

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form..

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on **10/07/2011** by the
Date prior to or same as filing date

Oregon Medical Board, Licensing Department	OAR Chapter 847	
Agency and Division	Administrative Rules Chapter Number	
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Rules Coordinator	Address	Telephone

to become effective **01/01/2012** through **06/29/2012**.
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

Changes to physician assistant practice and licensing rules per SB 224

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.
Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT:

AMEND: OAR 847-050-0005; 0010; 0015; 0020; 0023; 0025; 0026; 0027; 0029; 0035; 0037; 0038; 0040; 0041; 0042; 0043; 0046; 0050; 0055; 0060; 0063; 0065

SUSPEND:

Stat. Auth.: **ORS 677.265**

Other Auth.:

Stats. Implemented: **ORS 58.185; 409.560; 677.132; 677.190; 677.205; 677.265; 677.470; 677.495-545**

RULE SUMMARY

The proposed rule amendment clarifies the requirements of physician assistants and supervising physicians based on the statutory changes made by SB 224. SB 224, passed by the 2011 Legislature, changed the practice standards and licensing procedures for physician assistants. These changes required changes to OAR Chapter 847, Division 050, the Oregon Medical Board rules governing physician assistants.

The new law separates physician assistant licenses from employment and the Oregon Medical Board no longer approves the physician assistant/supervising physician relationship or "practice agreement" contents. The proposed rule changes explain the requirements established by the new law and establishes the process for licensure, practice, and supervision of physician assistants, including: approval by the Board of supervising physicians; supervision requirements; physician assistant methods and requirements of practice; physician assistant prescription privileges and requirements; practice agreement contents and requirements; procedures for changes to practice and termination of practice agreements; and the roll of the Oregon Medical Board's Physician Assistant Advisory Committee.

Kathleen Haley, Executive Director

Authorized Signer	Printed name	Date
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*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. ARC 940-2005

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Medical Board, Licensing Department

Agency and Division

OAR Chapter 847

Administrative Rules Chapter Number

In the Matter of: OAR Chapter 847, Division 050, the temporary rule clarifies the requirements of physician assistants and supervising physicians based on the statutory changes made by SB 224.

Changes to physician assistant practice and licensing rules per SB 224

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Statutory Authority: ORS [677.265](#)

Other Authority:

Stats. Implemented: ORS [58.185](#); [409.560](#); [677.132](#); [677.190](#); [677.205](#); [677.265](#); [677.470](#); [677.495-545](#)

Need for the Temporary Rule(s): SB 224, passed by the 2011 Legislature, changed the practice standards and licensing procedures for physician assistants. These changes required changes to OAR Chapter 847, Division 50, the Oregon Medical Board rules governing physician assistants. The new law separates physician assistant licenses from employment and the Oregon Medical Board no longer approves the physician assistant/supervising physician relationship or "practice agreement." The proposed rule changes are needed to explain the requirements established by the new law and to establish the process for licensure, practice, and supervision of physician assistants, including: approval by the Board of supervising physicians; supervision requirements; physician assistant methods and requirements of practice; physician assistant prescription privileges and requirements; practice agreement contents and requirements; procedures for changes to practice and termination of practice agreements; and the roll of the Oregon Medical Board's Physician Assistant Advisory Committee.

Documents Relied Upon, and where they are available:

ORS 58.185, available at <http://www.leg.state.or.us/ors/058.html>.

ORS 409.560, available at <http://www.leg.state.or.us/ors/409.html>.

ORS Chapter 677, available at Board office or at <http://www.leg.state.or.us/ors/677.html>.

OAR Chapter 847, available at Board office or at http://arcweb.sos.state.or.us/rules/OARS_800/OAR_847/847_tofc.html.

Justification of Temporary Rule(s):

Per SB 224, the changes to the physician assistant practice go into effect on January 1, 2012. If the rules are approved as proposed and adopted by the Oregon Medical Board at its next Full Board meeting on January 13, 2012, the Board will not be able to meet the SB 224 implementation deadline of January 1, 2012. In order to be in compliance with SB 224 and statute, the rules must be temporarily adopted by January 1, 2012. The rules will be permanently adopted after the final review and public comment period.

Kathleen Haley, Executive Director

Authorized Signer

Printed name

Date

OREGON ADMINISTRATIVE RULES

CHAPTER 847, DIVISION 050 – OREGON MEDICAL BOARD

TEMPORARY RULE ADOPTION – OCTOBER, 2011

Proposed rule amendments implementing the changes to the physician assistant practice and licensing process based on SB 224, to become effective January 1, 2012.

847-050-0005

Preamble

(1) A physician assistant is a person qualified by education, training, experience, and personal character to provide medical services under the direction and supervision of a physician licensed under ORS Chapter 677, in active practice and in good standing with the Board. The purpose of the physician assistant program is to enable physicians licensed under ORS 677 to extend high quality medical care to more people throughout the state.

