

2022 Regular Session

SENATE BILL NO. 439

BY SENATOR PEACOCK

HEALTH SERVICES. Provides for assistant physicians. (8/1/22)

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AN ACT

To amend and reenact R.S. 37:1271(A), 1274, and the introductory paragraph of 1285(A), and to enact R.S. 22:1021.1 and Part I-D of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1310.11 through 1310.15, relative to assistant physicians; to provide for the licensure of assistant physicians; to provide for collaborative practice agreements; to provide for the powers and duties of the Louisiana State Board of Medical Examiners; to provide for insurance reimbursement claims by assistant physicians; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1021.1 is hereby enacted to read as follows:

§1021.1. Prohibited discrimination; assistant physicians

A.(1) Whenever any health coverage plan delivered or issued for delivery in this state provides for reimbursement of any services which are within the lawful scope of practice of an assistant physician licensed pursuant to R.S. 37:1310.11 et seq., the insured or other person entitled to benefits under the health coverage plan shall be entitled to reimbursement for the services, whether the services are performed by a physician or an assistant physician.

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§1285. Causes for nonissuance; suspension; revocation; or the imposition of restrictions; fines; reinstatement; publication of action; stays

A. The board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit issued pursuant to this Part **or Part I-D of this Chapter** for the following causes:

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PART I-D. ASSISTANT PHYSICIANS

§1310.11. Assistant physicians

A. The Louisiana State Board of Medical Examiners may license an individual, pursuant to the board's authority provided in R.S. 37:1275, to practice medicine as an assistant physician if the individual meets all of the following criteria:

(1) Is either of the following:

(a) A resident of Louisiana who has graduated from an accredited medical school and is not currently enrolled in an accredited graduate medical education training program.

(b) A citizen of the United States or a legal resident alien who has graduated from an accredited Louisiana medical school and is not currently enrolled in an accredited graduate medical education training program.

(2) Has successfully completed Step 1 and Step 2 of the United States Medical Licensing Examination, the Comprehensive Osteopathic Medical Licensing Examination, or the equivalent of both steps of a board-approved medical licensing examination within the two-year period immediately preceding application for licensure as an assistant physician, but not more than three years after graduation from a medical school.

(3) Has not completed an approved postgraduate residency within the two-year period immediately preceding application for licensure as an assistant physician.

1 **(4) Has no licensure, certification, or registration under current**
2 **discipline, revocation, suspension, or probation for cause resulting from the**
3 **applicant's medical practice, unless the board considers the conditions and**
4 **agrees to licensure.**

5 **(5) Submits to the board the appropriate fee pursuant to R.S. 37:1281**
6 **and any other information that the board deems necessary to evaluate the**
7 **applicant's qualifications.**

8 **§1310.12. Renewal**

9 **A. An individual who holds a license as an assistant physician in this**
10 **state shall apply to the Louisiana State Board of Medical Examiners to renew**
11 **the license by doing all of the following:**

12 **(1) Submitting the appropriate fee pursuant to R.S. 37:1281.**

13 **(2) Completing the appropriate renewal forms.**

14 **(3) Submitting verification of actual practice pursuant to a collaborative**
15 **practice agreement during the immediately preceding licensure period.**

16 **(4) Meeting all other requirements set by the board.**

17 **B. The Louisiana State Board of Medical Examiners shall determine the**
18 **renewal period.**

19 **§1310.13. Collaborative practice agreements; minimum requirements**

20 **A. An assistant physician shall only practice medicine in accordance**
21 **with a collaborative practice agreement with a physician licensed by the**
22 **Louisiana State Board of Medical Examiners. The collaborative practice**
23 **agreement shall meet the requirements of this Section.**

24 **B. A collaborative practice agreement shall be in the form of a written**
25 **agreement, jointly agreed-upon protocols, or standing orders for the delivery**
26 **of healthcare services. The collaborative practice agreement shall be in writing**
27 **and may delegate to the assistant physician the authority to administer or**
28 **dispense drugs and provide treatment if delivery of the healthcare services are**
29 **both of the following:**

1 **(1) Within the scope of practice of the assistant physician.**

2 **(2) Consistent with the assistant physician's skill, training, and**
3 **competence and the skill and training of the collaborating physician.**

4 **C. The written collaborative practice agreement shall contain, at a**
5 **minimum, all of the following provisions:**

6 **(1) Complete names, business addresses, and telephone numbers of the**
7 **collaborating physician and the assistant physician.**

8 **(2) A list of offices or locations where the collaborating physician**
9 **authorizes the assistant physician to prescribe.**

10 **(3) All specialty or board certifications of the collaborating physician**
11 **and all certifications of the assistant physician.**

12 **(4) The manner of collaboration between the collaborating physician**
13 **and the assistant physician, including how the collaborating physician and the**
14 **assistant physician shall do all of the following:**

15 **(a) Engage in collaborative practice consistent with each professional's**
16 **skill, training, education, and competence.**

17 **(b) Maintain geographic proximity.**

18 **(c) Provide coverage during absence, incapacity, infirmity, or emergency**
19 **by the collaborating physician.**

20 **(5) A description of the assistant physician's controlled substance**
21 **prescriptive authority in collaboration with the physician, including a list of the**
22 **controlled substances the physician authorizes the assistant physician to**
23 **prescribe and documentation that it is consistent with each professional's**
24 **education, knowledge, skill, and competence.**

25 **(6) A list of all other written practice agreements of the collaborating**
26 **physician and the assistant physician.**

27 **(7) The duration of the collaborative practice agreement between the**
28 **collaborating physician and the assistant physician.**

29 **(8)(a) A description of the time and manner of the collaborating**

1 physician's review of the assistant physician's delivery of healthcare services,
2 including the review of a sufficient sample of the assistant physician's charts.

