

RULE 24 RULES GOVERNING PHYSICIAN ASSISTANTS

BUREAU OF
LEGISLATIVE RESEARCH

1. A physician assistant must possess a license issued by the Arkansas State Medical Board prior to engaging in such occupation.
2. To obtain a license from the Arkansas State Medical Board the physician assistant must do the following:
 - a. Answer all questions to include the providing of all documentation requested on an application form as provided by the Arkansas State Medical Board;
 - b. Pay the required fee for licensure as delineated elsewhere in this rule;
 - c. Provide proof of successful completion of Physician Assistant National Certifying Examination, as administered by the National Commission on Certification of Physician Assistants;
 - d. Certify and provide such documentation, as the Arkansas State Medical Board should require that the applicant is mentally and physically able to engage safely in the role as a physician assistant;
 - e. Certify that the applicant is not under any current discipline, revocation, suspension or probation or investigation from any other licensing board;
 - f. Provide letters of recommendation as to quality of practice history;
 - g. The applicant should be at least 21 years of age;
 - h. Show proof of graduation with a Bachelor's Degree from an accredited college or university or prior service as a military corpsman;
 - i. Provide proof of graduation from a physician assistant education program recognized by the Accreditation Review Commission on Education for the Physician Assistant or by its successor agency, and has passed the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physician Assistants;
 - j. The submission to the Board of a delegation agreement delineating the scope of practice that the physician assistant will engage in, the program of evaluation and supervision by the supervising physician;
3. If an applicant for a license submits all of the required information, complies with all the requirements in paragraph 2, except paragraph 2 (j) and the same is reviewed and approved by the Board, then the applicant may request a Letter of Intent from the Board and the Board may issue the same. Said Letter of Intent from the Board will state that the applicant has complied with all licensure requirements of the Board except the submission of a Delegation Agreement and supervising physician and that upon those being submitted to the Board, it is the intent of

the board to license the applicant as a physician assistant. Said Letter of Intent will expire six (6) months from date of issue.

4. The Delegation Agreement

a. This delegation agreement is to be completed and signed by the physician assistant and his/her designated supervising physician. Said delegation agreement will be written in the form issued by the Arkansas State Medical Board. Said delegation agreement must be accepted by the Arkansas State Medical Board prior to licensure of the physician assistant.

b. The delegation agreement as completed by the physician assistant and the supervising physician will include the following:

- (1) area or type of practice;
- (2) location of practice;
- (3) geographic range of supervising physician;
- (4) the type and frequency of supervision by the supervising physician;
- (5) the process of evaluation by the supervising physician;
- (6) the name of the supervising physician;
- (7) the qualifications of the supervising physician in the area or type of practice that the physician assistant will be functioning in;
- (8) the type of drug prescribing authorization delegated to the physician assistant by the supervising physician;
- (9) the name of the back-up supervising physician(s) and a description of when the back-up supervising physician(s) will be utilized.

c. A copy of the approved delegation agreement must be kept at the practice location of the physician assistant.

5. a. A physician assistant must be authorized by his supervising physician to prescribe legend drugs and scheduled medication for patients. Said authorization must be stated in the delegation agreement and the request approved by the Board. A supervising physician may only authorize a physician assistant to prescribe schedule medication that the physician is authorized to prescribe. A physician assistant may only be authorized to receive, prescribe, order and administer schedule 2 through 5 medications, except that a physician assistant may prescribe hydrocodone combination products reclassified from Schedule 3 to Schedule 2 as of October 6, 2014, if authorized by the physician assistant's supervising physician, and in accord with other requirements of the section. A physician assistant's prescriptive authority extends to

drugs in Schedule 2, except regarding hydrocodone as stated above, only if the prescription is for: (1) an opioid, if the prescription is only for a five-day period or less; or (2) a stimulant, if the prescription was originally initiated by a physician; the physician has evaluated the patient within six (6) months before the physician assistant issues a prescription; and the prescription by the physician assistant is to treat the same condition as the original prescription.

b. The physician assistant will make an entry in the patient chart noting the name of the medication, the strength, the dosage, the quantity prescribed, the directions, the number of refills, together with the signature of the physician assistant and the printed name of the supervising physician for every prescription written for a patient by the physician assistant.

c. Patient care orders generated by a physician assistant shall be construed as having the same medical, health, and legal force and effect as if the orders were generated by the physician assistant's supervising physician. The orders shall be complied with and carried out as if the orders has been issued by the physician assistant's supervising physician.

d. Physician assistants who prescribe controlled substances shall register with the Drug Enforcement Administration as part of the Drug Enforcement Administration's Mid-Level Practitioner Registry, 21 C.F.R. Part 1300, 58 FR 3 1 171-31175, and the Controlled Substances Act.