(2) The licensed physician [~~shall~~] **is** in all cases [~~be~~] regarded as the supervisor of the physician assistant.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.495 - ORS 677.535

847-050-0010

Definitions

As used in OAR 847-050-0005 to 847-050-0065:

(1) "Agent" means a physician designated **in writing and retained at the primary practice location** by the supervising physician who provides **direction and regular review of the medical services of the physician assistant when the supervising physician is unavailable for short periods of time, such as but not limited to when the supervising physician is on vacation.** [~~supervision of the medical services of a physician assistant for a predetermined period of time.~~]

(2) "Board" means the Oregon Medical Board for the State of Oregon.

(3) "Committee" means Physician Assistant Committee.

(4) "Grandfathered physician assistant" means the physician assistant registered prior to July 12, 1984 who does not possess the qualifications of OAR 847-050-0020. Grandfathered physician assistants may retain all practice privileges which have been granted prior to July 12, 1984. [~~All changes in practice descriptions after July 12, 1984 by grandfathered physician assistants must be pre-approved by the Board.~~]

(5) "Physician assistant" means a person who is licensed as such in accordance with ORS 677.265, 677.495, 677.[0]505, 677.510, 677.515, 677.520, and 677.525.

(6) "Practice agreement" means a written agreement between a physician assistant and a supervising physician or supervising physician organization that describes the manner in which the services of the physician assistant will be used.

[~~(6)~~ **(7)** "Practice description" means a written description [~~submitted by the supervising physician and the physician assistant to the Board~~] of the duties and functions of the physician assistant in relation to the physician's practice, **submitted by the supervising physician and the physician assistant to the Board and approved prior to January 1, 2012.**

~~[(7)]~~ **(8)** “Supervising physician organization” means a group of supervising physicians who collectively supervises a physician assistant. One physician within the supervising physician organization must be designated as the primary supervising physician of the physician assistant.

~~[(8)]~~ **(9)** "Supervising physician" means a physician licensed under ORS Chapter 677, actively registered and in good standing with the Board as a Medical Doctor or Doctor of Osteopathic Medicine, **and approved by the Board as a supervising physician,** who provides direction and regular review of the medical services provided by the physician assistant. ~~[as determined to be appropriate by the Board.]~~

~~[(9)]~~ **(10)** “Supervision” means the routine review by the supervising physician or designated agent, as described in the **practice agreement or Board-approved** practice description ~~[and as determined to be appropriate by the Board,]~~ of the medical services provided by the physician assistant. The supervising physician or designated agent and the physician assistant ~~[shall]~~ **must** maintain direct communication, either in person, ~~[or]~~ by telephone, **or other electronic means** ~~[, radio, radiotelephone, television or similar means]~~. There are three categories of supervision:

~~[(a)]~~ “Direct Supervision” means the supervising physician or designated agent must be in the facility when the physician assistant is practicing.

~~[(b)]~~ **(a)** “General Supervision” means the supervising physician or designated agent is not on-site with the physician assistant, but ~~[is]~~ **must be** available for direct communication, either in person, ~~[or]~~ by telephone, **or other electronic** ~~[, radio, radiotelephone, television or similar]~~ means.

(b) “Direct Supervision” means the supervising physician or designated agent must be in the facility when the physician assistant is practicing.

(c) “Personal Supervision” means the supervising physician or designated agent must be at the side of the physician assistant at all times, personally directing the action of the physician assistant.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.495

847-050-0015

Application

~~To be licensed by the Board, a physician assistant must have a supervising physician. The supervising physician must be actively licensed in Oregon and in good standing with the Board:~~

(1) Each application for the licensure of a physician assistant must ~~[be signed by the physician assistant and include the following information:]~~ **meet the licensing requirements as set forth in ORS 677.512.**

~~[(a) Specific detailed information relating to the type of supervision to be provided by the supervising physician is to be set forth in the practice description submitted for the applicant by the physician who shall supervise. The practice description must be signed by the supervising physician. All such practice descriptions are subject to Board approval;]~~

~~[(b) The specialty, type of degree, professional address, and type of practice of the supervising physician;]~~

~~[(c) All information required by ORS 677.510(1);]~~

~~[(d) The applicant must provide the Board with sufficient evidence of good moral character.]~~

(2) No applicant ~~[shall be]~~ **is** entitled to licensure who:

(a) Has failed an examination for licensure in the State of Oregon;

(b) Has had [his] **a** license or certificate revoked or suspended in this or any other state unless the said license or certificate has been restored or reinstated and the applicant's license or certificate is in good standing in the state which had revoked the same;

(c) Has been refused a license or certificate in any other state on any grounds other than failure in a medical licensure examination; or

(d) Has been guilty of conduct similar to that which would be prohibited by or to which ORS 677.190 would apply.

(3) A person applying for licensure under these rules who has not completed the licensure process within a 12 month consecutive period from date of receipt of the application [~~shall~~] **must** file a new application, documents, letters and pay a full filing fee as if filing for the first time.

~~[(4) An applicant requesting to be licensed at Military/Public Health Active status is not required to have a supervising physician prior to licensure.]~~

~~[(a) Prior to practicing in Oregon at a non-Military/Public Health Active status, licensees at Military/Public Health Active status must apply for the reactivation of their license to Active status and obtain an Oregon licensed supervising physician.]~~

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265 **& ORS 677.512**

847-050-0020

Qualifications

On or after January 25, 2008, an applicant for licensure as a physician assistant in this state[7] must possess the following qualifications:

(1) Have successfully completed a ~~[course in]~~ physician assistant ~~[training]~~ **education program** which is approved by the American Medical Association Committee on Allied Health Education and Accreditation (C.A.H.E.A.), the Commission on Accreditation for Allied Health Education Programs (C.A.A.H.E.P.), or the Accreditation Review Commission on Education for the Physician Assistant (A.R.C.P.A.).

