

# **REQUEST FOR INTRODUCTION OF LEGISLATION**

## **HOUSE HEALTH AND HUMAN SERVICES COMMITTEE**

**JANUARY 27, 2004**

Chairman *Morrison* and Members of the *House Health and Human Services* Committee:

The Kansas Academy of Physician Assistants requests introduction of legislation amending KSA 65-28a10. This statute limits the number of physician assistants a responsible physician may supervise, and we would request an amendment to the statute that deletes the existing language and inserts language that permits the Kansas Board of Healing Arts to adopt an appropriate regulatory policy by rule and regulation. We would also request that K.S.A. 65-28,127 be amended to reflect the Board's ability to adopt regulations regarding medical direction and supervision of Physician Assistants.

The role of a PA has evolved and expanded over time, along with greater acceptance and utilization of PAs in medical practice. Therefore, we would like to see the limitation removed from statute and allow the Board to adopt rules and regulations that assure appropriate physician supervision of the PA without placing a number in the statute. The appropriate number should be determined by the nature of the medical practice and the physician's ability to supervise. Placing restrictions in the administrative regulations would allow the Board and supervising physicians to be flexible and resourceful in the provision of healthcare.

Thank you for your consideration of this request for introduction.

Douglas E. Smith  
For Kansas Academy of Physician Assistants

*Note to the Revisor:*

I did a search and found the following statutes that also contain the old "physician's assistant" reference. These statutes should be changed to reflect the current reference which is "physician assistant". If these corrections can be incorporated in this legislation I would appreciate it.

39-1504, 65-468, 65-1728, 65-2891, 65-5912, 65-6119, 65-6120, 65-6123, 65-6124, 65-5001, 72-5213 & 75-6102.

PROPOSED LANGUAGE:

AN ACT concerning the state board of healing arts, relating to the supervision of physician assistants; amending K.S.A. 65-28,127 and 65-28a10 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 65-28,127 is hereby amended to read as follows: K.S.A. 65-28,127.

(a) Every responsible licensee who directs, supervises, orders, refers, accepts responsibility for, enters into practice protocols with, or who delegates acts which constitute the practice of the healing arts to other persons shall:

††††† (1)†† Be actively engaged in the practice of the healing arts in Kansas;

††††† (2)†† review and keep current any required practice protocols between the responsible licensee and such persons, as may be determined by the board;

††††† (3)†† direct, supervise, order, refer, enter into a practice protocol with, or delegate to such persons only those acts and functions which the responsible licensee knows or has reason to believe such person is competent and authorized by law to perform;

††††† (4)†† direct, supervise, order, refer, enter into a practice protocol with, or delegate to other persons only those acts and functions which are within the normal and customary specialty, competence and lawful practice of the responsible licensee;

††††† (5)†† provide for a qualified, substitute licensee who accepts responsibility for the direction, supervision, delegation and practice protocols with such persons when the responsible licensee is temporarily absent.

††††† (b)†† "Responsible licensee" means a person licensed by the state board of healing arts to practice medicine and surgery or chiropractic who has accepted responsibility for the actions of persons who perform acts pursuant to practice protocols with, or at the order of, or referral, direction, supervision or delegation from such responsible licensee.

††††† (c)†† ~~Notwithstanding the provisions of this section~~ **Except as otherwise provided by regulations of the board implementing this section**, the physician assistant licensure act shall govern the direction and supervision of physicians' assistants by persons licensed by the state board of healing arts to practice medicine and surgery.

††††† (d)†† Nothing in subsection (a)(4) shall be construed to prohibit a person licensed to practice medicine and surgery from ordering, authorizing or directing anesthesia care by a registered nurse anesthetist pursuant to K.S.A. 65-1158 and amendments thereto.

††††† (e)†† Nothing in this section shall be construed to prohibit a person licensed to practice medicine and surgery from ordering, authorizing or directing physical therapy services pursuant to K.S.A. 65-2901 *et seq.* and amendments thereto.

††††† (f)†† Nothing in this section shall be construed to prohibit a person licensed to practice medicine and surgery from entering into a co-management relationship with an optometrist pursuant to K.S.A. 65-1501 *et seq.* and amendments thereto.

††††† (g)†† This section shall be part of and supplemental to the Kansas healing arts act.

Section 2. K.S.A. 65-28a10 is hereby amended to read as follows: K.S.A. 65-28a10. ~~No responsible physician shall have under such physician's direction and supervision more than two physician assistants.~~ **The board may limit by rule and regulation the number of physician assistants a responsible physician may supervise at any one time.** ~~The~~ Any limitation on the number of physician assistants ~~in this section~~ shall not apply to services performed in a medical care facility, as defined in K.S.A. 65-425 and amendments thereto.

Section 3. K.S.A. 65-28,127 and 65-28a10 are hereby repealed.

Section 4. This act shall take effect and be in force from and after its publication in the statute book.