

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred Senate Bill No. 128  
3 entitled “An act relating to physician assistant licensure” respectfully reports  
4 that it has considered the same and recommends that the House propose to the  
5 Senate that the bill be amended by striking out all after the enacting clause and  
6 inserting in lieu thereof the following:

7 Sec. 1. 26 V.S.A. chapter 31 is amended to read:

8 CHAPTER 31. PHYSICIAN ASSISTANTS

9 § 1731. POLICY AND PURPOSE

10 The General Assembly recognizes the need to provide means by which  
11 ~~physicians in this State may increase the scope and~~ physician assistants may  
12 practice medicine in collaboration with physicians and other health care  
13 professionals to provide increased efficiency of their practice in order and to  
14 ensure that ~~quality~~ high-quality medical services are available to all  
15 Vermonters at reasonable cost. The General Assembly recognizes that  
16 physician assistants, with their education, training, and experience in the field  
17 of medicine, are well suited to provide these services to Vermonters.

18 § 1732. DEFINITIONS

19 As used in this chapter:

20 (1) “Accredited physician assistant program” means a physician  
21 assistant educational program that has been accredited by the Accreditation

1 Review Commission on Education for the Physician Assistant (ARC-PA), or,  
2 prior to 2001, by either the Committee on Allied Health Education and  
3 Accreditation (CAHEA); or the Commission on Accreditation of Allied Health  
4 Education Programs (CAAHEP).

5 (2) “Board” means the State Board of Medical Practice established by  
6 chapter 23 of this title.

7 (3) ~~“Delegation agreement” means a detailed description of the duties~~  
8 ~~and scope of practice delegated by a primary supervising physician to a~~  
9 ~~physician assistant that is signed by both the physician assistant and the~~  
10 ~~supervising physicians.~~ “Collaboration” means a physician assistant’s  
11 consultation with or referral to an appropriate physician or other health care  
12 professional as indicated based on the patient’s condition; the physician  
13 assistant’s education, training, and experience; and the applicable standards of  
14 care.

15 (4) “Disciplinary action” means any action taken by the Board against a  
16 physician assistant or an applicant, or an appeal of that action, when the action  
17 suspends, revokes, limits, or conditions licensure in any way. The term  
18 includes reprimands and administrative penalties.

19 (5) “Health care facility” has the same meaning as in 18 V.S.A. § 9402.

20 (6) “Participating physician” means a physician practicing as a sole  
21 practitioner, a physician designated by a group of physicians to represent their

1 physician group, or a physician designated by a health care facility to represent  
2 that facility, who enters into a practice agreement with a physician assistant in  
3 accordance with this chapter.

4 (7) “Physician” means an individual licensed to practice medicine  
5 pursuant to chapter 23 or 33 of this title.

6 ~~(5)(8)~~ “Physician assistant” or “PA” means an individual licensed by the  
7 State of Vermont ~~who is qualified by education, training, experience, and~~  
8 ~~personal character to provide medical care with the direction and supervision~~  
9 ~~of a Vermont licensed physician to practice medicine in collaboration with one~~  
10 or more physicians pursuant to this chapter.

11 (9) “Physician group” means a medical practice involving two or more  
12 physicians.

13 ~~(6)(10)~~ “Supervising physician” means an M.D. or D.O. licensed by the  
14 state of Vermont ~~who oversees and accepts responsibility for the medical care~~  
15 ~~provided by a physician assistant~~ “Practice agreement” means an agreement  
16 that meets the requirements of section 1735a of this chapter.

17 ~~(7)(11)~~ “Supervision” means ~~the direction and review by the supervising~~  
18 ~~physician of the medical care provided by the physician assistant. The~~  
19 ~~constant physical presence of the supervising physician is not required as long~~  
20 ~~as the supervising physician and physician assistant are or easily can be in~~  
21 ~~contact with each other by telecommunication~~ “Practice as a physician

1 assistant” means the practice of medicine by a PA pursuant to a practice  
2 agreement signed by a participating physician.