(2) Have passed the Physician Assistant National Certifying Examination (PANCE) given by the National Commission on Certification of Physician Assistants (N.C.C.P.A.).

(a) The applicant may take the PANCE once in a 90-day period or three times per calendar year, whichever is fewer.

(A) The applicant has no more than four attempts in six years to pass the PANCE. If the applicant does not pass the PANCE within four attempts, the applicant is not eligible for licensure.

(B) An applicant who has passed the NCCPA certification exam, but not within the four attempts required by this rule, may request a waiver of this requirement if he/she has current certification by the NCCPA.

(b) Those who have met the requirements of section (1) of this rule may make application for a Limited License, Postgraduate before passing the PANCE examination with the stipulation that if the examination is not passed within one year from the date of application, the Board ~~[shall]~~ withdraws its approval.

(3) Applicants ~~[that apply for]~~ **seeking** prescription privileges must meet the requirements specified in OAR 847-050-0041.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265 **& ORS 677.512**

847-050-0023

Limited License, Postgraduate

(1) An applicant for a Physician Assistant license who has successfully completed a ~~course in~~ physician assistant ~~training~~ **education program** approved by the American Medical Association Council on Allied Health Education and Accreditation (C.A.H.E.A.), or the Commission on Accreditation for Allied Health Education Programs (C.A.A.H.E.P.), or the Accreditation Review Commission on Education for the Physician Assistant (A.R.C.P.A.) but has not yet passed the Physician Assistant National Certifying Examination (PANCE) given by the National Commission for the Certification of Physician Assistants (N.C.C.P.A.) may be issued a Limited License, Postgraduate, if the following are met:

(a) The application file is complete~~;~~ **with the exception of certification by the N.C.C.P.A.;**

and

~~[(b) Certification by the N.C.C.P.A. is pending;]~~

~~[(c) The physician assistant's practice description has been submitted;]~~

~~[(d) The supervising physician is in good standing with the Board; and]~~

~~[(e)]~~ **(b)** The applicant has submitted the appropriate form and fee prior to being issued a

Limited License, Postgraduate.

(2) ~~[Prescription privileges may be granted with a]~~ **A** Limited License, Postgraduate **may include prescriptive privileges for Schedules III through V** if the supervising physician

[requests] **specifies these** prescription privileges for the physician assistant in the **practice agreement** [practice description];

(3) A Limited License, Postgraduate may be granted for one year, and may not be renewed.

(4) Upon receipt of verification that the applicant has passed the N.C.C.P.A. examination, and if their application file is otherwise satisfactorily complete, the applicant will be [reviewed] **considered for a permanent license.** [at the next regularly scheduled Board meeting for permanent licensure].

(5) The Limited License, Postgraduate will automatically [~~be canceled~~] **expire** if the applicant fails the N.C.C.P.A. examination.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.132 & ORS 677.535

847-050-0025

Interview and Examination

(1) In addition to all other requirements, the Board may require prior to original licensure the applicant [~~and the applicant's supervising physician~~] to appear for a personal interview if there are questions concerning the application. **!** [~~or the practice description. In addition to the interview, if there is reasonable cause to question the qualifications of the applicant, or if the applicant has not worked as a physician assistant for a period of 12 or more consecutive months, the Board may require the applicant to do one or more of the following:~~

(a) ~~Pass the examination given by the National Commission on the Certification of Physician Assistants (N.C.C.P.A.);~~

(b) ~~Provide documentation of current N.C.C.P.A. certification;~~

~~(c) Document 25 hours of Category I continuing medical education acceptable to the Board for every year the applicant has ceased practice prior to application for Oregon licensure. Category I continuing education that meets N.C.C.P.A.'s recertification requirements would qualify as Board approved continuing education.]~~

(2) The applicant [~~and the applicant's supervising physician who has not been previously Board approved as a supervising physician shall be~~] **is** required to pass an open-book examination on the Medical Practice Act (ORS Chapter 677) and Oregon Administrative Rules (OAR) chapter 847, division 050.

~~[(a)]~~ If an applicant fails the open-book examination three times, the applicant's application will be reviewed by the Physician Assistant Committee of the Oregon Medical Board. An applicant who has failed the open-book examination three times must also attend~~[, with the applicant's supervising physician,]~~ an informal meeting with a Board member, a Board investigator and/or the Medical Director of the Board to discuss the applicant's failure of the examination, before being given a fourth and final attempt to pass the examination. If the applicant does not pass the examination on the fourth attempt, the applicant may be denied licensure.

