

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: S2/16/99 S2/19/99 H3/15/99*

# A Bill

SENATE BILL 417

5 By: Senators Ross, K. Smith, Critcher, Edwards, Bisbee  
6  
7

## For An Act To Be Entitled

9 "PHYSICIAN ASSISTANT PRACTICE ACT REVISION OF 1999;  
10 AND FOR OTHER PURPOSES."

### Subtitle

13 "PHYSICIAN ASSISTANT PRACTICE ACT  
14 REVISION OF 1999."

15  
16  
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

19 SECTION 1. Definitions. As used in this act:

20 (1) "Board" means the Arkansas State Medical Board;

21 (2) "Physician assistant" means a person who has graduated from a  
22 physician assistant or surgeon assistant program accredited by the American  
23 Medical Association's Committee on Allied Health Education and Accreditation  
24 or the Commission on Accreditation of Allied Health Education Programs, and  
25 who has passed the certifying examination administered by the National  
26 Commission on Certification of Physician Assistants. The physician assistant  
27 is a dependent medical practitioner who provides health care services under  
28 the supervision of a physician and working under a physician drafted protocol  
29 describing how the physician assistant and the physician will work together  
30 and approved by the Arkansas State Medical Board and any practice guidelines  
31 required by the supervising physician.

32 (3) "Supervision" means overseeing the activities of, and accepting  
33 responsibility for, the medical services rendered by a physician assistant.  
34 The constant physical presence of the supervising physician is not required so  
35 long as the supervising physician and physician assistant are or can be easily  
36 in contact with one another by radio, telephone, electronic, or other

1 telecommunication device. Supervision of each physician assistant by a  
2 physician or physicians shall be continuous; and

3 (4) "Supervising physician" means a doctor of medicine (MD) or doctor of  
4 osteopathy (DO) licensed by the board who supervises physician assistants.

5  
6 SECTION 2. Qualifications for Licensure.

7 (a) Except as otherwise provided in this act, an individual must be  
8 licensed by the board before the individual may practice as a physician  
9 assistant.

10 (b) The board may grant a license as a physician assistant to an  
11 applicant who:

12 (1) Submits an application on forms approved by the board;

13 (2) Pays the appropriate fees as determined by the board;

14 (3) Has successfully completed an educational program for  
15 physician assistants or surgeon assistants accredited by the Committee on  
16 Allied Health Education and Accreditation or by its successor agency, and has  
17 passed the Physician Assistant National Certifying Examination administered by  
18 the National Commission on Certification of Physician Assistants;

19 (4) Certifies that he or she is mentally and physically able to  
20 engage safely in practice as a physician assistant;

21 (5) Has no licensure, certification, or registration as a  
22 physician assistant under current discipline, revocation, suspension or  
23 probation for cause resulting from the applicant's practice as a physician  
24 assistant, unless the board considers such condition and agrees to licensure;

25 (6) Is of good moral character;

26 (7) Submits to the board any other information the board deems  
27 necessary to evaluate the applicant's qualifications;

28 (8) Has been approved by the board;

29 (9) Is at least twenty-one (21) years of age; and

30 (10) After July 1, 1999, has at least a bachelor's degree in some  
31 field of study from a regionally-accredited college or university, unless the  
32 applicant has:

33 (A) Prior service as a military corpsman, and is a graduate  
34 of a physician assistant education program recognized by the Committee on  
35 Allied Health Education and Accreditation or the Commission on Accreditation  
36 of Allied Health Education Programs or the applicant is currently certified by

1 the National Commission on Certification of Physician Assistants; or  
2 (B) Was serving as a physician assistant in a federal  
3 facility located in the State of Arkansas on or after July 1, 1999, and who is  
4 a graduate of a physician assistant education program recognized by the  
5 Committee on Allied Health Education and Accreditation or the Commission on  
6 Accreditation of Allied Health Education Programs; or  
7 (C) Was licensed, in good standing, on June 30, 1999, by  
8 the Arkansas State Medical Board; or  
9 (D) Was enrolled on or before July 1, 1999, in a physician  
10 assistant program recognized by the Commission on Accreditation of Allied  
11 Health Education Programs.