3 ~~(8) “Disciplinary action” means any action taken against a physician~~  
4 ~~assistant or an applicant by the Board or on appeal therefrom, when that action~~  
5 ~~suspends, revokes, limits, or conditions licensure in any way, and includes~~  
6 ~~reprimands and administrative penalties.~~

7 § 1733. LICENSURE

8 ~~(a)~~ The State Board of Medical Practice is responsible for the licensure of  
9 physician assistants, and the Commissioner of Health shall adopt, amend, or  
10 repeal rules regarding the training, practice, qualification, and discipline of  
11 physician assistants.

12 ~~(b) In order to practice, a licensed physician assistant shall have completed~~  
13 ~~a delegation agreement as described in section 1735a of this title with a~~  
14 ~~Vermont licensed physician signed by both the physician assistant and the~~  
15 ~~supervising physician or physicians. The original shall be filed with the Board~~  
16 ~~and copies shall be kept on file at each of the physician assistant’s practice~~  
17 ~~sites. All applicants and licensees shall demonstrate that the requirements for~~  
18 ~~licensure are met.~~

19 ~~(c),(d) [Repealed.]~~

1 § 1734. ELIGIBILITY

2 (a) The Board may grant a license to practice as a physician assistant to an  
3 applicant who meets all of the following requirements:

4 (1) ~~submits~~ Submits a completed application form provided by the  
5 ~~board;~~ Board.

6 (2) ~~pays~~ Pays the required application fee;

7 (3) ~~has~~ Has graduated from an accredited physician assistant program or  
8 has passed and maintained the certification examination by the National  
9 Commission on the Certification of Physician Assistants (NCCPA) prior to  
10 1988;

11 (4) ~~has~~ Has passed the ~~certification examination given~~ Physician  
12 Assistant National Certifying Examination administered by the NCCPA;

13 (5) ~~is~~ Is mentally and physically able to engage safely in practice as a  
14 physician assistant;

15 (6) ~~does~~ Does not hold any license, certification, or registration as a  
16 physician assistant in another state or jurisdiction that is under current  
17 disciplinary action, or has been revoked, suspended, or placed on probation for  
18 cause resulting from the applicant's practice as a physician assistant, unless the  
19 Board has considered the applicant's circumstances and determines that  
20 licensure is appropriate;

21 (7) ~~is~~ Is of good moral character;

1           (8) ~~submits~~ Submits to the Board any other information that the Board  
2           deems necessary to evaluate the applicant's qualifications; ~~and.~~

3           (9) ~~has~~ Has engaged in practice as a physician assistant within the last  
4           three years or has complied with the requirements for updating knowledge and  
5           skills as defined by Board rules. This requirement shall not apply to applicants  
6           who have graduated from an accredited physician assistant program within the  
7           last three years.

8           (b), (c) [Repealed.]

9           (d) When the Board intends to deny an application for licensure, it shall  
10          send the applicant written notice of its decision by certified mail. The notice  
11          shall include a statement of the reasons for the action. Within 30 days of the  
12          date that an applicant receives such notice, the applicant may file a petition  
13          with the Board for review of its preliminary decision. At the hearing, the  
14          burden shall be on the applicant to show that licensure should be granted.  
15          After the hearing, the Board shall affirm or reverse its preliminary denial.

16          (e) Failure to maintain competence in the knowledge and skills of a  
17          physician assistant, as determined by the Board, shall be cause for revocation  
18          of licensure.

