RECEIVED
MAY 14 2026
BLR

Proposed Rulemaking

Title

Promulgated by:
Arkansas State Medical Board

Title 17. Professions, Occupations, and Businesses
Chapter XXIV. Arkansas State Medical Board, Department of Health
Subchapter A. Generally
Part 140. Arkansas State Medical Board Rules
Subpart 25. Physician and Physician Assistant Delegation Rule

17 CAR § 140-2501. Generally.

(a) Acts 2009, No. 472 of the 87th General Assembly authorized physicians and physician assistants to delegate the performance of certain medical practices or tasks to qualified and properly trained employees, commonly referred to as medical assistants, who are not licensed or otherwise specifically authorized by Arkansas law to perform the practice or task.

(b) This subpart will set forth standards to be met and the procedures to be followed by ~~the~~ physicians and physician assistants when delegating to employees.

17 CAR § 140-2502. Definitions.

For purposes of this subpart:

(1) "Delegate" means to authorize a qualified and properly trained employee to perform a medical practice that does not conflict with a provision of the Arkansas Code that specifically authorizes an individual to perform a particular practice;

(2) "Medical assistant" means an employee of a physician who has been delegated medical practices or tasks and who has not been licensed by or specifically

authorized to perform the practice or task pursuant to other provisions of Arkansas law;

(3) "Medical practice" means those tasks or functions that are delegated to a qualified and properly trained employee, including the administration of drugs, pursuant to Acts 2009, No. 472, and this subpart;

(4) "Physician" means an individual licensed by the Arkansas State Medical Board to practice medicine in the State of Arkansas; ~~and~~

(5) (A) "Physician assistant" means a dependent healthcare professional qualified by academic and clinical education and licensed by the Arkansas State Medical Board to provide healthcare services and who has: (i) Graduated from a program for the education and training of physician assistants that has been approved by the Accreditation Review Commission on Education for the Physician Assistant, Inc. or its successors; and (ii) Passed the certifying examination administered by the National Commission on Certification of Physician Assistants.

(B) A physician assistant: (i) Provides healthcare services under the supervision of a physician; and (ii) Works under a delegation agreement with a physician; and

~~(5)~~(6) "Supervision" means the act by a physician in directing and overseeing an employee who performs a delegated medical practice.

17 CAR § 140-2503. General provisions.

(a) The delegating physician or physician assistant remains responsible for the acts of the employee performing the delegated medical practice.

(b) The employee performing the delegated medical practice shall not be represented to the public as a licensed physician, licensed nurse, licensed physician's assistant, or other licensed healthcare provider.

(c) Medical practices delegated pursuant to this statute and subpart shall be performed under the physician's or physician assistant's supervision.

17 CAR § 140-2504. Procedures for delegating a medical practice.

Prior to delegating a medical practice or task, the physician or physician assistant

shall determine the following:

(1) That the medical practice or task is within that physician's or physician assistant's authority to perform;

(2) That the medical practice or task is indicated for the patient;

(3) The appropriate level of supervision for the physician or physician assistant to exercise while the medical practice or task is being performed;

(4) That the person to whom the medical practice or task is being delegated is qualified and properly trained to perform the medical practice or task; and

(5) That the medical practice is one that can be appropriately delegated when considering the following factors:

(A) That the medical practice can be performed without requiring the exercise of judgment based on medical knowledge;

(B) That the results of the medical practice are reasonably predictable;

(C) That the medical practice can be safely performed according to exact, unchanging directions;

(D) That the medical practice can be performed without the need for complex observations or critical decisions; and

(E) That the medical practice can be performed without repeated medical assessments.

17 CAR § 140-2505. Additional requirements for delegating the administration of drugs.

(a) A physician or physician assistant may only delegate the administration of drugs that do not require substantial, specialized judgment and skill based on knowledge and application of the principles of biological, physical, and social sciences.

(b) Administration of drugs, delegated pursuant to this section, shall only be permissible within the physical boundaries of the delegating physician's or physician assistant's offices.

(c) The physician or physician assistant shall evaluate the acuity of the patient and make a determination that delegation is appropriate.

(d) The physician or physician assistant shall determine the competency of the person to whom the administration of drugs is being delegated through training and experience, including the physician's personal observation.

17 CAR § 140-2506. Prohibitions.

A physician or physician assistant shall not:

(1) Transfer his or her responsibility for supervising an unlicensed person in the performance of a delegated medical practice except to another physician or physician assistant who has knowingly accepted that responsibility;

(2) Authorize or permit an unlicensed person to whom a medical practice is delegated to delegate the performance of that practice to another person;

(3) Delegate to an unlicensed person the administration of anesthesia;

(4) Delegate a medical practice that is not within the authority of that physician or physician assistant or is beyond the physician's or physician assistant's training, expertise, or normal course of practice; and

(5) Delegate a medical practice to an unlicensed person if the practice is beyond that person's competence.

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 99

By: Senator C. Penzo
By: Representative Gramlich

For An Act To Be Entitled

AN ACT TO AUTHORIZE A PHYSICIAN ASSISTANT TO DELEGATE CERTAIN TASKS; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE A PHYSICIAN ASSISTANT TO DELEGATE CERTAIN TASKS.

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

SECTION 1. Arkansas Code § 17-95-208 is amended to read as follows:

17-95-208. Rules on physician's authority to delegate.

(a) The Arkansas State Medical Board shall adopt rules that establish standards to be met and procedures to be followed by a physician or a physician assistant with respect to the ~~physician's~~ delegation of the performance of medical practices to a qualified and properly trained employee who is not licensed or otherwise specifically authorized by the Arkansas Code to perform the practice.

(b) The rules adopted under subsection (a) of this section shall provide that:

(1) The delegating physician or a physician assistant remains responsible for the acts of the employee performing the delegated practice;

(2) The employee performing the delegated practice shall not be represented to the public as a licensed physician, licensed nurse, licensed physician's assistant, or other licensed healthcare provider; and

(3) Medical practices delegated under this section shall be performed under the ~~physician's~~ supervision of the physician or physician assistant.

(c) Delegation of medical practices under this section may include administration of drugs that do not require substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical, and social sciences as determined by the board.

(d) Rules adopted regarding the delegation of the administration of drugs shall provide for:

(1) The delegated administration of drugs only within the physical boundaries of the office in which the delegating ~~physician's offices~~ physician or physician assistant practices;

(2) Evaluation of whether delegation is appropriate according to the acuity of the patient involved;

(3) Training and competency requirements that shall be met by the person administering the drugs; and

(4) Other standards and procedures the board considers relevant.

(e) The board shall not adopt rules that:

(1) Authorize a physician to transfer to a health professional other than ~~another~~ a physician or physician assistant the physician's responsibility for supervising a delegated medical practice;

(2) ~~Authorize an individual to whom a medical practice is delegated to delegate the performance of that practice to another individual;~~

~~(3)~~ Authorize a physician to delegate the administration of anesthesia; or

~~(4)~~(3) Conflict with a provision of the Arkansas Code that specifically authorizes an individual to perform a particular practice.

SECTION 2. Arkansas Code § 17-105-107, concerning the scope of authority and delegatory authority of a physician assistant, is amended to add an additional subsection to read as follows:

(e) A physician assistant may delegate certain tasks as authorized under § 17-95-208 and the rules of the Arkansas State Medical Board.

APPROVED: 4/3/25