12  
13 SECTION 3. Graduate License/Temporary License.

14 (a) The board may grant a graduate license to an applicant who meets the  
15 qualifications for licensure except that the applicant has not yet taken the  
16 national certifying examination or the applicant has taken the national  
17 certifying examination and is awaiting the results.

18 (b) A graduate license is valid:

19 (1) For one (1) year from the date of issuance;

20 (2) Until the results of an applicant's examination are available;

21 or

22 (3) Until the board makes a final decision on the applicant's  
23 request for licensure, whichever comes first.

24 (c) The board may extend a graduate license, upon a majority vote of the  
25 board members, for a period not to exceed one (1) year. Under no  
26 circumstances may the board grant more than one (1) extension of a graduate  
27 license.

28 (d) A temporary license may be granted to an applicant who meets all the  
29 qualifications for licensure but is awaiting the next scheduled meeting of the  
30 board.

31  
32 SECTION 4. Inactive License.

33 Any physician assistant who notifies the board in writing on forms  
34 prescribed by the board may elect to place his or her license on an inactive  
35 status. A physician assistant with an inactive license shall be excused from  
36 payment of renewal fees and shall not practice as a physician assistant. Any

1 licensee who engages in practice while his or her license is lapsed or on  
2 inactive status shall be considered to be practicing without a license, which  
3 shall be grounds for discipline under Section 13 of this act. A physician  
4 assistant requesting restoration from inactive status shall be required to pay  
5 the current renewal fee and shall be required to meet the criteria for renewal  
6 as specified in Section 5 of this act.

7  
8 SECTION 5. Renewal.

9 Each person who holds a license as a physician assistant in this state  
10 shall, upon notification from the board, renew the license by:

- 11 (1) Submitting the appropriate fee as determined by the board;  
12 (2) Completing the appropriate forms; and  
13 (3) Meeting any other requirements set forth by the board.

14  
15 SECTION 6. Exemption from Licensure.

16 Nothing in this act shall be construed to require licensure of:

- 17 (1) A physician assistant student enrolled in a physician assistant or  
18 surgeon assistant educational program accredited by the Committee on Allied  
19 Health Education and Accreditation or by its successor agency;  
20 (2) A physician assistant employed in the service of the federal  
21 government while performing duties incident to that employment;  
22 (3) Technicians, other assistants, or employees of physicians who  
23 perform delegated tasks in the office of a physician but who are not rendering  
24 services as a physician assistant or identifying themselves as a physician  
25 assistant;  
26 (4) A physician assistant in the service of the State Military  
27 Department, or the Arkansas National Guard, or both. These physician  
28 assistants shall be allowed to perform their physician assistant practice  
29 duties, including prescribing, in the same manner as they would if federalized  
30 by the United States government;  
31 (5) A physician assistant who is temporarily transiting through the  
32 State of Arkansas while caring for a patient, provided that he or she remains  
33 under the supervision of his or her supervising physician.

34  
35 SECTION 7. Scope of Authority - Delegatory Authority - Agent of  
36 Supervising Physician.

1           (a) Physician assistants provide health care services with physician  
2 supervision. The supervising physician shall be identified on all  
3 prescriptions and orders. Physician assistants may perform those duties and  
4 responsibilities, including the prescribing, ordering, and administering drugs  
5 and medical devices, that are delegated by their supervising physicians.

6           (b) Physician assistants shall be considered the agents of their  
7 supervising physicians in the performance of all practice-related activities,  
8 including but not limited to, the ordering of diagnostic, therapeutic and  
9 other medical services.

10           (c) Physician assistants may perform health care services in any setting  
11 authorized by the supervising physician in accordance with any applicable  
12 facility policy.

