ADMINISTRATIVE RULES GOVERNING,
PHYSICIAN ASSISTANT LICENSURE, CERTIFICATION,
AND PRACTICE**

May 3, 2017

(La. Rev. Stat. § 49:968(D))

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This Report is respectfully submitted by the Louisiana State Board of Medical Examiners (the “Board”), within the Department of Health and Hospitals, pursuant to La. Rev. Stat. §49:968(D).

By Notice of Intent published in the March 20, 2017, edition of the *Louisiana Register*, Vol. 43, No. 3, pp. 595-601, the Board proposed to amend its administrative rules governing physician assistant licensure, certification, and practice, LAC Title 46:XLV Chapters 15 and 45. The proposed amendments accommodate changes to the law brought about by Act 453 of the 2016 Regular Session of the Louisiana Legislature, amending the PA Practice Act, La. Rev. Stat. §37:1360.21 *et seq.*, and update the rules generally. Among other items, the proposed amendments: revise various definitions *e.g.*, “Controlled Substance” to include Schedule II drugs, and “Supervision” to clarify that the level and method of PA supervision shall be at the physician and PA level; clarify exemptions; update licensure requirements; remove the requirement that a physician hold an unrestricted license to serve as a supervising physician (SP); make various technical changes and repeal a section that is no longer applicable; reduce the period of clinical practice after graduation from a PA program from one year to six months for registration of controlled dangerous substance (CDS) authority with the Board, and remove certain impediments to PA CDS registration *e.g.*, prior action against hospital privileges and prior exam failure; remove a prohibition against a SP in a medical residency or post-graduate training from delegating prescriptive authority to a PA; and clarify that continuing education requirements are the same as needed for maintenance of certification by the National Commission on Certificate of Physician Assistants. The amendments also conform the rules to Act 453 with respect to: the services performed by PAs, the prescription, ordering and administration of CDS; and the number of PAs for whom a physician may serve as primary SP. The proposed changes also update the mutual obligations of the SP and PA and provide that performance plan requirements shall be considered satisfied if the PA’s practice site requires chart review as part of its Joint Commission Ongoing Professional Practice Evaluation process for PAs.

**FINAL REPORT: PROPOSED AMENDMENT OF
ADMINISTRATIVE RULES GOVERNING,
PHYSICIAN ASSISTANT LICENSURE, CERTIFICATION,
AND PRACTICE**

May 3, 2017

(La. Rev. Stat. § 49:968(D))

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Concurrently with submission of the Notice of Intent to the *Register*, in accordance with La. Rev. Stat. §40:968, the Board submitted a Report on the proposed changes to the Senate and House Committees on Health and Welfare, the President of the Senate and the Speaker of the House of Representatives.¹ Following publication of Notice of Intent the Board did not receive a request for public hearing nor did it receive any written comments on the proposed amendments from a single organization or individual during the comment period provided by La. Rev. Stat. §49:953.

This Report, submitted by the Board pursuant to and as prescribed by La. Rev. Stat. §49:968(D), includes as Appendix A, a photocopy of the Notice of Intent containing the full text of the proposed amendments that were previously published and appeared in the March 20, 2017, edition of the *Louisiana Register*, which the Board has adopted and intends to formally promulgate, in the identical form as was previously published, by and upon publication in the June 20, 2017, edition of the *Louisiana Register*.

* * *

¹*Electronic Mail*, Keith C. Ferdinand, Interim Executive Director, La. State Bd. Med. Exam., RE: Report Relative to Proposed Amendment of Administrative Rules Governing Physician Assistant Licensure, Certification, and Practice (Mar. 9, 2017).

judgment has been entered against such person by a court of competent jurisdiction on the basis of a finding or verdict of guilt or a plea of guilty or nolo contendere. Such a judgment provides cause for administrative action by the board so long as it has not been reversed by an appellate court of competent jurisdiction and notwithstanding the fact that an appeal or other application for relief from such judgment is pending.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:527 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Provider Impact Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendment to Rita Arceneaux, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana, 70130, (504) 568-6820, Ex. 242. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., April 21, 2017.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on Monday, April 24, 2017 at 10:30 a.m. at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana 70130. Any person wishing to attend should call to confirm that a hearing is being held.