19          § 1734b. RENEWAL OF LICENSE

20          (a) Licenses shall be renewed every two years on payment of the required  
21          fee. At least one month prior to the date on which renewal is required, the

1 Board shall send to each licensee a license renewal application form and notice  
2 of the date on which the existing license will expire. On or before the renewal  
3 date, the licensee shall file an application for license renewal and pay the  
4 required fee. The Board shall register the applicant and issue the renewal  
5 license. Within one month following the date renewal is required, the Board  
6 shall pay the license renewal fees into the Medical Practice Board Special  
7 Fund. Any physician assistant while on extended active duty ~~in the uniformed~~  
8 ~~services of the United States or member of the National Guard, State Guard, or~~  
9 ~~reserve component~~ as a member of the U.S. Armed Forces, a reserve  
10 component of the U.S. Armed Forces, the National Guard, or the State Guard  
11 who is licensed as a physician assistant at the time of an activation or  
12 deployment shall receive an extension of licensure up to 90 days following the  
13 physician assistant's return from activation or deployment, provided the  
14 physician assistant notifies the Board of ~~his or her~~ the activation or deployment  
15 prior to the expiration of the current license, and certifies that the  
16 circumstances of the activation or deployment impede good faith efforts to  
17 make timely application for renewal of the license.

18 (b) A licensee shall demonstrate that the requirements for licensure are met.

19 (c) A licensee for renewal of an active license to practice shall have  
20 practiced as a physician assistant within the last three years or have complied

1 with the requirements for updating knowledge and skills as defined by Board  
2 rules.

3 (d) A licensee shall promptly provide the Board with new or changed  
4 information pertinent to the information in ~~his or her~~ the physician assistant's  
5 license and license renewal applications at the time ~~he or she~~ the licensee  
6 becomes aware of the new or changed information.

7 (e) A license that has lapsed may be reinstated on payment of a renewal fee  
8 and a late renewal fee. The applicant shall not be required to pay renewal fees  
9 during periods when the license was lapsed. However, if a license remains  
10 lapsed for a period of three years, the Board may require the licensee to update  
11 ~~his or her~~ the licensee's knowledge and skills as defined by Board rules.

12 § 1734c. EXEMPTIONS

13 (a) Nothing in this chapter shall be construed to require licensure under this  
14 chapter of any of the following:

15 (1) ~~a physician~~ Physician assistant ~~student~~ students enrolled in a  
16 physician assistant educational program accredited by the Accreditation  
17 Review Commission on Education for the Physician Assistant;

18 (2) ~~a physician assistant~~ Physician assistants employed in the service of  
19 the U.S. Armed Forces or National Guard, including National Guard in state  
20 status, while performing duties incident to that employment;

1           (3) ~~a technician~~ Technicians or other ~~assistant or employee~~ assistants or  
2 employees of a physician who ~~performs~~ perform physician-delegated tasks but  
3 who ~~is~~ are not rendering services as a physician ~~assistant~~ assistants or  
4 identifying ~~himself or herself~~ themselves as a physician ~~assistant~~; or assistants.

5           (4) ~~a physician assistant~~ Physician assistants who ~~is~~ are duly licensed  
6 and in good standing in another state, territory, or jurisdiction of the United  
7 States or in Canada if the physician ~~assistant is~~ assistants are employed as or  
8 formally designated as ~~the team physician assistant~~ assistants by an athletic  
9 team visiting Vermont for a specific sporting event and the physician ~~assistant~~  
10 ~~limits his or her~~ assistants limit their practice in this State to the treatment of  
11 the members, coaches, and staff of the sports team employing or designating  
12 the physician ~~assistant~~ assistants.

13           **(b) Physician assistants licensed in this State or credentialed as physician**  
14 **assistants by a federal employer shall not be required to have a practice**  
15 **agreement when responding to a need for medical care created by a disaster or**  
16 **emergency, as that term is defined in 20 V.S.A. § 102(c).**

17 § 1735a. ~~SUPERVISION~~ PRACTICE AGREEMENT AND SCOPE OF  
18 PRACTICE

19           (a) ~~It is the obligation of each team of physician and physician assistant to~~  
20 ~~ensure that the physician assistant's scope of practice is identified; that~~  
21 ~~delegation of medical care is appropriate to the physician assistant's level of~~

1 ~~competence; that the supervision, monitoring, documentation, and access to the~~  
2 ~~supervising physician is defined; and that a process for evaluation of the~~  
3 ~~physician assistant's performance is established~~ Except as provided in  
4 subsection 1734c(b) of this chapter and subsection (e) of this section, a  
5 physician assistant shall engage in practice as a physician assistant in this State  
6 only if the physician assistant has entered into a written practice agreement as  
7 set forth in subsection (b) of this section.