13           (d) Nothing in this act shall be construed to authorize a physician  
14 assistant to:

15                   (1) Examine the human eye or visual system for the purpose of  
16 prescribing glasses or contact lenses, or the determination of the refractive  
17 power for surgical procedures;

18                   (2) Adapt, fill, duplicate, modify, supply, or sell contact  
19 lenses or prescription eye glasses; or

20                   (3) Prescribe, direct the use of, or use any optical device in  
21 connection with ocular exercises, vision training, or orthoptics.

22  
23           SECTION 8.   Prescriptive Authority.

24           (a) Physicians supervising physician assistants may delegate  
25 prescriptive authority to physician assistants to include prescribing,  
26 ordering, and administering Schedule III through V controlled substances as  
27 described in the Uniform Controlled Substances Act and 21 C.F.R. Part 1300,  
28 all legend drugs, and all non-schedule prescription medications and medical  
29 devices. All prescriptions and orders issued by a physician assistant shall  
30 also identify his or her supervising physician.

31           (b) At no time shall a physician assistant's level of prescriptive  
32 authority exceed that of the supervising physician.

33           (c) Physician assistants who prescribe controlled substances must  
34 register with the Drug Enforcement Administration as part of the Drug  
35 Enforcement Administration's Mid-Level Practitioner Registry per 21 C.F.R.  
36 Part 1300, 58 FR 31171-31175, and the Federal Controlled Substances Act.

1  
2 SECTION 9. Supervision.

3 (a) Supervision of physician assistants shall be continuous but shall  
4 not be construed as necessarily requiring the physical presence of the  
5 supervising physician at the time and place that the services are rendered.

6 (b) It is the obligation of each team of physicians and physician  
7 assistants to ensure that:

8 (1) The physician assistant's scope of practice is identified;

9 (2) The delegation of medical task is appropriate to the  
10 physician assistant's level of competence;

11 (3) The relationship and access to the supervising physician is  
12 defined; and

13 (4) A process of evaluation of the physician assistant's  
14 performance is established.

15 (c) The physician assistant and supervising physician may designate  
16 "back-up" physicians who are agreeable to supervise the physician assistant  
17 during the absence of the supervising physician.

18  
19 SECTION 10. Supervising Physician.

20 A physician desiring to supervise a physician assistant must:

21 (1) Be licensed in this state;

22 (2) Notify the board of his intent to supervise a physician assistant;  
23 and

24 (3) Submit a statement to the board that he will exercise supervision  
25 over the physician assistant in accordance with any rules adopted by the  
26 board.

27  
28 SECTION 11. Notification of Intent to Practice.

29 (a) A physician assistant licensed in this state, prior to initiating  
30 practice, must submit, on forms approved by the board, notification of such  
31 intent. The notification shall include:

32 (1) The name, business address, e-mail address, and telephone  
33 number of the supervising physician; and

34 (2) The name, business address, and telephone number of the  
35 physician assistant.

36 (b) A physician assistant shall notify the board of any changes or

1 additions in supervising physicians within ten (10) calendar days.

2  
3 SECTION 12. Exclusions of Limitations of Employment.

4 Nothing herein shall be construed to limit the employment arrangement of  
5 a physician assistant licensed under this act.

6  
7 SECTION 13. Violation.

8 The board may, following the exercise of due process, discipline any  
9 physician assistant who:

10 (1) Fraudulently or deceptively obtains or attempts to obtain a license;

11 (2) Fraudulently or deceptively uses a license;

12 (3) Violates any provision of this act or any regulations adopted by the  
13 board pertaining to this act;

14 (4) Is convicted of a felony;

15 (5) Is a habitual user of intoxicants or drugs to such an extent that he  
16 or she is unable to safely perform as a physician assistant;

17 (6) Has been adjudicated as mentally incompetent or has a mental  
18 condition that renders him or her unable to safely perform as a physician  
19 assistant;

20 (7) Has committed an act of moral turpitude; or

21 (8) Represents himself or herself as a physician.

22  
23 SECTION 14. Disciplinary Authority.