Keith C. Ferdinand, M.D.
Interim Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Athletic Trainers General, Licensure and Practice

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the publication fee associated with the proposed rule changes, which are estimated to cost the LA State Board of Medical Examiners \$2,804, it is not anticipated that state or local governmental units will incur any other costs or savings as a result of promulgation of the proposed rule. The proposed rule change amends the Louisiana State Board of Medical Examiners athletic training rules to conform to Act 418 of the 2014 Regular Session of the Louisiana Legislature and to update the rules to conform to current practices. The proposed amendments implement the following: convert the authority to practice from a certification to a license; revise various definitions; update the educational requirements for licensure eligibility for consistency with the law; reduce to a simple majority e.g., 4 of the 7 members of its advisory committee necessary for a quorum; provide for licensure by reciprocity for those possessing the requirements prescribed for Louisiana applicants; repeal various provisions that are no longer applicable; update the designation of the examination entity from the National Athletic Trainers Association to the Board of Certification (BOC); simplify the seldom used provisions on temporary permits and remove the associated fee; streamline provisions relative to continuing education, and provide for BOC approved continuing education (CE) programs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This amendment removes fees associated with the issuance of temporary permits. However, it is not anticipated that removal of this fee will have an impact on revenue collections of the board, given that in recent years, no temporary permits have been issued.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule changes the CE requirement for athletic trainers from 24 hours in a 2-year period to 12 hours per year. The aggregate license cost to trainers over a 2-year period remains the same. Therefore, the proposed rule change is not anticipated to result in costs and/or economic benefits to any person or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change does not affect competition and/or employment.

Keith C. Ferdinand, M.D.
Interim Executive Director
1703#049

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Medical Examiners

Physician Assistants, Licensure
and Certification; Practice
(LAC 46:XLV Chapters 15 and 45)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State

Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270 and the Louisiana Physician Assistant Practice Act, R.S. 37:1360.21-1360.38, the board, working with its Physician Assistant (PA) Advisory Committee, intends to amend its rules governing PAs, LAC 46:XLV Chapters 15 and 45, to conform them to Act 453 of the 2016 Regular Session of the Louisiana Legislature and to update the rules generally as made necessary by the passage of time. Among other items, the proposed amendments: revise various definitions; e.g., "controlled substance" to include schedule II drugs, and "supervision" to clarify that the level and method of PA supervision shall be at the physician and PA level (§1503.A); clarify exemptions (§1505); update licensure requirements (§1507); remove the requirement that a physician hold an unrestricted license to serve as a supervising physician (SP) (§1508); make various technical changes (§§1510, 1513, 1517, 1527, 1529) and repeal a section that is no longer applicable (§1519); reduce the period of clinical practice after graduation from a PA program from one year to six months for registration of controlled dangerous substance (CDS) authority with the board and remove certain impediments to PA CDS registration; e.g., prior action against hospital privileges and prior exam failure (§1521); remove a prohibition against a SP in a medical residency or post-graduate training from delegating prescriptive authority to a PA (§1523); and clarify that continuing education requirements are the same as needed for maintenance of certification by the National Commission on Certificate of Physician Assistants (§1529). The amendments also conform the rules to Act 453 with respect to: the services performed by PAs (§4505), the prescription, ordering and administration of CDS (§4505); and the number of PAs for whom a physician may serve as primary SP (§4507). The changes also update the mutual obligations of the SP and PA (§4511) and provide that performance plan requirements shall be considered satisfied if the PA's practice site requires chart review as part of its joint commission ongoing professional practice evaluation process for PAs (§4512). The proposed amendments are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 15. Physician Assistants

§1503. Definitions

A. As used in this Chapter, the following terms shall have the meanings specified.

* * *

Controlled Substance—for purposes of this definition, any substance designated or that may hereafter be designated as a Scheduled II, III, IV, or V controlled substance in R.S. 40:964.

* * *

Physician Assistant (PA)—a health care professional qualified by academic and clinical education and licensed by the board to provide health care services at the direction and under the supervision of a physician or a group of physicians approved by the board as a supervising physician(s).

