

# HOUSE BILL 634

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HB 965/11 – HGO

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By: ~~Delegates George and Kipke~~, Kipke, Morhaim, Bromwell, Krebs, Frank, Pena-Melnyk, Costa, A. Kelly, Pendergrass, and Cullison

Introduced and read first time: February 8, 2012

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Physician Assistants – ~~Use of C-Arm Devices~~ Performance of X-ray Duties**

3 FOR the purpose of ~~authorizing physician assistants to use certain C-arm devices in~~  
4 ~~accordance with certain standards; and generally relating to the use of~~  
5 ~~C-arm devices by physician assistants~~ providing for the circumstances under  
6 which a licensed physician assistant may perform certain X-ray duties;  
7 requiring a primary supervising physician to obtain certain approval from the  
8 Board of Physicians before a certain physician assistant performs certain X-ray  
9 procedures; and generally relating to the performance of X-ray duties by  
10 physician assistants.

11 ~~BY repealing and reenacting, without amendments,~~  
12 ~~Article – Health Occupations~~  
13 ~~Section 15–301(a) and (b)~~  
14 ~~Annotated Code of Maryland~~  
15 ~~(2009 Replacement Volume and 2011 Supplement)~~

16 BY repealing and reenacting, with amendments,  
17 Article – Health Occupations  
18 Section ~~15–301(e)~~ 14–306(e) and 15–302(c)  
19 Annotated Code of Maryland  
20 (2009 Replacement Volume and 2011 Supplement)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Health Occupations**

4 ~~15-301.~~

5 ~~(a) Nothing in this title may be construed to authorize a physician assistant~~  
6 ~~to practice independent of a primary or alternate supervising physician.~~

7 ~~(b) A license issued to a physician assistant shall limit the physician~~  
8 ~~assistant's scope of practice to medical acts:~~

9 ~~(1) Delegated by the primary or alternate supervising physician;~~

10 ~~(2) Appropriate to the education, training, and experience of the~~  
11 ~~physician assistant;~~

12 ~~(3) Customary to the practice of the primary or alternate supervising~~  
13 ~~physician; and~~

14 ~~(4) Consistent with the delegation agreement filed with the Board.~~

15 ~~(c) Patient services that may be provided by a physician assistant include:~~

16 ~~(1) (i) Taking complete, detailed, and accurate patient histories;~~  
17 ~~and~~

18 ~~(ii) Reviewing patient records to develop comprehensive medical~~  
19 ~~status reports;~~

20 ~~(2) Performing physical examinations and recording all pertinent~~  
21 ~~patient data;~~

22 ~~(3) Interpreting and evaluating patient data as authorized by the~~  
23 ~~primary or alternate supervising physician for the purpose of determining~~  
24 ~~management and treatment of patients;~~

25 ~~(4) Initiating requests for or performing diagnostic procedures as~~  
26 ~~indicated by pertinent data and as authorized by the supervising physician;~~

27 ~~(5) Providing instructions and guidance regarding medical care~~  
28 ~~matters to patients;~~

29 ~~(6) Assisting the primary or alternate supervising physician in the~~  
30 ~~delivery of services to patients who require medical care in the home and in health~~  
31 ~~care institutions, including:~~

- 1                   (i) ~~Recording patient progress notes;~~  
 2                   (ii) ~~Issuing diagnostic orders; and~~  
 3                   (iii) ~~Transcribing or executing specific orders at the direction of~~  
 4 ~~the primary or alternate supervising physician; [and]~~  
 5                   (7) ~~Exercising prescriptive authority under a delegation agreement~~  
 6 ~~and in accordance with § 15-302.2 of this subtitle; AND~~

7                   (8) ~~USING A MINI C ARM DEVICE IN ACCORDANCE WITH~~  
 8 ~~GENERALLY ACCEPTED SAFETY AND TRAINING STANDARDS USED BY~~  
 9 ~~PHYSICIANS AND NURSE PRACTITIONERS.~~

10 14-306.

