

PHYSICIAN ASSISTANT ACT

Part 1 - General Provisions

58-70a-101. Title.

This chapter is known as the "Physician Assistant Act".

58-70a-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Board" means the Physician Assistant Licensing Board created in Section 58-70a-201.
- (2) (a) "Delegation of services agreement" means written criteria jointly developed by a physician assistant's supervising physician and any substitute supervising physicians and the physician assistant, that permits a physician assistant, working under the direction or review of the supervising physician, to assist in the management of common illnesses and injuries.
(b) The agreement defines the working relationship and delegation of duties between the supervising physician and the physician assistant as specified by division rule and shall include:
 - (i) the prescribing of controlled substances;
 - (ii) the degree and means of supervision;
 - (iii) the frequency and mechanism of chart review;
 - (iv) procedures addressing situations outside the scope of practice of the physician assistant; and
 - (v) procedures for providing backup for the physician assistant in emergency situations.
- (3) "Direct supervision" means the supervising physician is:
 - (a) physically present at the point of patient treatment on site where the physician assistant he is supervising is practicing; and
 - (b) immediately available for consultation with the physician assistant.
- (4) "Practice as a physician assistant" means:
 - (a) the professional activities and conduct of a physician assistant in diagnosing, treating, advising, or prescribing for any human disease, ailment, injury, infirmity, deformity, pain, or other condition, dependent upon and under the supervision of a supervising physician or substitute supervising physician in accordance with a delegation of services agreement; and
 - (b) the physician assistant acts as the agent of the supervising physician or substitute supervising physician when acting in accordance with a delegation of services agreement.
- (5) "Substitute supervising physician" means an individual who meets the requirements of a supervising physician under this chapter and acts as the supervising physician in the absence of the supervising physician.
- (6) "Supervising physician" means an individual who:
 - (a) is currently licensed to practice under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
 - (b) acts as the primary supervisor of a physician assistant and takes responsibility for the professional practice and conduct of a physician assistant in accordance with this chapter; and
 - (c) is not an employee of the physician assistant he supervises.
- (7) "Supervision" means the supervising physician is available for consultation with the physician assistant, either personally or by other means permitting direct verbal communication between the physician and physician assistant.
- (8) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-70a-502.
- (9) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-70a-503 and as may be further defined by rule.

Part 2 - Board

58-70a-201. Board.

- (1) There is created the Physician Assistant Licensing Board, which consists of seven members:
 - (a) three licensed physicians, at least two of whom are individuals who are supervising or who have supervised a physician assistant;
 - (b) three physician assistants, one of whom is involved in the administration of an approved physician assistant education program within the state; and
 - (c) one person from the general public.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board are in accordance with Sections 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a permanent or rotating basis to:
 - (a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
 - (b) advise the division in its investigation of these complaints.
- (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint. The board member may be disqualified:
 - (a) on the member's own motion, due to actual or perceived bias or lack of objectivity; or
 - (b) upon challenge for cause raised on the record by any party to the adjudicative proceeding.

Part 3 - Licensing

58-70a-301. Licensure required - License classifications.

- (1) A license is required to engage in practice as a physician assistant, except as specifically provided in Section 58-70a-305 or 58-1-307.
- (2) The division shall issue to a person who qualifies under this chapter a license in the classification of physician assistant.

58-70a-302. Qualifications for licensure.

Each applicant for licensure as a physician assistant shall:

- (1) submit an application in a form prescribed by the division;
- (2) pay a fee determined by the department under Section 63J-1-504;
- (3) be of good moral character;
- (4) have successfully completed a physician assistant program accredited by the:
 - (a) Accreditation Review Commission on Education for the Physician Assistant; or
 - (b) if prior to January 1, 2001, either the:
 - (i) Committee on Accreditation of Allied Health Education Programs; or
 - (ii) Committee on Allied Health Education and Accreditation;
- (5) have passed the licensing examinations required by division rule made in collaboration with the board;
- (6) meet with the board and representatives of the division, if requested, for the purpose of evaluating the applicant's qualifications for licensure; and
- (7)
 - (a) if the applicant desires to practice in Utah, complete a form provided by the division indicating:
 - (i) the applicant has completed a delegation of services agreement signed by the physician assistant, supervising physician, and substitute supervising physicians; and
 - (ii) the agreement is on file at the Utah practice sites; or
 - (b) complete a form provided by the division indicating the applicant is not practicing in Utah and, prior to practicing in Utah, the applicant will meet the requirements of Subsection (7) (a).

58-70a-303. Term of license - Expiration - Renewal.

- (1) (a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.
- (1) (b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycle it administers.
- (2) At the time of renewal, the licensee shall show compliance with continuing education renewal requirements.
- (3) Each license issued under this chapter expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.

58-70a-304. License renewal - Continuing education and quality review requirements.

- (1) Prior to license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule, complete qualified continuing professional education requirements as defined by division rule made in collaboration with the board.
- (2) If a renewal period is extended or shortened under Section 58-70a-303, the continuing education hours required for license renewal under this section are increased or decreased proportionally.