* * *

Protocol or Clinical Practice Guidelines or Clinical Practice Guidelines or Protocols—a written set of directives or instructions regarding routine medical conditions, to be followed by a physician assistant in patient care activities. If prescriptive authority has been delegated to the physician assistant by the supervising physician the clinical practice guidelines or protocols shall contain each of the components specified by §1521.A.5. The Advisory Committee shall periodically publish and disseminate to supervising physicians and all physician assistants, model forms and examples of clinical practice guidelines and protocols. The supervising physician and physician assistant shall maintain a written copy of such clinical practice guidelines and protocols, which shall be made immediately available for inspection by authorized representatives of the board.

* * *

Supervision—responsible direction and control, with the supervising physician assuming responsibility for the services rendered by a physician assistant in the course and scope of the physician assistant's employment, with respect to patients for whose care, or aspect of care, the physician is responsible. Supervision shall not be construed in every case to require the physical presence of the supervising physician. However, the supervising physician and physician assistant must have the capability to be in contact with each other by either telephone or other telecommunications device. Supervision shall exist when the supervising physician responsible for the care, or aspect of care of the patient, gives informed concurrence of the actions of the physician assistant, whether given prior to or after the action, and when a medical treatment plan or action is made in accordance with written clinical practice guidelines or protocols set forth by the supervising physician. Such guidelines or protocols shall require that the physician assistant contact the supervising physician when there is a question or uncertainty as to what should be done in a given case or when an approved protocol does not address the clinical situation presented. The level and method of supervision shall be at the physician and physician assistant level, shall be documented and reviewed annually, and shall reflect the acuity of the patient care and nature of the procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:109 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1102 (November 1991), LR 22:201 (March 1996), LR 25:27 (January 1999), LR 31:73 (January 2005), LR 34:244 (February 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:

§1505. Necessity for License; Registration of Prescriptive Authority

A.1. - A.2. ...

B. Any person who acts or undertakes to perform the functions of a physician assistant without a current physician assistant license issued under this Chapter, or prescribes medication or medical devices without or beyond registration of such authority approved by the board, shall be deemed to be engaging in the practice of medicine; provided, however, that none of the provisions of this Chapter shall apply to:

1. any physician assistant employed by the federal government while performing duties incidental to that employment;

2. ...

3. any physician assistant student enrolled in a physician assistant educational program accredited by the Accreditation Review Commission on Education for the Physician Assistant, its predecessors or successor; provided, however, that a physician assistant student shall not prescribe legend drugs or medical devices or be eligible for registration of prescriptive authority; and

4. a physician assistant administering medical services in cases of emergency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:109 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1102 (November 1991), LR 22:201 (March 1996), LR 25:28 (January 1999), LR 31:74 (January 2005), amended by the Department of Health, Board of Medical Examiners, LR 43:

§1507. Qualifications for Licensure

A. To be eligible for licensure under this Chapter, an applicant shall:

1. - 2. ...

3. demonstrate his competence to provide patient services under the supervision and direction of a supervising physician by:

a. being a graduate of a physician assistant training program accredited by the Committee on Allied Health Education and Accreditation (CAHEA), or its predecessors or successors, including but not limited to the Accreditation Review Commission on Education for the Physician Assistant, and by presenting or causing to be presented to the board satisfactory evidence that the applicant has successfully passed the national certification examination administered by the National Commission on Certificate of Physician Assistants (NCCPA) or its successors, together with satisfactory documentation of current certification; or

A.3.b. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:109 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1102 (November 1991), LR 22:201 (March 1996), LR 25:28 (January 1999), amended by the Department of Health, Board of Medical Examiners, LR 43:

§1508. Qualifications for Registration as Supervising Physician

A. To be eligible for approval and registration under this Chapter, a proposed primary supervising physician or locum tenens physician shall, as of the date of the application:

1. be licensed to practice medicine in the state of Louisiana; and

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(b)(6), 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:202 (March 1996), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 25:29 (January 1999), LR 34:244 (February 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:

§1510. Application for Registration as Supervising Physician; Procedure

A. - A.6. ...

B. A physician seeking to supervise a physician assistant may be required to appear before the board upon his notification to the board of his intention to supervise a physician assistant:

1. upon a first notification to the board of the physician's intention to supervise a physician assistant if the board finds discrepancies in the physician's application; or

B.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:202 (March 1996), amended LR 25:29 (January 1999), LR 34:245 (February 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:

§1513. Issuance of License; Registration of Prescriptive Authority; Working Permit; Updating Information

A.1. - A.2. ...