~~[(b) If the applicant's supervising physician fails the open book examination three times, the physician's request to supervise the applicant's practice as documented in the practice description will be reviewed by the Physician Assistant Committee of the Oregon Medical Board. An applicant's supervising physician who has failed the open book examination three times must also attend an informal meeting with a Board member, a Board investigator and/or the Medical Director of the Board to discuss the supervising physician's failure of the examination, before being given a fourth and final attempt to pass the examination. If the applicant's supervising~~

~~physician does not pass the examination on the fourth attempt, the physician's request to supervise the applicant's practice as documented in the practice description may be denied.]~~

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265

847-050-0026

Limited License, Special

(1) Under the authority of the Oregon Medical Board, the Physician Assistant Committee may grant a Limited License, Special to physician assistants not previously licensed in the state, subject to final Board approval.

(2) A Limited License, Special is valid until ~~[the next regularly scheduled Board meeting for which the applicant is eligible,]~~ **the approval of permanent licensure** and may be granted only if the following criteria are met:

(a) The applicant meets the qualifications of OAR 857-050-0020(1) and (2);

(b) The application file is complete; **and**

~~[(c) The supervising physician has completed a practice description under ORS 677.510 to the satisfaction of the Board;]~~

~~[(d) The supervising physician is in good standing with the Board; and]~~

~~[(e)]~~ **(c)** The applicant has submitted the appropriate form and fee for a Limited License, Special.

(3) ~~[Prescription privileges, including emergency dispensing and emergency administration]~~ **Prescribing, administering and dispensing medications,** and remote supervision in a medically disadvantaged, underserved, or health professional shortage area may be ~~[granted]~~

included with a Limited License, Special if [~~requested by the supervising physician~~] **specified** in the **practice agreement** [~~practice description~~].

~~[(4) Prior to being granted a Limited License, Special, a new applicant and the supervising physician may be required to appear for an interview at the next regularly scheduled committee meeting if there are questions concerning the application or the practice description.]~~

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.535

847-050-0027

~~[Temporary] Approval of [~~Registration and Practice Changes~~] **Supervising Physician**~~

~~(1) [Under the authority of the Oregon Medical Board, the Physician Assistant Committee may grant to physician assistants registration and/or practice description changes, subject to final Board approval.]~~ **Prior to using the services of a physician assistant, a supervising physician or primary supervising physician of a supervising physician organization must be approved as a supervising physician by the Board.**

~~(2) [Temporary approval of physician assistants currently licensed in the state who wish to add or change a supervising physician requires the following before approval may be granted:]~~

The primary supervising physician of a supervising physician organization must apply as a supervising physician with the Board and must attest that each supervising physician in the supervising physician organization has reviewed statutes and rules relating to the practice of physician assistants and the role of a supervising physician.

~~(a) Letters of termination of previous supervision have been submitted to the Board as required in OAR 847-050-0050, if the supervisory relationship is terminating;]~~

~~[(b) The new supervising physician has submitted a written request to be appointed as the supervising physician;]~~

~~[(c) The new supervising physician is in good standing with the Board.]~~

(3) ~~[Prescription privileges may be granted under temporary privileges only if the following conditions are met:]~~ **Physicians applying to be a supervising physician or the primary**

supervising physician of a supervising physician organization must:

(a) Submit a supervising physician application and application fee to the Board; and

(b) Take an online course and pass an open-book exam on the supervising physician requirements and responsibilities given by the Board. A passing score on the exam is 75%. If the supervising physician applicant fails the exam three times, the physician's application will be reviewed by the Board. A supervising physician applicant who has failed the exam three times must also attend an informal meeting with a Board member, a Board investigator and/or the Medical Director of the Board to discuss the applicant's failure of the exam, before being given a fourth and final attempt to pass the examination. If the applicant does not pass the exam on the fourth attempt, the physician's application may be denied.

~~[(a) The physician assistant has met the requirements of OAR 847-050-0020(1); or is an Oregon grandfathered physician assistant who has passed the Physician Assistant National Certifying Examination (PANCE) or other specialty examination approved by the Board prior to July 12, 1984; and]~~

~~[(b) The supervising physician requests prescription privileges for the physician assistant in the practice description.]~~

(4) The physician may be subject to Board investigation prior to approval or may be limited or denied approval as a supervising physician for the following:

(a) There are restrictions upon or actions against the physician's license;

(b) Fraud or misrepresentation in applying to use the services of a physician assistant.

(5) The Board may defer taking action upon a request for approval as a supervising physician pending the outcome of the investigation of the physician for violations of ORS 677.010-990.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.510

847-050-0029

Locum Tenens Assignments

Locum tenens means a temporary absence by the physician assistant or **supervising** physician **which** is filled by a substitute physician assistant or **supervising** physician. The following is required [~~of an applicant~~] for **a** locum tenens **assignment**:

(1) [~~A minimum of two weeks prior to the intended locum tenens~~] **Within ten days of the start of the locum tenens assignment**, the supervising physician of the practice which desires the substitute must submit a [~~letter of request~~] **notification of locum tenens assignment** to the Board.

(2) The [~~request~~] **notification of locum tenens assignment** must include the name of the substitute physician assistant or supervising physician **who is filling the locum tenens assignment**, duration of the locum tenens **assignment**, a description of how supervision of the physician assistant will be maintained, and any changes in the **practice agreement or Board-**

approved practice description for the practice during the locum tenens **assignment**. [Approval must be obtained in advance from the Executive Director of the Oregon Medical Board.]