6. A supervising physician and/or back-up supervising physician(s) should be available for immediate telephone contact with the physician assistant any time the physician assistant is rendering services to the public.

7. a. Physician assistants provide medical services to patients consistent with the physician assistant's license, area of practice, or authorized under the delegation agreement. Physician assistants will have to provide medical services to the patients consistent with the standards that a licensed physician would provide to a patient. As such, the physician assistant must comply with the standards of medical care of a licensed physician as stated in the Medical Practices Act, the Rules of the Board and the Orders of the Arkansas State Medical Board. A violation of said standards can result in the revocation or suspension of the license when ordered by the Board after disciplinary charges are brought.

b. A physician assistant must clearly identify himself or herself to the patient by displaying an appropriate designation, that is a badge, name plate with the words "physician assistant" appearing thereon.

c. ~~A physician assistant will not receive directly from a patient or an insurance provider of a patient any monies for the services he or she renders the patient. Payment of any bills or fees for labor performed by the physician assistant will be paid to the employer of the physician assistant and not directly to the physician assistant.~~

- (1) If authorized by the supervising physician, a physician assistant shall be:
(a) Identified as the treating provider in billing and claims processes when the physician assistant delivered the medical services to the patient; and

(b) Allowed to file claims as the billing provider for medical services delivered by the physician assistant to a patient that:

(i) Is a Medicaid beneficiary; or

(ii) Has a health benefit plan provided by a healthcare insurer.

(2) Under this section, a health benefit plan provided by a healthcare insurer or the Arkansas Medicaid Program shall not require the physical presence of the supervising physician as provided in § 17-105-101(3).

d. A physician assistant may pronounce death and may authenticate with his or her signature a form that may be authenticated by a supervising physician's signature as authorized under A.C.A. §17-80-120.

e. A physician assistant may render care within his or her scope of practice when responding to a need for medical care created by an emergency or a state or local disaster if the physician assistant is: (1) licensed in this state; (2) licensed or authorized to practice in another state or territory; or (3) credentialed as a physician assistant by a federal employer. A physician assistant who voluntarily and gratuitously, other than in the ordinary course of his or her employment or practice, renders emergency medical assistance is not liable for civil damages for personal injuries that result from acts or omissions of the physician assistant that may constitute ordinary negligence.

8. The supervising physician is liable for the acts of a physician assistant whom he or she is supervising if said acts of the physician assistant arise out of the powers granted the physician assistant by the supervising physician. The supervising physician may have charges brought against him by the Arkansas State Medical Board and receive sanctions if the physician assistant should violate the standards of medical practice as set forth in the Medical Practices Act, the Rules of the Board and the standards of the medical community.

A supervising physician will notify the Arkansas State Medical Board within 10 days after notification of a claim or filing of a lawsuit for medical malpractice against a Physician Assistant, whom he supervises. Notice to the Board shall be sent to the office of the Board and upon such forms as may be approved by the Board. If the malpractice claim is in the form of a complaint in a filed lawsuit, a copy of the complaint shall be furnished to the Board along with the notification required by this Section.