B. The board may grant a working permit (temporary license), valid and effective for one year but renewable for one additional year, to an applicant who otherwise meets the qualifications, requirements and procedures for licensure, except that the applicant has not yet taken or is awaiting the results of the national certification examination.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:110 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1103 (November 1991), LR 22:203 (March 1996), LR 25:30 (January 1999), LR 31:74 (January 2005), amended by the Department of Health, Board of Medical Examiners, LR 43:

§1517. Expiration of Licensure; Renewals; Modification; Notification of Intent to Practice

A. ...

B. Every license issued by the board under this Chapter shall be renewed annually on or before the last day of the month in which the licensee was born, by submitting to the board an application for renewal in a format approved by the board, together with:

1. satisfactory verification of current certification by the National Commission on Certificate of Physician Assistants or its successors; and

2. the applicable fee as provided in Chapter 1 of these rules.

C. A physician assistant licensed in this state, prior to initiating practice, shall submit in a format approved by the board notification of such intent to practice. Such notification may be deemed effective as of the date received by the board, subject to final approval by the board.

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281, 37:1360.23, 37:1360.24.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 4:111 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1104 (November 1991), LR 22:203 (March 1996), LR 24:1498 (August 1998), LR

25:31 (January 1999), LR 30:238 (February 2004), LR 34:245 (February 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:

§1519. Transfer of Certification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 4:111 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1104 (November 1991), LR 31:75 (January 2005), LR 34:245 (February 2008); repealed, by the Department of Health, Board of Medical Examiners, LR 43:

**§1521. Qualifications for Physician Assistant
Registration of Prescriptive Authority**

A. Legend Drugs/Medical Devices. To be eligible for registration of prescriptive authority for legend drugs or medical devices, or both, a physician assistant shall:

1. ...
2. possess a current license to practice as a physician assistant duly issued by the board;
3. ...
4. - 4.b. Repealed.
5. practice under supervision as specified in clinical practice guidelines or protocols developed by the supervising physician that shall, include a performance plan, as specified in §4512 of these rules.

B. Controlled Substances. To be eligible for prescriptive authority for controlled substances, a physician assistant shall:

1. ...
2. possess a current, unrestricted permit or license to prescribe controlled substances in Louisiana duly issued by the Board of Pharmacy or its successor, and be currently registered to prescribe controlled substances without restriction as to the schedules delegated by the supervising physician with the Drug Enforcement Administration, United States Department of Justice (DEA);
3. not be deemed ineligible for registration for any of the causes set forth in §1521.C;
4. have completed six months of practice under a supervising physician after graduation from an accredited PA education program satisfying the requirements of this Chapter; and
5. successfully complete an educational activity developed or approved by the board, respecting controlled dangerous substances.

C. - C.4. ...

C.5. - C.7. Repealed.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 1360.23(D) and (F), and 1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 31:75 (January 2005), amended LR 38:3174 (December 2012), LR 41:925 (May 2015), amended by the Department of Health, Board of Medical Examiners, LR 43:

**§1523. Qualifications of Supervising Physician for
Registration of Delegation of Prescriptive
Authority**

A. Legend Drugs and Medical Devices. To be eligible for approval of registration to delegate authority to prescribe legend drugs or medical devices, or both, to a physician assistant a supervising physician shall:

1. ...
2. Repealed.
3. - 4. ...

B. Controlled Substances. To be eligible for approval of registration to delegate authority to prescribe controlled substances to a physician assistant a supervising physician shall:

1. satisfy the requirements of §1523.A; and
2. possess a current, unrestricted permit or license to prescribe controlled substances duly issued by the Office of Narcotics and Dangerous Drugs, Department of Health and Hospitals, State of Louisiana, and be currently registered to prescribe controlled substances, without restriction, with the Drug Enforcement Administration, United States Department of Justice (DEA);

C. A physician shall be deemed ineligible for registration to delegate authority to prescribe controlled substances to a physician assistant for any of the causes enumerated by R.S. 37:1285(A), or violation of any other provision of the Louisiana Medical Practice Act, R.S. 37:1261 et seq., or the board's rules.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 31:76 (January 2005), amended by the Department of Health, Board of Medical Examiners, LR 43:

**§1527. Supervising Physician Application for
Registration of Delegation of Prescriptive
Authority; Procedure**

A. Physician application for approval and registration of delegation of prescriptive authority to a physician assistant shall be made upon forms supplied by the board and shall include:

1. ...
2. confirmation that the physician has delegated prescriptive authority to the physician assistant and the nature, extent, and limits thereof as documented in clinical practice guidelines;
3. a description of the manner and circumstances in which the physician assistant has been authorized to utilize prescriptive authority and the geographical location(s) where such activities will be carried out as documented in clinical practice guidelines;

A.4. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 31:77 (January 2005), amended by the Department of Health, Board of Medical Examiners, LR 43:

§1529. Expiration of Registration of Prescriptive Authority; Renewal; Continuing Education

A. - B. ...

C. The PA, together with the SP, shall annually verify the accuracy of registration information on file with the board, and confirm compliance with the continuing education requirements prescribed by this Section.

D. Continuing Education. Every physician assistant seeking renewal of registration of prescriptive authority shall obtain such continuing education as is required to maintain current NCCPA certification.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 31:77 (January 2005), amended by the Department of Health, Board of Medical Examiners, LR 43:

Subpart 3. Practice

Chapter 45. Physician Assistants

§4505. Services Performed by Physician Assistants

A. The practice of a physician assistant shall include the performance of medical services that are delegated by the supervising physician and are within the scope of the physician assistant's education, training, and licensure. A physician assistant is considered to be and is deemed the agent of his supervising physician in the performance of all practice-related activities, including but not limited to assisting in surgery and ordering and interpretation of diagnostic and other medical services with appropriate supervision provided. The level and method of supervision shall be at the supervising physician and physician assistant level, shall be documented in clinical practice guidelines, reviewed annually and shall reflect the acuity of patient care and the nature of a procedure.

B. In accordance with a written clinical practice guideline or protocol medical services rendered by a physician assistant may include: screening patients to determine need for medical attention; eliciting patient histories; reviewing patient records to determine health status; performing physical examinations; recording pertinent patient data; performing developmental screening examinations on children; making preliminary decisions regarding data gathering and appropriate management and treatment of patients being seen for initial evaluation of a problem or follow-up evaluation of a previously diagnosed and stabilized condition; making appropriate referrals; preparing patient summaries; requesting initial laboratory studies; collecting specimens for blood, urine and stool analyses; performing urine analyses, blood counts and other laboratory procedures; identifying normal and abnormal findings on history, physical examinations and laboratory studies; initiating appropriate evaluation and emergency management for emergency situations such as cardiac arrest, respiratory distress, burns and hemorrhage; performing clinical procedures such as venipuncture, intradermal testing, electrocardiography, care and suturing of wounds and lacerations, casting and splinting, control of external hemorrhage, application of dressings and bandages, administration of medications, intravenous fluids, and transfusion of blood or blood components, removal of superficial foreign bodies, cardio-pulmonary resuscitation, audiometry screening, visual screening, aseptic and isolation

techniques; providing counseling and instruction regarding common patient problems; monitoring the effectiveness of therapeutic intervention; assisting in surgery; signing for receipt of medical supplies or devices that are delivered to the supervising physician or supervising physician group; and, to the extent delegated by the supervising physician, prescribing legend drugs and controlled substances listed in R.S. 40:964 as schedule II, III, IV and V substances and prescribing medical devices. A physician assistant may inject local anesthetic agents subcutaneously, including digital blocks or apply topical anesthetic agents when delegated to so by a supervising physician. This list is illustrative only, and does not constitute the limits or parameters of the physician assistant's practice.

C. A physician assistant may prescribe, order and administer drugs to the extent delegated by the SP, except as provided pursuant to R.S. 37:930 relative to anesthetics. Drugs which may be prescribed, ordered, and administered by a PA are those listed in schedules II, III, IV and V of R.S. 40:964 and legend drugs.

D. The activities listed in this Section may be performed in any setting authorized by the supervising physician including but not limited to clinics, hospitals, ambulatory surgical centers, patient homes, nursing homes, other institutional settings, and health manpower shortage areas.