8 (1) A physician assistant shall enter into a practice agreement with a  
9 physician who practices as a sole practitioner only if the participating  
10 physician's area of specialty is similar to or related to the physician assistant's  
11 area of specialty.

12 (2) A physician assistant shall enter into a practice agreement with a  
13 participating physician who represents a physician group or health care facility  
14 only if one or more of the physicians practicing in the physician group or at the  
15 health care facility has an area of specialty similar to or related to the physician  
16 assistant's area of specialty.

17 ~~(b) The information required in subsection (a) of this section shall be~~  
18 ~~included in a delegation agreement as required by the Commissioner by rule.~~  
19 ~~The delegation agreement shall be signed by both the physician assistant and~~  
20 ~~the supervising physician or physicians, and a copy shall be kept on file at each~~

1 ~~of the physician assistant's practice sites and the original filed with the Board~~

2 A practice agreement shall include all of the following:

3 (1) Processes for physician communication, availability, decision-  
4 making, and periodic joint evaluation of services delivered when providing  
5 medical care to a patient.

6 (2) An agreement that the physician assistant's scope of practice shall be  
7 limited to medical care that is within the physician assistant's education,  
8 training, and experience. Specific restrictions, if any, on the physician  
9 assistant's practice shall be listed.

10 (3) A plan to have a physician available for consultation at all times  
11 when the physician assistant is practicing medicine.

12 (4) The signatures of the physician assistant and the participating  
13 physician; no other signatures shall be required.

14 ~~(c) The physician assistant's scope of practice shall be limited to medical~~  
15 ~~care which is delegated to the physician assistant by the supervising physician~~  
16 ~~and performed with the supervision of the supervising physician. The medical~~  
17 ~~care shall be within the supervising physician's scope of practice and shall be~~  
18 ~~care which the supervising physician has determined that the physician~~  
19 ~~assistant is qualified by education, training, and experience to provide A~~  
20 practice agreement may specify the extent of the collaboration required  
21 between the PA and physicians and other health care professionals; provided,

1 however, that a physician shall be accessible for consultation by telephone or  
2 electronic means at all times when a PA is practicing.

3 (d) The practice agreement shall be reviewed by the physician assistant and  
4 either the participating physician or a representative of the practice, physician  
5 group, or health care facility, at a minimum, at the time of the physician  
6 assistant's license renewal.

7 (~~d~~)(e) In the event of the unanticipated unavailability of a participating  
8 physician practicing as a sole practitioner due to serious illness or death, a  
9 physician assistant may continue to practice for not more than a 30-day period  
10 without entering into a new practice agreement with another participating  
11 physician.

12 (f) The practice agreement shall be filed with the Board. The Board shall  
13 not request or require any modifications to the practice agreement. The  
14 practice agreement may be filed with the Board electronically at the option of  
15 the physician assistant; no original documents shall be required.

16 (g) Nothing in this section shall be construed to require the physical  
17 presence of a physician at the time and place at which a physician assistant  
18 renders a medical service.

19 (h) A physician assistant may prescribe, dispense, ~~and~~ administer, and  
20 procure drugs and medical devices to the extent delegated by a supervising  
21 physician to the same extent as may a physician. A physician assistant who is

1 ~~authorized by a supervising physician to prescribe~~ prescribes controlled  
2 substances ~~must register~~ shall be registered with the federal Drug Enforcement  
3 Administration.