11           (e) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN [An]  
 12 individual may perform X-ray duties without a license only if the duties:

13                   (1) Do not include:

- 14                   (i) Computerized or noncomputerized tomography;  
 15                   (ii) Fluoroscopy;  
 16                   (iii) Invasive radiology;  
 17                   (iv) Mammography;  
 18                   (v) Nuclear medicine;  
 19                   (vi) Radiation therapy; or  
 20                   (vii) Xerography[.];

21                   (2) Are limited to X-ray procedures of the:

- 22                   (i) Chest, anterior-posterior and lateral;  
 23                   (ii) Spine, anterior-posterior and lateral; or  
 24                   (iii) Extremities, anterior-posterior and lateral, not including  
 25 the head[.]; AND

26                   (3) Are performed:

1 (i) By an individual who is not employed primarily to perform  
 2 X-ray duties;

3 (ii) In the medical office of the physician who delegates the  
 4 duties; and

5 (iii) 1. By an individual who, before October 1, 2002, has:

6 [1.] A. Taken a course consisting of at least 30 hours of  
 7 training in performing X-ray procedures approved by the Maryland Radiological  
 8 Society in consultation with the Maryland Society of Radiologic Technologists; and

9 [2.] B. Successfully passed an examination based on  
 10 that course that has been approved by the Maryland Radiological Society in  
 11 consultation with the Maryland Society of Radiologic Technologists; OR

12 2. BY A LICENSED PHYSICIAN ASSISTANT WHO HAS  
 13 COMPLETED A COURSE THAT INCLUDES ANTERIOR-POSTERIOR AND LATERAL  
 14 RADIOGRAPHIC STUDIES OF EXTREMITIES ON AT LEAST 20 SEPARATE PATIENTS  
 15 UNDER THE DIRECT SUPERVISION OF THE DELEGATING PHYSICIAN OR  
 16 RADIOLOGIST USING A MINI C-ARM OR SIMILAR LOW-LEVEL RADIATION  
 17 MACHINE TO PERFORM NONFLUOROSCOPIC X-RAY PROCEDURES, IF THE  
 18 DUTIES:

19 A. INCLUDE ONLY THE X-RAY PROCEDURES  
 20 DESCRIBED IN PARAGRAPH (2)(III) OF THIS SUBSECTION; AND

21 B. ARE PERFORMED PURSUANT TO A  
 22 BOARD-APPROVED DELEGATION AGREEMENT THAT INCLUDES A REQUEST TO  
 23 PERFORM ADVANCED DUTIES UNDER § 15-302(C)(2) OF THIS ARTICLE.

24 15-302.

25 (c) (1) The Board may not require prior approval of a delegation  
 26 agreement that includes advanced duties, if an advanced duty will be performed in a  
 27 hospital or ambulatory surgical facility, provided that:

28 (i) A physician, with credentials that have been reviewed by the  
 29 hospital or ambulatory surgical facility as a condition of employment, as an  
 30 independent contractor, or as a member of the medical staff, supervises the physician  
 31 assistant;

32 (ii) The physician assistant has credentials that have been  
 33 reviewed by the hospital or ambulatory surgical facility as a condition of employment,  
 34 as an independent contractor, or as a member of the medical staff; and

1                    (iii) Each advanced duty to be delegated to the physician  
 2 assistant is reviewed and approved within a process approved by the governing body of  
 3 the health care facility before the physician assistant performs the advanced duties.

4                    (2) (I) In any setting that does not meet the requirements of  
 5 paragraph (1) of this subsection, a primary supervising physician shall obtain the  
 6 Board's approval of a delegation agreement that includes advanced duties, before the  
 7 physician assistant performs the advanced duties.

8                    (II) 1. BEFORE A PHYSICIAN ASSISTANT MAY PERFORM  
 9 X-RAY DUTIES AUTHORIZED UNDER § 14-306(E) OF THIS ARTICLE IN THE  
 10 MEDICAL OFFICE OF THE PHYSICIAN DELEGATING THE DUTIES, A PRIMARY  
 11 SUPERVISING PHYSICIAN SHALL OBTAIN THE BOARD'S APPROVAL OF A  
 12 DELEGATION AGREEMENT THAT INCLUDES ADVANCED DUTIES IN ACCORDANCE  
 13 WITH SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH.

14                    2. THE ADVANCED DUTIES SET FORTH IN A  
 15 DELEGATION AGREEMENT UNDER THIS SUBPARAGRAPH SHALL BE LIMITED TO  
 16 NONFLUOROSCOPIC X-RAY PROCEDURES OF THE EXTREMITIES,  
 17 ANTERIOR-POSTERIOR AND LATERAL, NOT INCLUDING THE HEAD.

18                    (3) Notwithstanding paragraph (1) of this subsection, a primary  
 19 supervising physician shall obtain the Board's approval of a delegation agreement  
 20 before the physician assistant may administer, monitor, or maintain general  
 21 anesthesia or neuroaxial anesthesia, including spinal and epidural techniques, under  
 22 the agreement.

23                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 24                    October 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.