E. A physician assistant shall not:

1. - 2 ...

3. except to the extent delegated by a supervising physician, issue prescriptions for any medication;

4. - 4.b. ...

5. act as or engage in the functions of a physician assistant when the supervising physician and the physician assistant do not have the capability to be in contact with each other by telephone or other telecommunication device;

6. identify himself, hold himself out to the public, or permit any other person to identify him, as "doctor," "medical doctor," "doctor of medicine" or "physician" or render any service to a patient unless the physician assistant has clearly identified himself as a physician assistant by any method reasonably calculated to advise the patient that the physician assistant is not a physician licensed to practice medicine; or

7. administer local anesthetics perineurally, pericurally, epidurally, intrathecally, or intravenously unless such physician assistant is a certified registered nurse anesthetist and meets the requirements in R.S. 37:930.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), and 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 4:111 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1105 (November 1991), LR 22:204 (March 1996), LR 25:32 (January 1999), LR 31:78 (January 2005), LR 41:925 (May 2015), amended by the Department of Health, Board of Medical Examiners, LR 43:

§4506. Services Performed by Physician Assistants

Registered to Prescribe Medication or Medical Devices; Prescription Forms; Prohibitions

A.1. A physician assistant who is registered with the board pursuant to §§1521 and 1525 of these rules to prescribe medication and/or medical devices may, to the extent delegated by a supervising physician:

A.1.a. - B.5. ...

C. A physician assistant who has been delegated prescriptive authority shall not:

1. - 4. ...

5. issue a prescription or order for any Schedule I controlled substance contained or hereinafter included in R.S. 40:964; or

6. ...

D. A PA who has been delegated controlled substance prescriptive authority shall enroll in and periodically accesses the Prescription Monitoring Program (PMP) established by R.S. 40:1001 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), and 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 31:79 (January 2005), amended LR 41:925 (May 2015), amended by the Department of Health, Board of Medical Examiners, LR 43:

§4507. Authority and Limitations of Supervising Physician

A. The supervising physician (SP) is responsible for the supervision, control, and direction of the physician assistant (PA) and retains responsibility to the patient for the competence and performance of the PA.

B. An SP may delegate medical services identified as core competencies by the National Commission on Certification of Physician Assistants or its successors ("core competencies"), under general supervision as defined in §1503.A of this Part.

C. - C.5.b. ...

D. An SP may not serve as a PSP for more than four PAs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F), R.S. 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:112 (April 1978), amended LR 17:1106 (November 1991), LR 22:205 (March 1996), LR 25:32 (January 1999), LR 34:246 (February 2008), LR 38:1233 (May 2012), amended by the Department of Health, Board of Medical Examiners, LR 43:

§4511. Mutual Obligations and Responsibilities

A. The physician assistant and supervising physician shall:

1. - 3. ...

4. insure that with respect to patient encounters, all activities, functions, services, treatment measures, medical devices or medication prescribed or delivered to the patient by the physician assistant are properly documented in written form in the patient's record by the physician assistant as evidenced by compliance with the clinical practice guidelines established by the supervising physician and physician assistant;

5. - 5.c. ...

6. maintains a written agreement in compliance with R.S. 37:1360.22(8), that includes a statement that the physician shall exercise supervision over the physician assistant in accordance with R.S. 37:1360.21 et seq.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), and 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 4:112 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1106 (November 1991), LR 22:206 (March 1996), LR 25:33 (January 1999), LR

31:79 (January 2005), LR 41:925 (May 2015), amended by the Department of Health, Board of Medical Examiners, LR 43:

§4512. Performance Plan

A. - C. ...

D. For joint commission-accredited practice sites, the performance plan requirements of §4512.A.2 and 4512.B.-C. of these rules shall be considered satisfied if the practice site requires chart review as part of its joint commission ongoing professional practice evaluation (OPPE) process for PAs. For a hospital practice site that is joint commission-accredited, but does not require chart review as part of its OPPE process, or that not is joint commission accredited, the PA and his or her SP shall be responsible for meeting the requirements of §4512.A-C of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23, and 37:1360.28.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:925 (May 2015), amended by the Department of Health, Board of Medical Examiners, LR 43:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Provider Impact Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Rita Arceneaux, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130, (504) 568-6820, Ex. 242. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., April 21, 2017.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on Monday, April 24, 2017 at 11:30 a.m. at the office of the Louisiana State Board of Medical Examiners, 630 Camp

Street, New Orleans, LA 70130. Any person wishing to attend should call to confirm that a hearing is being held.