4 ~~(e) A supervising physician and physician assistant shall report to the~~  
5 ~~Board immediately upon an alteration or the termination of the delegation~~  
6 ~~agreement.~~

7 § 1735b. PHYSICIAN ASSISTANT AS PRIMARY CARE PROVIDER

8 Notwithstanding any provision of law to the contrary, a physician assistant  
9 shall be considered a primary care provider when the physician assistant  
10 practices in one or more of the medical specialties for which a physician would  
11 be considered to be a primary care provider.

12 § 1736. UNPROFESSIONAL CONDUCT

13 (a) The following conduct and the conduct described in section 1354 of this  
14 title by a licensed physician assistant shall constitute unprofessional conduct:

15 ~~When;~~ when that conduct is by an applicant or person who later becomes an  
16 applicant, it may constitute grounds for denial of licensure:

17 (1) fraud or misrepresentation in applying for or procuring a license or  
18 in applying for or procuring a periodic renewal of a license;

19 (2) occupational advertising that is intended or has a tendency to deceive  
20 the public;

1           (3) exercising undue influence on or taking improper advantage of a  
2 person using the individual’s services, or promoting the sale of professional  
3 goods or services in a manner that exploits a person for the financial gain of  
4 the practitioner or of a third party;

5           (4) failing to comply with provisions of federal or state statutes or rules  
6 governing the profession;

7           (5) conviction of a crime related to the profession; and

8           (6) conduct that evidences unfitness to practice in the profession.

9           (b) Unprofessional conduct includes the following actions by a licensed  
10 physician assistant:

11           (1) Making or filing false professional reports or records, impeding or  
12 obstructing the proper making or filing of professional reports or records, or  
13 failing to file ~~the~~ a proper professional report or record.

14           (2) Practicing the profession when mentally or physically unfit to do so.

15           (3) ~~Practicing the profession without having a delegation agreement~~  
16 ~~meeting the requirements of this chapter on file at the primary location of the~~  
17 ~~physician assistant’s practice and the Board~~ Practicing as a physician assistant  
18 without a practice agreement meeting the requirements of section 1735a of this  
19 chapter, except under the circumstances described in subsections 1734c(b) and  
20 1735a(e) of this chapter. The Board’s receipt of a practice agreement filed in

1 accordance with subsection 1735a(f) of this chapter shall not be construed to  
2 constitute Board approval of the practice agreement or of its contents.

3 (4) Accepting and performing responsibilities that the individual knows  
4 or has reason to know ~~that he or she~~ the individual is not competent to perform.

5 (5) Making any material misrepresentation in the practice of the  
6 profession, whether by commission or omission.

7 (6) The act of holding ~~one's self~~ oneself out as, or permitting ~~one's self~~  
8 oneself to be represented as, a licensed physician.

9 (7) ~~Performing otherwise than at the direction and under the supervision~~  
10 ~~of a physician licensed by the Board or an osteopath licensed by the Vermont~~  
11 ~~Board of Osteopathic Physicians and Surgeons; [Repealed.]~~

12 (8) Performing or offering to perform a task or tasks beyond the  
13 individual's ~~delegated~~ scope of practice.

14 (9) Administering, dispensing, procuring, or prescribing any controlled  
15 substance otherwise than as authorized by law.

16 (10) Habitual or excessive use or abuse of drugs, alcohol, or other  
17 substances that impair the ability to provide medical services.

18 (11) Failure to practice competently by reason of any cause on a single  
19 occasion or on multiple occasions. Failure to practice competently includes, as  
20 determined by the Board:

21 (A) performance of unsafe or unacceptable patient care; or

1 (B) failure to conform to the essential standards of acceptable and  
2 prevailing practice.

3 (c) A person aggrieved by a determination of the Board may, within 30  
4 days of the order, appeal that order to the Vermont Supreme Court on the basis  
5 of the record created before the Board.