24 The board, upon finding that a physician assistant has committed any  
25 offense described in section 13, may:

26 (1) Refuse to grant a license;

27 (2) Administer a public or private reprimand;

28 (3) Revoke, suspend, limit, or otherwise restrict a license;

29 (4) Require a physician assistant to submit to the care, counseling, or  
30 treatment of a physician or physicians designated by the board;

31 (5) Suspend enforcement of its finding thereof and place the physician  
32 assistant on probation with the right to vacate the probationary order for  
33 noncompliance; or

34 (6) Restore or reissue, at its discretion, a license and impose any  
35 disciplinary or corrective measure which it may have imposed.

36

1 SECTION 15. Title and Practice Protection.

2 (a) Any person not licensed under this act is guilty of a Class A  
3 misdemeanor and is subject to penalties applicable to the unlicensed practice  
4 of medicine if he or she:

5 (1) Holds himself or herself out as a physician assistant;

6 (2) Uses any combination or abbreviation of the term "physician  
7 assistant" to indicate or imply that he or she is a physician assistant; or

8 (3) Acts as a physician assistant.

9 (b) An unlicensed physician shall not be permitted to use the title of  
10 "physician assistant" or to practice as a physician assistant unless he or she  
11 fulfills the requirements of this act.

12  
13 SECTION 16. Identification Requirements.

14 Physician assistants licensed under this act shall keep their license  
15 available for inspection at their primary place of business and shall, when  
16 engaged in their professional activities, wear a name tag identifying  
17 themselves as a physician assistant.

18  
19 SECTION 17. Rule Making Authority.

20 (a) The board shall promulgate, in accordance with the Arkansas  
21 Administrative Procedure Act, regulations that are reasonable and necessary  
22 for the performance of the various duties imposed upon the board by this act,  
23 including but not limited to:

24 (1) Establishing license renewal dates; and

25 (2) Setting the level of liability coverage.

26 (b) The Arkansas State Medical Board may levy the following fees:

27 (1) Physician assistant application for licensure fee, eighty  
28 dollars (\$80.00);

29 (2) Initial application fee for the physician employer, fifty  
30 dollars (\$50.00);

31 (3) Physician assistant annual re-licensure fee, fifty dollars  
32 (\$50.00);

33 (4) Physician assistant delinquent licensure fee, twenty-five  
34 dollars (\$25.00) for each delinquent year or part thereof;

35 (5) Physician assistant application for graduate or temporary  
36 licensure fee, ten dollars (\$10.00); and



1           (6) Physician assistant one-time extension graduate licensure fee,  
2 forty dollars (\$40.00).

3           (c) The board may appoint a physician assistant advisory committee to  
4 assist in the administration of this act.

5  
6           SECTION 18. Regulation by the Arkansas State Medical Board.

7           The board shall administer the provisions of this act under such  
8 procedures as it considers advisable and may adopt rules that are reasonable  
9 and necessary to implement the provisions of this act. Further, it is the  
10 intent of the General Assembly that the board, on behalf of the General  
11 Assembly, shall make rules clarifying any ambiguities or related matters  
12 concerning this act, which may not have been specifically addressed.

13  
14           SECTION 19. Good Samaritan Provision.

15           Physician assistants shall be subject to the Good Samaritan provisions  
16 embodied in Arkansas Code § 17-95-101.

17  
18           SECTION 20. Medical services provided by retired physician assistants  
19 to less fortunate patient populations.

20           (a) Retired physician assistants may practice their medical services  
21 under the supervision of a licensed physician and shall be subject to the same  
22 provisions as a retired physician or surgeon would be pursuant to Arkansas  
23 Code § 17-95-106.

24           (b) Retired physician assistants practicing under this provision must  
25 continue to be licensed by the board and must practice their medical skills  
26 only under the supervision of a licensed physician.

27  
28           SECTION 21. Physician Assistant Employment by the State of Arkansas  
29 under the Uniform Classification Plan.

30           (a) The Office of Personnel Management within the Department of Finance  
31 and Administration shall establish and maintain a position classification of  
32 physician assistant. The initial position classification shall mirror the  
33 Veterans Health Administration Directive 10-95-020 of March 3, 1995, and the  
34 United States Department of Veterans Affairs regulation as embodied in:

35                   (1) MP-5, Part II, Chapter 2, Change 2, Appendix H; and

36                   (2) MP-5, Part II, Chapter 5, Change 5.

1       (b) Modifications or changes in the future to the state position  
2 classification of physician assistant shall only be made based upon the  
3 concurrence of the *Physician Assistant Advisory Committee*.  
4

5       SECTION 22. Physician Assistant Patient Care Orders.

6       (a) Patient care orders generated by a physician assistant shall be  
7 construed as having the same medical, health, and legal force and effect as if  
8 the orders were generated by their supervising *physician*, provided that the  
9 supervising *physician's name is identified in the patient care order*.

10       (b) The orders shall be complied with and carried out as if the orders  
11 had been issued by the physician assistant's supervising physician.  
12

13       SECTION 23. Medical Malpractice, Professional and Legal Liability for  
14 Actions.

15       Physician assistants shall be covered under the provisions regarding  
16 medical malpractice and legal liability as such applies to their supervising  
17 physician as embodied in Arkansas Code § 16-114-201 through § 16-114-209.  
18

19       SECTION 24. Title 17, Chapter 92, Subchapter 1 of the Arkansas Code is  
20 amended by adding the following section to be appropriately numbered by the  
21 Arkansas Code Revision Commission:

22       "Prescriptions for Physician Assistants.

23       Pharmacists licensed in the State of Arkansas are hereby authorized to  
24 fill prescriptions in the State of Arkansas for licensed physician assistants  
25 for *Schedule III through V controlled substances as described in the Uniform*  
26 *Controlled Substances Act and 21 C.F.R. Part 1300. Physician assistant-*  
27 *generated prescriptions for controlled substances must have the physician*  
28 *assistant's name and DEA number and the supervising physician's name*  
29 *communicated either verbally, in writing or by electronic means. Controlled*  
30 *substances, prescription medications, and products dispensed by a licensed*  
31 *pharmacist to a patient per a physician assistant generated prescription shall*  
32 *state on the labeling prepared by the pharmacist the physician assistant's*  
33 *name and "PA" behind the physician assistant's name. Pharmacists shall carry*  
34 *out the physician assistant's prescriptive request or order in the same manner*  
35 *as they would for the physician assistant's supervising physician. All*  
36 *prescriptions and orders issued by a physician assistant shall also identify*

1 his or her supervising physician."

2  
3 SECTION 25. Effective October 1, 1999, Chapter 94 of Title 17 of the  
4 Arkansas Code is repealed.

5 ~~17-94-101. Construction.~~

6 ~~Nothing in this chapter shall be interpreted to limit the scope of~~  
7 ~~activities of physician's assistants or physician's trained assistants or any~~  
8 ~~other person working under the direct, personal, physical supervision of a~~  
9 ~~physician beyond the limits otherwise imposed by law.~~

10 ~~17-94-102. Definitions.~~

11 ~~As used in this chapter, unless the context otherwise requires:~~

12 ~~(1) "Physician" means a person who is presently licensed by the~~  
13 ~~Arkansas State Medical Board to practice medicine and surgery in the State of~~  
14 ~~Arkansas and who is required to register annually with the board;~~

15 ~~(2) "Physician's trained assistant" means a skilled person qualified by~~  
16 ~~academic and practical on-the-job training to provide services under the~~  
17 ~~supervision and direction of a licensed physician who is responsible for the~~  
18 ~~performance of that assistant;~~

19 ~~(3) "Licensed nurse" means a person who is licensed to practice nursing~~  
20 ~~by the Arkansas State Board of Nursing and includes registered nurses,~~  
21 ~~licensed practical nurses, and licensed psychiatric technician nurses;~~

22 ~~(4) "Under the supervision and under the direction of a licensed~~  
23 ~~physician" means the performance of medical acts and procedures by a~~  
24 ~~physician's trained assistant which have been specifically authorized and~~  
25 ~~directed by a physician and may be performed by the physician's trained~~  
26 ~~assistant outside the presence of the physician but under conditions where the~~  
27 ~~physician can be reached immediately by the physician's trained assistant by~~  
28 ~~communication facilities; and~~

29 ~~(5) "Direct, personal, physical supervision" means supervision exercised~~  
30 ~~over assistants working within the same office facility of the supervising~~  
31 ~~physician.~~

32 ~~17-94-103. Determination of need and scope of duties.~~

33 ~~(a) The Arkansas State Medical Board shall conduct hearings under the~~  
34 ~~Arkansas Administrative Procedure Act, as amended, § 25-15-201 et seq., to~~  
35 ~~determine the needs within the respective areas of medical specialties for~~  
36 ~~physician's trained assistants and determine the tasks and functions to be~~

1 ~~delegated to physician's trained assistants.~~

2 ~~(b) The Arkansas State Medical Board shall establish by appropriate~~  
3 ~~regulation a list of tasks and procedures which may be delegated to a~~  
4 ~~physician's trained assistant employed by:~~

5 ~~(1) A physician engaged primarily in a general or family~~  
6 ~~practice; or~~

7 ~~(2) A physician engaged in each of the various medical~~  
8 ~~specialities.~~

9 ~~17-94-104. Authority of Arkansas State Medical Board.~~

10 ~~It is the intention of this chapter that the General Assembly delegate~~  
11 ~~to the Arkansas State Medical Board the power and authority to determine the~~  
12 ~~qualification standards that specify the level of education and experience~~  
13 ~~required of candidates for certification as physician's trained assistants.~~

14 ~~17-94-105. Curriculum.~~

15 ~~The Arkansas State Medical Board shall formulate and prescribe a~~  
16 ~~curriculum of courses for academic training and study, graduation from which~~  
17 ~~shall entitle the graduate to enter the appropriate required practical~~  
18 ~~training program designated by the Arkansas State Medical Board as~~  
19 ~~prerequisite to certification of the candidate as a physician's trained~~  
20 ~~assistant.~~

21 ~~17-94-106. Eligibility.~~

22 ~~(a) When a person shall have completed successfully the prescribed~~  
23 ~~curriculum of courses of academic study and has completed the required~~  
24 ~~practical training program designated by the Arkansas State Medical Board as a~~  
25 ~~prerequisite to certification as a physician's trained assistant, he shall be~~  
26 ~~eligible to apply to the Arkansas State Medical Board for registration with~~  
27 ~~the board as a physician's trained assistant in the category for which he has~~  
28 ~~completed his academic study and practical training.~~

29 ~~(b) No person shall be registered by the Arkansas State Medical Board~~  
30 ~~as a physician's trained assistant in any category unless the person is at~~  
31 ~~least eighteen (18) years of age, is of good moral character, has not been~~  
32 ~~guilty of acts constituting unprofessional conduct, and has completed the~~  
33 ~~required academic and professional training curriculum prescribed by the~~  
34 ~~Arkansas State Medical Board.~~

35  
36 ~~17-94-107. Liability insurance required.~~

1 ~~\_\_\_\_\_ The Arkansas State Medical Board shall establish by appropriate~~  
2 ~~regulation a minimum amount of professional liability insurance to be~~  
3 ~~purchased by or on behalf of every physician's trained assistant and shall~~  
4 ~~require proof of purchase prior to registration and certification.~~

5 ~~\_\_\_\_\_ 17-94-108. Application for registration.~~

6 ~~\_\_\_\_\_ (a) A person desiring registration and having the qualifications for it~~  
7 ~~shall make application to the board for registration as a physician's trained~~  
8 ~~assistant. The application is to be verified by oath and to be in such form as~~  
9 ~~shall be prescribed by the board.~~

10 ~~\_\_\_\_\_ (b) The application shall be accompanied by a registration fee of fifty~~  
11 ~~dollars (\$50.00) and such documents as are necessary to establish that the~~  
12 ~~applicant possesses the qualifications prescribed by this chapter.~~

13  
14 ~~\_\_\_\_\_ 17-94-109. Reregistration.~~

15 ~~\_\_\_\_\_ (a) A person registered with the Arkansas State Medical Board as a~~  
16 ~~physician's trained assistant shall file annually with the board a~~  
17 ~~reregistration request in writing and shall pay a fee of fifteen dollars~~  
18 ~~(\$15.00) for the reregistration.~~

19 ~~\_\_\_\_\_ (b) Any delinquent registrant may be reinstated by paying all~~  
20 ~~delinquent fees and a penalty of five dollars (\$5.00) for each year or part~~  
21 ~~thereof that he has been delinquent.~~

22 ~~\_\_\_\_\_ 17-94-110. Denial or revocation of registration.~~

23 ~~\_\_\_\_\_ The board may revoke an existing registration or refuse to reissue a~~  
24 ~~registration of a physician's trained assistant for unprofessional conduct as~~  
25 ~~that term is defined in § 17-95-409.~~

26 ~~\_\_\_\_\_ 17-94-111. Employment by physician.~~

27 ~~\_\_\_\_\_ (a)(1) Any physician intending to employ a physician's trained~~  
28 ~~assistant shall notify the Arkansas State Medical Board of his intention to~~  
29 ~~employ the assistant and the purposes therefor.~~

30 ~~\_\_\_\_\_ (2) The Arkansas State Medical Board shall promptly conduct a~~  
31 ~~hearing to ascertain whether the physician's trained assistant is properly~~  
32 ~~qualified to perform the duties for which the physician intends to employ him.~~

33 ~~\_\_\_\_\_ (3) Any finding that the physician's trained assistant is not~~  
34 ~~properly qualified shall preclude the physician from employing the person as a~~  
35 ~~physician's trained assistant.~~

36 ~~\_\_\_\_\_ (b) No physician may employ more than two (2) physician's trained~~

1 ~~assistants at any one (1) time.~~

2 ~~— 17-94-112. Physician's supervision.~~

3 ~~— (a) Neither physician's assistants, physician's trained assistants, nor~~  
4 ~~any other person employed by a physician may perform services under this~~  
5 ~~chapter, except under the direct, personal, physical supervision of a~~  
6 ~~physician, in any of the following areas:~~

7 ~~— (1) The measurement of the powers or range of human vision, or~~  
8 ~~the determination of the accommodation and refractive states of the human eye,~~  
9 ~~or the scope of its functions in general;~~

10 ~~— (2) The prescribing or directing the use of, or using, any~~  
11 ~~optical device in connection with ocular exercises, visual training, vision~~  
12 ~~training, or orthoptics; or~~

13 ~~— (3) The prescribing of contact lenses for, or the fitting or~~  
14 ~~adaptation of contact lenses to, the human eye.~~

15 ~~— (b) Nothing in this chapter shall prohibit a physician's assistant from~~  
16 ~~performing any tasks or duties designated by the physician within the vision~~  
17 ~~field except in the above exclusions.~~

18 ~~— (c) Nothing in this section shall preclude performance of routine~~  
19 ~~visual screening.~~

20 ~~— (d) Nothing in this section shall be construed to prohibit a student~~  
21 ~~enrolled in an approved program for training physician's assistants from~~  
22 ~~rendering medical services if the services are rendered in the course of the~~  
23 ~~program.~~

24 ~~— 17-94-113. Standard of care.~~

25 ~~— While performing tasks or procedures for which he has been trained and~~  
26 ~~certified and which he performs under the supervision and under the direction~~  
27 ~~of a licensed physician, a physician's trained assistant shall be required to~~  
28 ~~exercise that degree of care which a reasonably prudent physician would~~  
29 ~~exercise in the same or similar circumstances.~~

30  
31

32 SECTION 26. All provisions of this act of a general and permanent  
33 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
34 Code Revision Commission shall incorporate the same in the Code.

35  
36

SECTION 27. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect  
2 other provisions or applications of the act which can be given effect without  
3 the invalid provision or application, and to this end the provisions of this  
4 act are declared to be severable.

5

6 SECTION 28. All laws and parts of laws in conflict with this act are  
7 hereby repealed.

8

*/s/ Ross, et al*