58-70a-305. Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in acts including within the definition of practice as a physician assistant, subject to the stated circumstances and limitations, without being licensed under this chapter:

- (1) a student enrolled in an accredited physician assistant education program while engaged in activities as a physician assistant:
 - (a) that are a part of the education program;
 - (b) that are conducted under the direct supervision of a:
 - (i) physician associated with the program; or
 - (ii) licensed physician assistant, at the request of the supervising physician and on a temporary basis, as defined by rule;
 - (c) for which the program accepts in writing the responsibility for the student; and
- (2) a "medical assistant," as defined in Sections 58-67-102 and 58-68-102, who:
 - (a) is working under the direct supervision of a physician;
 - (b) does not diagnose, advise, independently treat, or prescribe to or on behalf of any person; and
 - (c) for whom the supervising physician accepts responsibility.

58-70a-306. Temporary license.

- (1) An applicant for licensure as a physician assistant who has met all qualifications for licensure except passing an examination component as required in Section 58-70a-302, may apply for and be granted a temporary license to practice under Subsection (2).
- (2) (a) The applicant shall submit to the division evidence of completion of a physician assistant program as defined in Subsection 58-70a-302(4).
- (2) (b) (i) The temporary license shall be issued for a period not to exceed 120 days to allow the applicant to pass the Physician Assistant National Certifying Examination.
- (2) (b) (ii) The temporary license may not be renewed or extended.
- (2) (c) A physician assistant holding a temporary license may work only under the direct supervision of an approved supervising or substitute supervising physician in accordance with a delegation of services agreement, and all patient charts shall be reviewed and countersigned by the supervising or substitute supervising physician.

Part 4 - License Denial and Discipline

58-70a-401. Grounds for denial of license - Disciplinary proceedings.

Grounds for the following division actions regarding a licensee are under Section 58-1-401:

- (1) refusing to issue a license to an applicant;
- (2) refusing to renew the license of a licensee;
- (3) revoking, suspending, restricting, or placing on probation the license of a licensee;
- (4) issuing a public or private reprimand to a licensee; and
- (5) issuing a cease and desist order.

Part 5 - Scope of Practice - Unlawful and Unprofessional Conduct - Penalties

58-70a-501. Scope of practice.

- (1) A physician assistant may provide any medical services that are not specifically prohibited under this chapter or rules adopted under this chapter, and that are:
 - (a) within the physician assistant's skills and scope of competence;
 - (b) within the usual scope of practice of the physician assistant's supervising physician; and
 - (c) provided under the supervision of a supervising physician and in accordance with a delegation of services agreement.
- (2) A physician assistant, in accordance with a delegation of services agreement, may prescribe or administer an appropriate controlled substance if:
 - (a) the physician assistant holds a Utah controlled substance license and a DEA registration;
 - (b) the prescription or administration of the controlled substance is within the prescriptive practice of the supervising physician and also within the delegated prescribing stated in the delegation of services agreement; and
 - (c) the supervising physician cosigns any medical chart record of a prescription of a Schedule 2 or Schedule 3 controlled substance made by the physician assistant.
- (3) A physician assistant shall, while practicing as a physician assistant, wear an identification badge showing his license classification as a practicing physician assistant.
- (4) A physician assistant may not
 - (a) independently charge or bill a patient, or others on behalf of the patient, for services rendered;
 - (b) identify himself to any person in connection with activities allowed under this chapter other than as a physician assistant; or
 - (c) use the title "doctor" or "physician," or by any knowing act or omission lead or permit anyone to believe he is a physician.

58-70a-502. Unlawful conduct.

"Unlawful conduct" includes:

- (1) engaging in practice as a licensed physician assistant while not under the supervision of a supervising physician or substitute supervising physician; or
- (2) violating the drug dispensing requirements of Section 58-17b-309 or 58-17b-309.5, if applicable.

58-70a-503. Unprofessional conduct.

"Unprofessional conduct" includes:

- (1) violation of a patient confidence to any person who does not have a legal right and a professional need to know the information concerning the patient;

- (2) knowingly prescribing, selling, giving away, or directly or indirectly administering, or offering to prescribe, sell, furnish, give away, or administer any prescription drug except for a legitimate medical purpose upon a proper diagnosis indicating use of that drug in the amounts prescribed or provided;
- (3) prescribing prescription drugs for himself or administering prescription drugs to himself, except those that have been legally prescribed for him by a licensed practitioner and that are used in accordance with the prescription order for the condition diagnosed;
- (4) failure to maintain at the practice site a delegation of services agreement that accurately reflects current practices;
- (5) failure to make the delegation of services agreement available to the division for review upon request; and
- (6) in a practice that has physician assistant ownership interests, failure to allow the supervising physician the independent final decision making authority on patient treatment decisions, as set forth in the delegation of services agreement or as defined by rule.

58-70a-504. Penalty for unlawful conduct.

- (1) Any person who violates the unlawful conduct provision defined in Subsection 58-1-501(1) (a) is guilty of a third degree felony.
- (2) Any person who violates any of the unlawful conduct provisions defined in Subsections 58-1-501(1) (b) through (1) (e) or Section 58-70a-502 is guilty of a class A misdemeanor.

PHYSICIAN ASSISTANT ACT

Title 58, Chapter 70a
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