6 \* \* \*

7 § 1738. USE OF TITLE

8 Any person who is licensed to practice as a physician assistant in this State  
9 shall have the right to use the title “physician assistant” and the ~~abbreviation~~  
10 ~~“P.A.”~~ abbreviations “PA” and “PA-C.” No other person ~~may~~ shall assume  
11 that title, ~~or use that abbreviation~~ those abbreviations, or use any other words,  
12 letters, signs, or devices to indicate that the person using them is a physician  
13 assistant.

14 § 1739. LEGAL LIABILITY

15 ~~(a) The supervising physician delegating activities to a physician assistant~~  
16 ~~shall be legally liable for such activities of the physician assistant, and the~~  
17 ~~physician assistant shall in this relationship be the physician’s agent.~~

18 ~~(b) Nothing in this chapter shall be construed as prohibiting a physician~~  
19 ~~from delegating to the physician’s employees certain activities relating to~~  
20 ~~medical care and treatment now being carried out by custom and usage when~~  
21 ~~such activities are under the control of the physician. The physician delegating~~

1 ~~activities to his or her employees shall be legally liable for such activities of~~  
2 ~~such persons, and such person shall in this relationship be the physician's~~  
3 ~~agent. Nothing contained in this chapter shall be construed to apply to nurses~~  
4 ~~acting pursuant to chapter 28 of this title. Physician assistants are responsible~~  
5 ~~for their own medical decision making. A participating physician in a practice~~  
6 ~~agreement with a physician assistant shall not, by the existence of the practice~~  
7 ~~agreement alone, be legally liable for the actions or inactions of the physician~~  
8 ~~assistant; provided, however, that this does not otherwise limit the liability of~~  
9 ~~the participating physician.~~

10 § 1739a. ~~INAPPROPRIATE USE OF SERVICES BY PHYSICIAN;~~

11 ~~UNPROFESSIONAL CONDUCT~~

12 ~~Use of the services of a physician assistant by a physician in a manner~~  
13 ~~which is inconsistent with the provisions of this chapter constitutes~~  
14 ~~unprofessional conduct by the physician and such physician shall be subject to~~  
15 ~~disciplinary action by the Board in accordance with the provisions of chapter~~  
16 ~~23 or 33 of this title, as appropriate. [Repealed.]~~

17 § 1740. FEES

18 Applicants and persons regulated under this chapter shall pay the following  
19 fees:

20 (1) Original application for licensure, \$225.00; the Board shall use at  
21 least \$10.00 of this fee to support the cost of maintaining the Vermont

1 Practitioner Recovery Network, which, for the protection of the public,  
2 monitors and evaluates, coordinates services for, and promotes rehabilitation of  
3 licensees who have or potentially have an impaired ability to practice medicine  
4 with reasonable skill and safety.

5 (2) Biennial renewal, \$215.00; the Board shall use at least \$10.00 of this  
6 fee to support the cost of maintaining the Vermont Practitioner Recovery  
7 Network, ~~which, for the protection of the public, monitors and evaluates,~~  
8 ~~coordinates services for, and promotes rehabilitation of licensees who have or~~  
9 ~~potentially have an impaired ability to practice medicine with reasonable skill~~  
10 ~~and safety~~ described in subdivision (1) of this section.

11 § 1741. ~~NOTICE OF USE OF PHYSICIAN ASSISTANT TO BE POSTED~~

12 ~~A physician, clinic, or hospital that utilizes the services of a physician~~  
13 ~~assistant shall post a notice to that effect in a prominent place. [Repealed.]~~

14 \* \* \*

15 § 1743. MEDICAID REIMBURSEMENT

16 The Secretary of Human Services shall, ~~pursuant to 3 V.S.A. chapter 25,~~  
17 ~~adopt rules providing for a fee schedule for~~ provide reimbursement under Title  
18 XIX (Medicaid) of the Social Security Act and 33 V.S.A. chapter 19, ~~relating~~  
19 ~~to medical assistance~~ that recognizes reasonable cost differences between  
20 services provided by physicians and those provided by physician assistants  
21 under this chapter.

