

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill
3 No. 128 entitled “An act relating to physician assistant licensure” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 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 expertise in the field of
17 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, competencies, and experience; and the applicable
14 standards of 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 with 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~~ the licensee was ordered to active duty shall receive an extension
13 of licensure up to 90 days following the physician assistant's return from
14 ~~activation or deployment~~ active duty, provided the physician assistant notifies
15 the Board ~~of his or her activation or deployment~~ that the licensee has been
16 ordered to active duty prior to the expiration of the current license, and
17 certifies that the circumstances of the ~~activation or deployment~~ duty impede
18 good faith efforts to make timely application for renewal of the license.

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

20 (c) A licensee for renewal of an active license to practice shall have
21 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. **(PAAV wants this**
7 **exception for practice agreements:) except that changes relating solely to a**
8 **physician assistant's practice agreement do not need to be provided to the**
9 **Board and shall be handled in accordance with subsection 1735a(f) of this**
10 **chapter.**

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

16 § 1734c. EXEMPTIONS

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

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

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

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

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

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

1 § 1735a. SUPERVISION PRACTICE AGREEMENT AND SCOPE OF
2 PRACTICE

3 (a) ~~It is the obligation of each team of physician and physician assistant to~~
4 ~~ensure that the physician assistant's scope of practice is identified; that~~
5 ~~delegation of medical care is appropriate to the physician assistant's level of~~
6 ~~competence; that the supervision, monitoring, documentation, and access to the~~
7 ~~supervising physician is defined; and that a process for evaluation of the~~
8 ~~physician assistant's performance is established.~~ **A. Except as provided in**
9 **subsections 1734c(b) and 1735a(e) of this chapter, a physician assistant who**
10 **engages shall engage** in practice as a physician assistant in this State **shall**
11 **only if the physician assistant has** entered into a written practice agreement
12 as set forth in subsection (b) of this section.

13 (1) A physician assistant shall enter into a practice agreement with a
14 physician who practices as a sole practitioner only if the participating
15 physician's area of specialty is similar to the physician assistant's area of
16 specialty.

17 (2) A physician assistant shall enter into a practice agreement with a
18 participating physician who represents a physician group or health care facility
19 only if one or more of the physicians practicing in the physician group or at the
20 health care facility has an area of specialty similar to the physician assistant's
21 area of specialty.

1 (b) ~~The information required in subsection (a) of this section shall be~~
2 ~~included in a delegation agreement as required by the Commissioner by rule.~~
3 ~~The delegation agreement shall be signed by both the physician assistant and~~
4 ~~the supervising physician or physicians, and a copy shall be kept on file at each~~
5 ~~of the physician assistant's practice sites and the original filed with the Board~~
6 A practice agreement shall include all of the following:

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

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

14 (3) A plan **for contacting other physicians for consultation in**
15 **situations in which the participating physician is a sole practitioner and is**
16 **not available for consultation to have a physician available for**
17 **consultation at all times when the physician assistant is practicing**
18 **medicine.**

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

1 (c) ~~The physician assistant's scope of practice shall be limited to medical~~
2 ~~care which is delegated to the physician assistant by the supervising physician~~
3 ~~and performed with the supervision of the supervising physician. The medical~~
4 ~~care shall be within the supervising physician's scope of practice and shall be~~
5 ~~care which the supervising physician has determined that the physician~~
6 ~~assistant is qualified by education, training, and experience to provide~~ A
7 practice agreement may specify the extent of the collaboration required
8 between the PA and ~~the participating physician and between the PA~~
9 physicians and other health care professionals; provided, however, that a
10 physician shall be accessible for consultation by telephone or electronic means
11 at all times when a PA is practicing.

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

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

1 (f) The practice agreement **shall not be submitted to the Board for**
2 **approval or filing but shall be maintained by the physician assistant and**
3 **provided to the Board upon request shall be filed with the Board. The**
4 **Board shall not request or require any modifications to the practice**
5 **agreement. The practice agreement may be filed with the Board**
6 **electronically at the option of the physician assistant; no original**
7 **documents shall be required.**

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

11 (h) A physician assistant may prescribe, dispense, ~~and administer, and~~
12 procure drugs and medical devices ~~to the extent delegated by a supervising~~
13 physician to the same extent as may a physician. A physician assistant who is
14 ~~authorized by a supervising physician to prescribe~~ prescribes controlled
15 substances ~~must register~~ **shall be registered** with the federal Drug
16 Enforcement Administration.

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

1 § 1735b. PHYSICIAN ASSISTANT AS PRIMARY CARE PROVIDER

2 Notwithstanding any provision of law to the contrary, a physician assistant
3 shall be considered a primary care provider when the physician assistant
4 practices in one or more of the medical specialties for which a physician would
5 be considered to be a primary care provider.

6 § 1736. UNPROFESSIONAL CONDUCT

7 (a) The following conduct and the conduct described in section 1354 of this
8 title by a licensed physician assistant shall constitute unprofessional conduct:
9 ~~When;~~ when that conduct is by an applicant or person who later becomes an
10 applicant, it may constitute grounds for denial of licensure:

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

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

15 (3) exercising undue influence on or taking improper advantage of a
16 person using the individual's services, or promoting the sale of professional
17 goods or services in a manner that exploits a person for the financial gain of
18 the practitioner or of a third party;

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

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

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

2 (b) Unprofessional conduct includes the following actions by a licensed
3 physician assistant:

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

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

8 (3) ~~Practicing the profession without having a delegation agreement~~
9 ~~meeting the requirements of this chapter on file at the primary location of the~~
10 ~~physician assistant's practice and the Board~~ Practicing as a physician assistant
11 without a practice agreement meeting the requirements of section 1735a of this
12 chapter, except under the circumstances described in subsections 1734c(b) and
13 1735a(e) of this chapter. **The Board's receipt of a practice agreement filed**
14 **in accordance with subsection 1735a(f) of this chapter shall not be**
15 **construed to constitute Board approval of the practice agreement or of its**
16 **contents.**

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

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

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

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

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

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

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

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

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

16 (B) failure to conform to the essential standards of acceptable and
17 prevailing practice.