Keith C. Ferdinand, M.D.
Interim Executive Director

employment opportunities for PAs and physicians serving as SPs.

Keith C. Ferdinand, M.D.
Interim Executive Director
1703#048

Evan Brasseaux
Staff Director
Legislative Fiscal Office

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Physician Assistants,
Licensure and Certification; Practice**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

Other than the publication fee associated with the proposed rule changes, which are estimated to cost the LA State Board of Medical Examiners \$1,473, it is not anticipated that state or local governmental units will incur any other costs or savings as a result of promulgation of the proposed rule.

The proposed rule change amends the Louisiana State Board of Medical Examiners physician assistant's rules to conform to Act 453 of the 2016 Regular Session of the Louisiana Legislature and other technical updates. Among the changes, the proposed amendments: revise various definitions e.g., "Controlled Substance" to include Schedule II drugs, and "Supervision" to clarify that the level and method of Physician Assistants (PA) supervision shall be at the physician and PA level; clarify exemptions; update licensure requirements; remove the requirement that a physician hold an unrestricted license to serve as a supervising physician (SP); make various technical changes and repeal a section that is no longer applicable; reduce the period of clinical practice after graduation from a PA program from one year to six months for registration of controlled dangerous substance (CDS) authority with the Board and remove certain impediments to PA CDS registration e.g., prior action against hospital privileges and prior exam failure; remove a prohibition against a SP in a medical residency or post-graduate training from delegating prescriptive authority to a PA; and clarify that continuing education requirements are the same as needed for maintenance of certification by the National Commission on Certificate of Physician Assistants.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will not affect state or local governmental revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

The proposed amendments remove certain impediments to PA registration of CDS authority with the Board and reduce the period of clinical practice after graduation for such registration. The proposed amendments also remove the requirement that a physician hold an unrestricted license to serve as a SP and remove the prohibition from registering to delegate prescriptive authority while in a medical residency or post-graduate training. These changes may, in turn, increase the income of PAs and SPs impacted by these changes by an indeterminable amount. Otherwise, it is not anticipated that the proposed amendments will have any material effect on income, costs, paperwork or workload of PAs or SPs licensed to practice in this state or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

Because of the decreased restrictions, the proposed amendments may increase the number of PAs eligible for prescriptive authority; physicians eligible to serve as SPs; and SPs eligible to delegate prescriptive authority to PAs. These changes may, to an extent not quantifiable, enhance

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing
and
Office of Aging and Adult Services**

**Nursing Facilities
Preadmission Screening and Resident Review
(LAC 50:II.Chapter 5)**

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend LAC 50:II.Chapter 5 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services repealed the provisions governing admission reviews, preadmission screening and medical eligibility determination requirements and adopted revised provisions governing nursing facility admissions (*Louisiana Register*, Volume 36, Number 05). The department now proposes to amend the provisions governing admissions for nursing facilities by revising the procedures for the preadmission screening and resident review process in order to: 1) remove the requirement that the level I preadmission screening and resident review (PASRR) form be completed by a physician; 2) extend the number of days that the level II authority may make an advance group determination for individuals who require convalescent care in a nursing facility; 3) require nursing facilities to notify the level II authority if a PASRR was not completed or was completed incorrectly; and 4) clarify existing provisions.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part II. Nursing Facilities

Subpart 1. General Provisions

Chapter 5. Admissions

§503. Medical Certification

A. ...

1. The following documents are required for all nursing facility admissions:

a. a preadmission screening and resident review (level I PASRR) form completed by a qualified health care professional as defined by OAAS. The level I PASRR form addresses the specific identifiers of MI or ID that indicate that a more in-depth evaluation is needed to determine the need for specialized services. The need for this in-depth assessment does not necessarily mean that the individual cannot be admitted to a nursing facility, only that the need for other services must be determined prior to admission; and