3 (b) The collaborating physician, or any other physician designated in the
4 collaborative practice arrangement, shall review every fourteen days a
5 minimum of twenty percent of the charts in which the assistant physician
6 prescribes controlled substances.

7 D. The Louisiana State Board of Medical Examiners shall promulgate
8 rules, in accordance with the Administrative Procedure Act, regulating the use
9 of collaborative practice agreements for assistant physicians. The rules shall
10 specify, at a minimum, both of the following:

11 (1) The methods of treatment that may be covered by the collaborative
12 practice agreement.

13 (2) The requirements for review of services provided under the
14 collaborative practice agreement, including delegating authority to prescribe
15 controlled substances.

16 E. No later than thirty days after any change to a collaborative practice
17 agreement and on each renewal for licensure, the Louisiana State Board of
18 Medical Examiners shall require every physician to identify whether the
19 physician is engaged in any collaborative practice agreement with an assistant
20 physician, including the name of each assistant physician and whether the
21 collaborative practice agreement delegates the authority to prescribe controlled
22 substances. The board shall track the reported information and may routinely
23 conduct random reviews of the agreements to ensure compliance with the
24 provisions of this Part.

25 F. The collaborating physician shall determine and document the
26 completion of at least a one-month period of time during which the assistant
27 physician shall practice with the collaborating physician continuously present
28 before practicing in a setting where the collaborating physician is not
29 continuously present.

1 G.(1) The Louisiana State Board of Medical Examiners shall develop,
2 adopt, and continuously revise rules and regulations governing the prescriptive
3 authority of assistant physicians, including but not limited to the receipt and
4 distribution of sample drugs and prepackaged drugs and the prescribing of
5 legend and certain controlled drugs.

6 (2) The collaborating physician shall maintain the right to limit a
7 specific scheduled drug or scheduled drug category that the assistant physician
8 is permitted to prescribe. Any limitations shall be listed in the collaborative
9 practice agreement. Assistant physicians shall not prescribe controlled
10 substances for themselves or members of their families. Assistant physicians
11 who are authorized to prescribe controlled substances pursuant to this Part
12 shall register with the United States Drug Enforcement Administration.

13 (3) The collaborating physician shall determine and document the
14 completion of at least one hundred twenty hours in a four-month period during
15 which the assistant physician shall practice with the collaborating physician
16 onsite prior to prescribing controlled substances when the collaborating
17 physician is not onsite.

18 H.(1) Nothing in this Part shall be construed to limit the authority of
19 hospitals or hospital medical staff to make employment or medical staff
20 credentialing or privileging decisions.

21 (2) No collaborative practice agreement shall supersede hospital policies
22 governing medication orders under protocols or standing orders for the purpose
23 of delivering inpatient or emergency care that have been approved by the
24 hospital's medical staff.

25 §1310.14. Designation of licensee

26 An assistant physician licensed pursuant to this Part shall not use the
27 title of "Doctor" or "Dr." as a prefix to his name unless he uses the phrase
28 "Assistant Physician" or its equivalent, as a suffix to his name or in connection
29 with it.

1 **§1310.15. Rulemaking**
 2 **The Louisiana State Board of Medical Examiners shall adopt rules and**
 3 **regulations for the administration of this Part as are necessary for the adequate**
 4 **protection of the health and welfare of the citizens of this state.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Brandi Cannon.

DIGEST

SB 439 Original 2022 Regular Session Peacock

Proposed law provides that the La. State Board of Medical Examiners (LSBME) may license an individual to practice medicine as an assistant physician if the individual is not currently enrolled in an accredited graduate medical education training program and is either a resident of Louisiana who has graduated from an accredited medical school or a citizen of the United States or a legal resident alien who has graduated from an accredited Louisiana medical school.

Proposed law provides for the qualifications for licensure as an assistant physician. Further provides for the renewal of an assistant physician's license.

Proposed law provides that an assistant physician shall only practice medicine in accordance with a collaborative practice agreement with a physician licensed by the LSBME. Further provides for the required content of a collaborative practice agreement, including prescriptive authority delegated to the assistant physician.

Proposed law provides authority for the LSBME to issue a license to independently practice medicine to an individual who has practiced as a licensed assistant physician to the board's satisfaction for not less than 60 months.

Proposed law provides that, after January 1, 2023, covered healthcare services that are within an assistant physician's lawful scope of practice shall be reimbursed, whether the services are performed by a physician or an assistant physician. Further provides that the reimbursement to an assistant physician shall not be less than the reasonable and customary amount of reimbursement which a licensed physician receives for an intermediate office visit or a primary care physician receives for the same services.

Effective August 1, 2022.

(Amends R.S. 37:1271(A), 1274, and 1285(A)(intro para); adds R.S. 22:1021.1 and R.S. 37:1310.11-1310.15)