(3) The **substitute** physician assistant or **supervising** physician **who is filling the locum tenens assignment** must be currently licensed in Oregon, with active, [or] locums tenens, or emeritus registration status, and be in good standing with the Board.

(4) The physician assistant must be qualified to provide the same type of service as described in the current **practice agreement or Board-**approved practice description for the locum tenens.

(5) The **supervising** physician **who is filling the locum tenens assignment** [must be as qualified as the physician who is being replaced during the locum tenens] **must be approved as a supervising physician by the Board in accordance with OAR 847-050-0027 (Approval of Supervising Physician).**

(6) [The Board Executive Director may give temporary approval which is subject to approval by the Oregon Medical Board].

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265 & 677.510

847-050-0035

Grounds for Discipline

(1) The performance of unauthorized medical services by the physician assistant constitutes a violation of the Medical Practice Act. The supervising physician and/or agent is responsible for the acts of the physician assistant and may be subject to disciplinary action for such violations by the physician assistant. The physician assistant is also subject to disciplinary action for

violations. Proceedings under these rules [~~shall be~~] **are** conducted in the manner specified in ORS 677.200 [~~or 677.510(2)~~].

(2) In addition to any of the reasons cited in ORS 677.190, the Board may refuse to grant, or may suspend or revoke a license to practice as a physician assistant for any of the following reasons:

(a) The physician assistant has held himself/herself out, or permitted another to represent the physician assistant to be a licensed physician.

(b) The physician assistant has in fact performed medical services without the direction or under the supervision of a **Board-approved** supervising physician or agent.

(c) The physician assistant has performed a task or tasks beyond the physician assistant's competence [~~as defined in OAR 847-050-0040(1)~~] **or outside the scope of practice of the supervising physician or outside the practice agreement as stated in OAR 847-050-0040. This is not intended to limit the ability of a physician assistant to learn new procedures under personal supervision.**

Stat. Auth.: ORS 677.190, 677.205, 677.265

Stats. Implemented: ORS 677.190, 677.205, 677.265, 677.505

847-050-0037

Supervision

(1) A physician may not use the services of a physician assistant without first obtaining Board approval as a supervising physician.

~~(1)~~ **(2) The supervising physician, agent, or in the case of a supervising physician organization, the primary supervising physician and acting supervising physician, [is] are**

personally responsible for the direction, **supervision** and regular review of the medical services provided by the physician assistant, **in keeping with the practice agreement or Board-approved practice description.**

~~[(2)]~~ **(3)** The type of supervision and maintenance of supervision provided for each physician assistant ~~[shall]~~ **must** be described in the **practice agreement or Board-approved** practice description ~~[and approved by the Board]~~. The supervising physician ~~[shall]~~ **must** provide for maintenance of verbal communication with the physician assistant at all times, whether the supervising physician and physician assistant practice in the same practice location or a practice location separate from each other, as described in the following:

(a) The practice **setting** is listed in the **practice agreement or Board-approved** practice description of the physician assistant ~~[and is pre-approved by the Board]~~.

(b) Practice locations, other than primary or secondary practice locations, such as schools, sporting events, health fairs and long term care facilities, are not required to be listed in the **practice agreement or Board-approved** practice description ~~[of the physician assistant]~~ if the duties are the same as those listed in the **practice agreement or Board-approved** practice description. The medical records for the patients seen at these additional practice locations ~~[will]~~ **must** be held either at the supervising physician's primary practice location or the additional practice locations. The supervision of the physician assistant at locations other than the primary or secondary practice location ~~[shall]~~ **must** be the same as for the primary or secondary practice location.

~~[(c) In any instance where the supervising physician or designated agent is not providing direct or personal supervision of the physician assistant as defined in OAR 847-050-0010[(8)](a) and (c), the supervising physician or designated agent shall provide for the maintenance of direct,~~

~~verbal communication by telephone, radio, radio telephone, television or similar means but is not required to be physically present at the practice site.]~~

~~(c)~~ **(c)** The supervising physician or designated agent ~~[will]~~ **must** provide a minimum of eight (8) hours of on-site supervision every month, or as approved by the Board.

~~(d)~~ **(d)** The supervising physician or designated agent ~~[will]~~ **must** provide chart review of a number or a percentage of the patients the physician assistant has seen ~~[during each month]~~ as stated in the **practice agreement or Board-approved** practice description ~~[as approved by the Board]~~.

~~(3)~~ **(4)** ~~[The degree of independent judgment that the physician assistant may exercise shall be in accordance with the Board approved practice description and supervision.]~~ The supervising physician may limit the degree of independent judgment that the physician assistant uses but may not extend it beyond the limits of the **practice agreement or Board-approved** practice description.

~~(4) A physician who has restrictions upon or actions against their license may be subject to Board investigation prior to approval or may be denied approval as a supervising physician.]~~

~~(5) The Board may defer taking action upon a request for approval as a supervising physician pending the outcome of the investigation of the physician for violations of ORS 677.010-0990.]~~

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS **677.510 &** 677.515

847-050-0038

Agents

(1) The supervising physician **who is not a member of a supervising physician organization** may designate an agent or agents to direct and supervise the physician assistant **when the supervising physician is unavailable for short periods of time**. The agents must meet the following requirements:

(a) Be [~~currently in practice and~~] licensed as a medical or osteopathic physician under ORS 677, **actively registered** and in good standing with the Board;

(b) Practice in the same city[,;] or practice area as the supervising physician or physician assistant.

(c) Be qualified to supervise as designated in the practice agreement, and be competent to perform the duties delegated to the physician assistant.

(2) The supervising physician is responsible for informing the agent of the duties of an agent. Prior to such time as the physician assistant is acting under the direction of an agent, the supervising physician must determine that the agent understands and accepts supervisory responsibility. **The agent must sign an acknowledgement of all practice agreements between the supervising physician and the physician assistant(s) the agent will supervise, and a copy must be kept at the primary practice location.** Supervision by the agent will continue for a certain, predetermined, limited period of time, after which supervisory duties revert to the supervising physician.

(3) In the absence of the supervising physician, the agent assumes the same responsibilities as the supervising physician.

Stat. Auth.: ORS 183 & ORS 677

Stats. Implemented: ORS 677.495 & ORS 677.510

847-050-0040

Method of Performance

(1) The physician assistant may perform at the direction of the supervising physician and/or agent only those medical services as included in the **practice agreement or** Board-approved practice description.

(2) The physician assistant must **be** clearly **identified** identify himself/herself as such when performing duties. The physician assistant ~~[shall]~~ **must** at all times when on duty wear a name tag with the designation of "physician assistant" thereon.

(3) The supervising physician ~~[shall]~~ **must** furnish reports, as required by the Board, on the performance of the physician assistant or ~~[trainee]~~ **student**.

(4) The practice agreement must be submitted to the Board within ten days after the physician assistant begins practice with the supervising physician or supervising physician organization.

~~[(4)]~~ **(5) [All additions must be pre-approved.] The supervising physician must notify the Board of any changes to the practice agreement within ten days of the effective date of the change.**

(6) Supervising physicians must update the practice agreement biennially during the supervising physician's license renewal process.

(7) A supervising physician and physician assistant who have a Board-approved practice description that was approved prior to January 1, 2012 and who wish to make changes to the practice description must enter into a practice agreement in accordance with ORS 677.510(6)(a). [Requests for any change in the practice description of a physician

assistant licensed in Oregon shall be submitted to the Board by the supervising physician in writing. The Board may require an examination prior to the approval of any such changes.]

Stat. Auth.: [~~ORS 183 &~~] ORS 677.265

Stats. Implemented: ORS 677.510

847-050-0041

Prescription Privileges

(1) An Oregon grandfathered physician assistant may issue written, **electronic** or oral prescriptions for medications, Schedule III-V, which the supervising physician has determined the physician assistant is qualified to prescribe[~~d~~] commensurate with the **practice agreement or Board-approved** practice description [~~and approved by the Board~~] if the physician assistant has passed a specialty examination approved by the Board prior to July 12, 1984, and the **following** conditions [~~in (2)(a) and (b)~~] are met[~~:~~]:

(a) The Oregon grandfathered physician assistant has passed the Physician Assistant National Certifying Examination (PANCE); and

(b) The Oregon grandfathered physician assistant has documented adequate education or experience in pharmacology commensurate with the practice agreement or Board-approved practice description.

(2) A physician assistant may issue written, **electronic** or oral prescriptions for medications, Schedule [~~H~~]**III**-V, which the supervising physician has determined the physician assistant is qualified to prescribe commensurate with the **practice agreement or Board-approved** practice description, **if the physician assistant has met the requirements of OAR 847-050-0020(1).** [~~and approved by the Board if the following conditions are met:~~]

~~[(a) The physician assistant has met the requirements of OAR 847-050-0020(1); or is an Oregon grandfathered physician assistant who has passed the Physician Assistant National Certifying Examination (PANCE).]~~

~~[(b) The applicant must document adequate training and/or experience in pharmacology commensurate with the practice description;]~~

(3) A physician assistant may issue written, electronic or oral prescriptions for medications, Schedule II if the requirements in (1) or (2) are fulfilled and if the following conditions are met:

~~[(c) The Board may require the applicant to pass a pharmacological examination which may be written, oral, practical, or any combination thereof based on the practice description.]~~

~~[(d) (a) [Schedule II. An application for] **A statement regarding** Schedule II controlled substances prescription privileges **is** [must be submitted to the Board by the physician assistant's supervising physician and must be accompanied by] **included in** the **practice agreement or Board-approved** practice description [of the physician assistant]. The Schedule II controlled substances prescription privileges of a physician assistant [shall be] **are** limited by the **practice agreement or Board-approved** practice description [approved by the board] and may be restricted further by the supervising physician at any time. [To be eligible for Schedule II controlled substances prescription privileges, a]~~

(b) The physician assistant ~~[must be]~~ **is currently** certified by the National Commission for the Certification of Physician Assistants and must complete all required continuing medical education coursework.

~~[(3) The prescribing physician assistant, to be authorized to issue prescriptions for Schedules II through V controlled substances, must be registered with the Federal Drug Enforcement Administration.]~~

(4) ~~[Written]~~ **All** prescriptions given whether **written, electronic, or oral** ~~[shall]~~ **must** ~~[be on a blank which]~~ include[s] the ~~[printed or handwritten]~~ name, office address, and telephone number of the supervising physician and the ~~[printed or handwritten]~~ name of the physician assistant. The prescription ~~[shall]~~ **must** also bear the name of the patient and the date on which the prescription was written. The physician assistant ~~[shall]~~ **must** sign the prescription and the signature ~~[shall]~~ **must** be followed by the letters "P.A." Also the physician assistant's Federal Drug Enforcement Administration number ~~[shall]~~ **must** be shown on prescriptions for controlled substances.

(5) ~~[Emergency administration and emergency dispensing.]~~ A licensed physician assistant may make application to the Board ~~[for emergency administering and dispensing authority]~~ **to dispense emergency medications.**

(a) The application must be submitted ~~[in writing]~~ to the Board by the supervising physician and must explain the need for the request, as follows:

~~[(a)]~~ **(A)** Location of the practice site;

~~[(b)]~~ **(B)** Accessibility to the nearest pharmacy; and

~~[(c)]~~ **(C)** Medical necessity for emergency ~~[administering or]~~ dispensing.

~~[(6)]~~ **(b)** The dispensed medication must be pre-packaged by a licensed pharmacist, manufacturing drug outlet or wholesale drug outlet authorized to do so under ORS 689 and the physician assistant ~~[shall]~~ **must** maintain records of receipt and distribution.

~~[(7)]~~ **(c)** A ~~[physician who supervises]~~ **supervising physician or primary supervising physician of a supervising physician organization for** a physician assistant who is applying for emergency dispensing privileges must be registered with the Oregon Medical Board as a dispensing physician.

~~[(8) Chronic/intractable pain management authority utilizing Schedule II medications.~~

~~(a) Physician assistants and their supervising physicians must meet the following requirements in order for physician assistants to be granted chronic/intractable pain management authority, under general supervision:~~

~~(A) The physician assistant must have completed six (6) hours of accredited training in chronic/intractable pain management and a one (1) hour pain management course specific to the State of Oregon provided by the Pain Management Commission;~~

~~(B) The supervising physician must have DEA certification for Schedule II medications;~~

~~(b) Supervising physicians must review a minimum of ten (10) percent of physician assistant patient charts regarding chronic/intractable pain management with Schedule II medications for one year following approval of physician assistant chronic/intractable pain management authority.]~~

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 409.560, 677.470, **677.515 & 677.545**

847-050-0042

Registration

(1) The registration renewal form and fee must be received in the Board office during regular business hours and must be satisfactorily complete on or before December 31 of each odd-

numbered year in order for the physician assistant's registration to be renewed for the next 24 months. This application [may] **must** also [require] **include** [the completion of a report by the supervising physician on the practice description and supervision arrangements] **submission of an updated practice agreement or validation of an existing practice agreement or Board-approved practice description.**

(2) Upon failure to comply with section (1) of this rule, the license will automatically lapse as per ORS 677.228.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.512

847-050-0043

Inactive Registration, Initial Licensure, and Re-Entry to Practice

(1) Any physician assistant licensed in this state who changes location to some other state or country, or who is not in a current supervisory relationship with a licensed physician for six months or more, will be listed by the Board as inactive.

(2) If the physician assistant wishes to resume active status to practice in Oregon, the physician assistant must submit the Affidavit of Reactivation and processing fee, satisfactorily complete the reactivation process and be approved by the Board before beginning active practice in Oregon.

(3) The Board may deny active registration if it judges the conduct of the physician assistant during the period of inactive registration to be such that the physician assistant would have been denied a license if applying for an initial license.

(4) If a physician assistant applicant has ceased practice for a period of 12 or more consecutive months immediately preceding the application for licensure or reactivation, the applicant may be required to do one or more of the following:

(a) Obtain certification or re-certification by the National Commission on the Certification of Physician Assistants (N.C.C.P.A.);

(b) Provide documentation of current N.C.C.P.A. certification;

(c) Complete 30 hours of Category I continuing medical education acceptable to the Board for every year the applicant has ceased practice;

(d) Agree to increased chart reviews upon re-entry to practice.

(5) The physician assistant applicant who has ceased practice for a period of 24 or more consecutive months may be required to complete a re-entry plan to the satisfaction of the Board. The Board must review and approve a re-entry plan prior to the applicant beginning the re-entry plan. Depending on the amount of time out of practice, the re-entry plan may contain one or more of the requirements listed in section (4) of this rule and such additional requirements as determined by the Board.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.512

847-050-0046

Active Status for Temporary, Rotating Assignments

(1) A physician assistant, upon notification to the Board, may retire from active, permanent practice and change to Emeritus status which allows the physician assistant to practice temporary, volunteer assignments. A physician assistant with Emeritus status who wishes to

volunteer at a medical facility must have a **practice agreement or** Board-approved practice description prior to starting practice at each assignment.

(2) A physician assistant, upon notification to the Board, may retire from active, permanent practice and maintain Active status by practicing at medical facilities for assignments on a rotating basis. ~~[(a)]~~ A physician assistant who wishes to maintain active status and practice in rotating assignments at permanent locations must have a **practice agreement or** Board-approved practice description and must provide the Board with timely notification of the dates of each assignment prior to beginning each rotating assignment.

~~[(b) The physician assistant must practice a minimum of thirty (30) days a year in order to continue to be eligible for Active status. The physician assistant will report the number of days practiced per year on the biennial registration renewal form.]~~

Stat. Auth.: ORS 677.265 & 677.545

Stats. Implemented: ORS 677.265, 677.510 & 677.515

847-050-0050

Termination of Supervision

Upon termination of **a supervisory relationship** ~~[employment, the Board shall require]~~ both the **supervising** physician and the physician assistant ~~[(t)]~~ **must** submit **to the Board** a ~~[separate]~~ ~~[detailed]~~ written report concerning the reason~~(s)]~~ for termination of the relationship. Such report ~~[shall]~~ **must** be submitted to the Board within 15 days following termination of supervision.

Stat. Auth.: ORS 677

Stats. Implemented: ORS 677.510

847-050-0055

Professional Corporation or Partnership

Whenever the supervising physician is a member of a professional corporation or employee of a professional corporation or partnership, the **primary** supervising physician **and any acting supervising physician** [shall] **are** in all cases [~~be solely and~~] personally responsible for [~~the application of the physician assistant and for~~] the direction and supervision of the physician assistant's work. Such responsibility for supervision cannot be transferred to the corporation or partnership even though such corporation or partnership may pay the supervising physician and the physician assistant's salaries or enter into an employment agreement with such physician assistant or supervising physician.

Stat. Auth.: ORS 677

Stats. Implemented: ORS 58.185

847-050-0060

Physician Assistant [~~Trainee~~] **Student**

(1) Where applicable, any person who is enrolled as a [~~trainee~~] **student** in any school offering an accredited physician assistant [~~training~~] **education** program [shall] **must** comply with OAR 847-050-0005 to 847-050-0065.

(2) Notwithstanding any other provisions of these rules, a physician assistant [~~trainee~~] **student** may perform medical services when such services are rendered within the scope of an accredited physician assistant [~~training~~] **education** program[, and such services are approved by the Board].

Stat. Auth.: ORS 677

Stats. Implemented: ORS 677.515

847-050-0063

Physician Assistant Committee

(1) There is created a Physician Assistant Committee ~~[which shall]~~ consisting **ing** of five members. Members of the committee ~~[shall be]~~ **are** appointed as follows:

(a) The Oregon Medical Board for the State of Oregon ~~[shall]~~ **must** appoint one of its members and one physician. The physician who is not a member of the Board must supervise a physician assistant.

(b) The Oregon Medical Board ~~[shall]~~ **must** appoint three physician assistants after considering persons nominated by the Oregon Society of Physician Assistants.

(2) The term of each member of the committee ~~[shall be for]~~ **is** three years. A member ~~[shall]~~ **must** serve until a successor is appointed. If a vacancy occurs, it ~~[shall]~~ **must** be filled for the unexpired term by a person with the same qualifications as the retiring member.

(3) If any vacancy under subsection (1) of this section is not filled within 45 days, the Governor ~~[shall]~~ **must** make the necessary appointment from the category which is vacant.

(4) The committee ~~[shall]~~ elect **s** its own chairperson with such powers and duties as **fixed by** the committee ~~[shall fix]~~.

(5) A quorum of the committee ~~[shall be]~~ **is** three members. The committee ~~[shall]~~ **must** hold a meeting at least once quarterly and at such other times the committee considers advisable to review requests **to use the services of physician assistants and** for ~~[prescription and]~~ dispensing privileges and to review applications for licensure or renewal.

(6) The chairperson may call a special meeting of the Physician Assistant Committee upon at least 10 days' notice in writing to each member, to be held at any place designated by the chairperson.

(7) The committee members are entitled to compensation and expenses as provided in ORS 677.292.495.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.540

847-050-0065

Duties of the Committee

(1) The Physician Assistant Committee [~~shall~~] **must**:

[~~(1)~~] **(a)** Review [~~all~~] applications for physician assistants' licensure and for renewal thereof.

[~~(2)~~] **(b)** Review applications of physician assistants for dispensing privileges.

[~~(3)~~] **(c)** Recommend approval or disapproval of applications submitted under subsection (1) or (2) of this section to the Oregon Medical Board for the State of Oregon.

[~~(4)~~] **(d)** Recommend criteria to be used in granting dispensing privileges under ORS 677.515.

(e) Review requests to use the services of physician assistants.

[~~(5) Recommend the formulary for prescriptive privileges which may include all or parts of Schedules II, III, IV and V controlled substances and the procedures for physician assistants and supervising physicians to follow in exercising the prescriptive privileges.~~]

[~~(6) Recommend the approval, disapproval, or modification of the application for prescriptive privileges for any physician assistant.~~]

[~~(7)~~] **(2)** All actions of the physician assistant committee [~~shall be~~] **are** subject to review and approval by the Board.

(3) Any other matters related to the physician assistant practice in Oregon.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.540 & 677.545