9. Continuing Medical Education:

a. A physician assistant who holds an active license to practice in the State of Arkansas shall complete 20 credit hours per year continuing medical education.

b. If a person holding an active license as a physician assistant in this State fails to meet the foregoing requirement because of illness, military service, medical or religious missionary activity, residence in a foreign country, or other extenuating circumstances, the Board upon appropriate written application may grant an extension of time to complete the same on an individual basis.

c. Each year, with the application for renewal of an active license as a physician assistant in this state, the Board will include a form which requires the person holding the license to certify by signature, under penalty of perjury, and disciplined by the Board, that he or she has met the stipulating continuing medical education requirements. In addition, the Board may randomly require physician assistants submitting such a certification to demonstrate, prior to renewal of license, satisfaction of continuing medical education requirements stated in his or her certification.

d. Continuing medical education records must be kept by the licensee in an orderly manner. All records relative to continuing medical education must be maintained by the licensee for at least three years from the end of the reporting period. The records or copies of the forms must be provided or made available to the Arkansas State Medical Board.

e. Failure to complete continuing education hours as required or failure to be able to produce records reflecting that one has completed the required minimum medical education hours shall be a violation and may result in the licensee having his license suspended and/or revoked.

f. A physician assistant who is authorized to prescribe Schedule II hydrocodone combination products reclassified from Schedule 3 to Schedule 2 as of October 6, 2014, must complete at least five (5) continuing education hours in the area of pain management.

g. Each year, each physician assistant shall obtain at least one (1) hour of CME credit specifically regarding the prescribing of opioids and benzodiazepines. The one hour may be included in the twenty (20) credit hours per year of continuing medical education required and shall not constitute an additional hour of CME per year.

10. Physician Assistants, HIV, HBV and HCV: Physicians assistants shall adhere to Rule 16 concerning HIV, HBV, and HCV.

History: Adopted December 7, 1977; Amended October 9, 1999; Amended December 10, 1999; Amended February 4, 2000; Amended April 8, 2005; Amended June 5, 2008; Amended April 12, 2012; Amended October 1, 2015, Effective December 14, 2015; Amended December 7, 2017, Effective June 12, 2018; Amended June 4, 2020, Effective August 7, 2020; Amended June 28, 2022, Effective November 19, 2022.

Replaced Regulation 4

State of Arkansas *As Engrossed: S2/9/23 S2/14/23*

94th General Assembly

Regular Session, 2023

A Bill

SENATE BILL 112

By: Senator J. Boyd

By: Representatives Pilkington, Gramlich

For An Act To Be Entitled

AN ACT TO AUTHORIZE PHYSICIAN ASSISTANTS TO BE
IDENTIFIED AS A TREATING PROVIDER FOR INSURANCE
BILLING AND CLAIMS AND TO BILL AND RECEIVE PAYMENT
FOR PROVIDED HEALTHCARE SERVICES; AND FOR OTHER
PURPOSES.

Subtitle

TO AUTHORIZE PHYSICIAN ASSISTANTS TO BE
IDENTIFIED AS A TREATING PROVIDER FOR
INSURANCE BILLING AND CLAIMS AND TO BILL
AND RECEIVE PAYMENT FOR PROVIDED
HEALTHCARE SERVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-105-101, concerning definitions
regarding licensure and regulation of physician assistants, is amended to add
additional subdivisions to read as follows:

(4) "Health benefit plan" means a plan, policy, contract,
certificate, agreement, or other evidence of coverage for healthcare services
offered or issued by a healthcare insurer in this state; and

(5)(A) "Healthcare insurer" means an entity that is subject to
state insurance regulation and provides health insurance in this state.

(B) "Healthcare insurer" includes:

(i) An insurance company;

(ii) A hospital and medical service corporation;



1 (iii) A health maintenance organization;
2 (iv) A risk-based provider organization; and
3 (v) Any sponsor of a nonfederal self-funded
4 governmental plan.

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6 SECTION 2. Arkansas Code Title 17, Chapter 105, Subchapter 1, is
7 amended to add an additional section to read as follows:

8 17-105-125. Insurer billing and payment.

9 (a) If authorized by the supervising physician, a physician assistant
10 shall be:

11 (1) Identified as the treating provider in billing and claims
12 processes when the physician assistant delivered the medical services to the
13 patient; and

14 (2) Allowed to file claims as the billing provider for medical
15 services delivered by the physician assistant to a patient that:

16 (A) Is a Medicaid beneficiary; or

17 (B) Has a health benefit plan provided by a healthcare
18 insurer.

19 (b) Under this section, a health benefit plan provided by a healthcare
20 insurer or the Arkansas Medicaid Program shall not require the physical
21 presence of the supervising physician as provided in § 17-105-101(3).

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23 /s/J. Boyd

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26 APPROVED: 3/16/23