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

21 * * *

1 § 1738. USE OF TITLE

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

8 § 1739. LEGAL LIABILITY

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

12 ~~(b) Nothing in this chapter shall be construed as prohibiting a physician~~
13 ~~from delegating to the physician’s employees certain activities relating to~~
14 ~~medical care and treatment now being carried out by custom and usage when~~
15 ~~such activities are under the control of the physician. The physician delegating~~
16 ~~activities to his or her employees shall be legally liable for such activities of~~
17 ~~such persons, and such person shall in this relationship be the physician’s~~
18 ~~agent. Nothing contained in this chapter shall be construed to apply to nurses~~
19 ~~acting pursuant to chapter 28 of this title. Physician assistants are responsible~~
20 ~~for their own medical decision making. A participating physician in a practice~~
21 ~~agreement with a physician assistant shall not, by the existence of the practice~~

1 agreement alone, be legally liable for the actions or inactions of the physician
2 assistant.

3 § 1739a. ~~INAPPROPRIATE USE OF SERVICES BY PHYSICIAN;~~

4 UNPROFESSIONAL CONDUCT

5 ~~Use of the services of a physician assistant by a physician in a manner~~
6 ~~which is inconsistent with the provisions of this chapter constitutes~~
7 ~~unprofessional conduct by the physician and such physician shall be subject to~~
8 ~~disciplinary action by the Board in accordance with the provisions of chapter~~
9 ~~23 or 33 of this title, as appropriate. [Repealed.]~~

10 § 1740. FEES

11 Applicants and persons regulated under this chapter shall pay the following
12 fees:

13 (1) Original application for licensure, \$225.00; the Board shall use at
14 least \$10.00 of this fee to support the cost of maintaining the Vermont
15 Practitioner Recovery Network, which, for the protection of the public,
16 monitors and evaluates, coordinates services for, and promotes rehabilitation of
17 licensees who have or potentially have an impaired ability to practice medicine
18 with reasonable skill and safety.

19 (2) Biennial renewal, \$215.00; the Board shall use at least \$10.00 of this
20 fee to support the cost of maintaining the Vermont Practitioner Recovery
21 Network, ~~which, for the protection of the public, monitors and evaluates,~~

1 ~~coordinates services for, and promotes rehabilitation of licensees who have or~~
2 ~~potentially have an impaired ability to practice medicine with reasonable skill~~
3 ~~and safety described in subdivision (1) of this section.~~

4 ~~§ 1741. NOTICE OF USE OF PHYSICIAN ASSISTANT TO BE POSTED~~

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

7 * * *

8 § 1743. MEDICAID REIMBURSEMENT

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

15 § 1743a. PAYMENT FOR MEDICAL SERVICES

16 (a) As used in this section:

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

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

19 § 9418 and includes providers participating in the Vermont Medicaid program.

20 (b) Health insurers and Medicaid shall reimburse a participating provider
21 who is a physician assistant for any medical service delivered by the physician

1 assistant if the same service would be covered if delivered by a physician.

2 Physician assistants are authorized to bill for and receive direct payment for
3 the medically necessary services they deliver.

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

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

11 § 1744. ~~CERTIFIED PHYSICIAN ASSISTANTS~~

12 ~~Any person who is certified by the Board as a physician assistant prior to~~
13 ~~the enactment of this section shall be considered to be licensed as a physician~~
14 ~~assistant under this chapter immediately upon enactment of this section, and~~
15 ~~shall be eligible for licensure renewal pursuant to section 1734b of this title.~~

16 [Repealed.]

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

18 § 1354. UNPROFESSIONAL CONDUCT

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

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

(39) ~~use of the services of a physician assistant by a physician in a~~

~~manner that is inconsistent with the provisions of chapter 31 of this title; or~~

[Repealed.]

* * *

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

§ 1444. LIABILITY FOR ACTIONS OF AGENT

(a) A physician may delegate to a medical technician or other assistant or employee certain activities related to medical care and treatment that the individual is qualified to perform by training, education, experience, or a combination of these when the activities are under the control of the physician. The physician delegating the activities to the individual shall be legally liable for the individual’s performance of those activities, and in this relationship, the individual shall be the physician’s agent.

(b) Nothing in this section shall be construed to apply to a nurse acting pursuant to chapter 28 of this title or to a physician assistant acting pursuant to chapter 31 of this title.

Sec. 4. DEPARTMENT OF HEALTH; RULEMAKING

The Department of Health shall amend the Board of Medical Practice rules pursuant to 3 V.S.A. chapter 25 to conform the provisions regarding physician

1 assistant licensure to the provisions of this act. The Department shall complete
2 its rulemaking process on or before July 1, 2021.

3 Sec. 5. EFFECTIVE DATE

4 This act shall take effect on July 1, 2020 and shall apply to all physician
5 assistant licenses issued or renewed on and after that date.

6

7

8

9

10

11

12 (Committee vote: _____)

13

14

Senator _____

15

FOR THE COMMITTEE