1     § 1743a. PAYMENT FOR MEDICAL SERVICES

2           (a) As used in this section:

3                 (1) “Health insurer” has the same meaning as in 18 V.S.A. § 9402.

4                 (2) “Participating provider” has the same meaning as in 18 V.S.A.

5           § 9418 and includes providers participating in the Vermont Medicaid program.

6           (b) Health insurers and, to the extent permitted under federal law, Medicaid  
7           shall reimburse a participating provider who is a physician assistant for any  
8           medical service delivered by the physician assistant if the same service would  
9           be covered if delivered by a physician. Physician assistants are authorized to  
10           bill for and receive direct payment for the medically necessary services they  
11           deliver.

12           (c) To provide accountability and transparency for patients, payers, and the  
13           health care system, the physician assistant shall be identified as the treating  
14           provider in the billing and claims processes when the physician assistant  
15           delivered the medical services to the patient.

16           (d) A health insurer shall not impose any practice, education, or  
17           collaboration requirement for a physician assistant that is inconsistent with or  
18           more restrictive than the provisions of this chapter.

19     ~~§ 1744. CERTIFIED PHYSICIAN ASSISTANTS~~

20           ~~Any person who is certified by the Board as a physician assistant prior to~~  
21           ~~the enactment of this section shall be considered to be licensed as a physician~~

1 ~~assistant under this chapter immediately upon enactment of this section, and~~  
2 ~~shall be eligible for licensure renewal pursuant to section 1734b of this title.~~

3 [Repealed.]

4 Sec. 2. 26 V.S.A. § 1354 is amended to read:

5 § 1354. UNPROFESSIONAL CONDUCT

6 (a) The Board shall find that any one of the following, or any combination  
7 of the following, whether the conduct at issue was committed within or outside  
8 the State, constitutes unprofessional conduct:

9 \* \* \*

10 (38) signing a blank or undated prescription form; or

11 (39) ~~use of the services of a physician assistant by a physician in a~~  
12 ~~manner that is inconsistent with the provisions of chapter 31 of this title; or~~

13 [Repealed.]

14 \* \* \*

15 Sec. 3. 26 V.S.A. § 1444 is added to read:

16 § 1444. LIABILITY FOR ACTIONS OF AGENT

17 (a) A physician may delegate to a medical technician or other assistant or  
18 employee certain activities related to medical care and treatment that the  
19 individual is qualified to perform by training, education, experience, or a  
20 combination of these when the activities are under the control of the physician.  
21 The physician delegating the activities to the individual shall be legally liable

1 for the individual’s performance of those activities, and in this relationship, the  
2 individual shall be the physician’s agent.

3 (b)(1) Nothing in this section shall be construed to apply to a nurse acting  
4 pursuant to chapter 28 of this title.

5 (2) Nothing in this section shall be construed to apply to a physician  
6 assistant acting pursuant to chapter 31 of this title. Liability for the actions or  
7 inactions of a physician assistant shall be governed by the provisions of section  
8 1739 of this title.

9 Sec. 4. DEPARTMENT OF HEALTH; RULEMAKING

10 The Department of Health shall amend the Board of Medical Practice rules  
11 pursuant to 3 V.S.A. chapter 25 to conform the provisions regarding physician  
12 assistant licensure to the provisions of this act. The Department shall complete  
13 its rulemaking process on or before July 1, 2021.

14 Sec. 5. EFFECTIVE DATE

15 This act shall take effect on July 1, 2020 and shall apply to all physician  
16 assistant licenses issued or renewed on and after that date, except that in Sec. 1,  
17 26 V.S.A. § 1743a (payment for medical services) shall apply to Medicaid  
18 beginning on January 1, 2021, to the extent permitted under federal law.

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(Committee vote: \_\_\_\_\_)

\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE