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4

As Engrossed: H2/26/15

A Bill

HOUSE BILL 1162

5 By: Representatives D. Ferguson, Magie
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE ARKANSAS GRADUATE REGISTERED
10 PHYSICIAN ACT; AND FOR OTHER PURPOSES.

Subtitle

14 TO CREATE THE ARKANSAS GRADUATE
15 REGISTERED PHYSICIAN ACT.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code Title 17, Chapter 95, is amended to add an
21 additional subchapter to read as follows:

22 Subchapter 9 - Arkansas Graduate Registered Physician Act

24 17-95-901. Title.

25 This subchapter shall be known and may be cited as the "Arkansas
26 Graduate Registered Physician Act".

28 17-95-902. Definitions.

29 As used in this chapter:

30 (1)(A) "Graduate registered physician" means an individual who:

31 (i) Is a resident of Arkansas who has graduated from
32 an accredited allopathic medical school or osteopathic medical school and is
33 not currently enrolled in an accredited graduate medical education training
34 program; or

35 (ii) Is a citizen of the United States or a legal
36 resident alien who has graduated from an accredited Arkansas allopathic



1 medical school or Arkansas osteopathic medical school and is not currently
2 enrolled in an accredited graduate medical education training program.

3 (B) The graduate registered physician is a dependent
4 medical practitioner who:

5 (i) Only provides healthcare services under the
6 supervision of a physician; and

7 (ii) Works under a physician-drafted protocol
8 approved by the Arkansas State Medical Board, which describes how the
9 graduate registered physician and the physician will work together and
10 practice guidelines required by the supervising physician;

11 (2) "Medical school" means a school as defined by the board;

12 (3) "Resident of Arkansas" means a natural person who provides
13 evidence deemed sufficient to the Arkansas State Medical Board that the
14 person uses an Arkansas residence address for federal or state tax purposes;

15 (4) "Supervising physician" means a physician licensed under the
16 Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and
17 § 17-95-401 et seq., who has agreed to practice in consultation with a
18 graduate registered physician and who is board certified in his or her
19 specialty; and

20 (5)(A) "Supervision" means overseeing the activities of and
21 accepting responsibility for the medical services rendered by a graduate
22 registered physician.

23 (B) Supervision of each graduate registered physician by a
24 physician or physicians shall be continuous.

25
26 17-95-903. Qualifications for licensure.

27 (a) Except as otherwise provided in this subchapter, an individual
28 shall be licensed by the Arkansas State Medical Board before the individual
29 may practice as a graduate registered physician.

30 (b) The board may grant a license as a graduate registered physician
31 to an applicant who:

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

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

34 (3) Has successfully completed Step 1 and Step 2 of the United
35 States Medical Licensing Examination, Comprehensive Osteopathic Medical
36 Licensing Examination, or the equivalent of both steps of an Arkansas State

1 Medical Board-approved medically licensing examination within the two-year
2 period immediately preceding application for licensure as a graduate
3 registered physician, but not more than two (2) years after graduation from a
4 medical school, an allopathic medical college, or an osteopathic medical
5 college;

6 (4) Has not completed an approved postgraduate residency but has
7 successfully completed Step 2 of the United States Medical Licensing
8 Examination or the equivalent of Step 2 from a board-approved medically
9 licensing examination within the two-year period immediately preceding
10 application for licensure as graduate registered physician;

11 (5) Has no licensure, certification, or registration under
12 current discipline, revocation, suspension, or probation for cause resulting
13 from the applicant's medical practice, unless the board considers the
14 conditions and agrees to licensure;

15 (6) Enters into a physician-drafted protocol within six (6)
16 months of initial licensure;

17 (7) Is of good moral character; and

18 (8) Submits to the board any other information that the board
19 deems necessary to evaluate the applicant's qualifications.

20
21 17-95-904. Renewal.

22 (a) Upon notification from the Arkansas State Medical Board, an
23 individual who holds a license as a graduate registered physician in this
24 state shall renew the license by:

25 (1) Submitting the appropriate fee as determined by the board;

26 (2) Completing the appropriate renewal forms;

27 (3) Submitting verification of actual practice under a
28 physician-drafted protocol during the immediately preceding licensure period;
29 and

30 (4) Meeting other requirements set by the board.

31 (b) A license issued under this subchapter shall only be renewed for a
32 maximum of two (2) years.

33
34 17-95-905. Scope of authority.

35 (a)(1) A graduate registered physician may provide healthcare services
36 with physician supervision.

1 (2) The supervising physician shall be identified on all
2 prescriptions and orders.

3 (3) A graduate registered physician may perform those duties and
4 responsibilities, including the prescribing, ordering, and administering of
5 drugs and medical devices, that are delegated by his or her supervising
6 physician.

7 (b) A graduate registered physician shall be considered the agent of
8 his or her supervising physician in the performance of all practice-related
9 activities, including but not limited to, the ordering of diagnostic,
10 therapeutic, and other medical services.

11 (c) A graduate registered physician may perform healthcare services in
12 a setting authorized by the supervising physician in accordance with any
13 applicable facility policy.

14
15 17-95-906. Prescriptive authority.

16 (a)(1) A physician who is supervising a graduate registered physician
17 may delegate prescriptive authority to a graduate registered physician to
18 include prescribing, ordering, and administering Schedules III-V controlled
19 substances as described in the Uniform Controlled Substances Act, §§ 5-64-101
20 – 5-64-510, and 21 C.F.R. Part 1300, all legend drugs, and all nonschedule
21 prescription medications and medical devices.

22 (2) All prescriptions and orders issued by a graduate registered
23 physician also shall identify his or her supervising physician.

24 (b) A graduate registered physician's level of prescriptive authority
25 shall not exceed the authority of the supervising physician.

26 (c) A graduate registered physician who prescribes controlled
27 substances shall register with the Drug Enforcement Administration as part of
28 the Drug Enforcement Administration's Mid-Level Practitioner Registry, 21
29 C.F.R. Part 1300, 58 FR 31171-31175, and the Controlled Substances Act, 21
30 U.S.C. § 801 et seq.

31
32 17-95-907. Supervision.

33 (a) Supervision of a graduate registered physician shall be continuous
34 and require the physical presence of the supervising physician at the place
35 that the services are rendered.

36 (b) Each team of physicians and graduate registered physicians has an

1 obligation to ensure that:

2 (1) The graduate registered physician's scope of practice is
3 identified;

4 (2) The delegation of a medical task is appropriate to the
5 graduate registered physician's level of competence;

6 (3) The relationship and access to the supervising physician is
7 defined; and

8 (4) A process of evaluation of the graduate registered
9 physician's performance is established.

10 (c) The graduate registered physician and supervising physician may
11 designate back-up physicians who agree to supervise the graduate registered
12 physician during the absence of the supervising physician.

13 (d) A physician who desires to supervise a graduate registered
14 physician shall:

15 (1) Be licensed in this state;

16 (2) Notify the Arkansas State Medical Board of his or her intent
17 to supervise a graduate registered physician;

18 (3) Submit a statement to the board that he or she will exercise
19 supervision over the graduate registered physician in accordance with rules
20 adopted by the board; and

21 (4) Limit supervision to no more than two (2) graduate
22 registered physicians per supervising physician.

23
24 17-95-908. Notification of intent to practice.

25 (a)(1) Before initiating practice, a graduate registered physician
26 licensed in this state must submit on forms approved by the Arkansas State
27 Medical Board notification of an intent to practice.

28 (2) The notification shall include:

29 (A) The name, business address, email address, and
30 telephone number of the supervising physician; and

31 (B) The name, business address, and telephone number of
32 the graduate registered physician.

33 (b) A graduate registered physician shall notify the board of any
34 changes or additions in supervising physicians within ten (10) calendar days.

35

36 17-95-909. Exclusions of limitations of employment.

1 This chapter shall not be construed to limit the employment arrangement
2 of a graduate registered physician licensed under this subchapter.

3
4 17-95-910. Violation.

5 Following the exercise of due process, the Arkansas State Medical Board
6 may discipline a graduate registered physician who:

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

9 (2) Fraudulently or deceptively uses a license;

10 (3) Violates any provision of this subchapter or any rules
11 adopted by the board pertaining to this chapter;

12 (4) Is convicted of a felony;

13 (5) Is a habitual user of intoxicants or drugs to the extent
14 that he or she is unable to safely perform as a graduate registered
15 physician;

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

19 (7) Has committed an act of moral turpitude.

20
21 17-95-911. Disciplinary authority.

22 Upon finding that a graduate registered physician has committed an
23 offense described in § 17-95-910, the Arkansas State Medical Board may:

24 (1) Refuse to grant a license;

25 (2) Administer a public or private reprimand;

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

27 (4) Require a graduate registered physician to submit to the
28 care, counseling, or treatment of a physician or physicians designated by the
29 board;

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

33 (6) Restore or reissue, at its discretion, a license and impose
34 any disciplinary or corrective measure that may have been imposed previously.

35
36 17-95-912. Title and practice protection.

1 An individual who is not licensed under this subchapter is guilty of a
2 Class A misdemeanor and is subject to penalties applicable to the unlicensed
3 practice of medicine if he or she:

4 (1) Holds himself or herself out as a graduate registered
5 physician; or

6 (2) Uses any combination or abbreviation of the term "graduate
7 registered physician" to indicate or imply that he or she is a graduate
8 registered physician.

9
10 17-95-913. Identification requirements.

11 A graduate registered physician licensed under this subchapter shall
12 keep his or her license available for inspection at his or her primary place
13 of business, and when engaged in professional activities, a graduate
14 registered physician shall wear a name tag identifying himself or herself as
15 a graduate registered physician, and immediately below the licensure of
16 degree, information, in equal size or larger lettering.

17
18 17-95-914. Rule-making authority.

19 The Arkansas State Medical Board shall promulgate rules that are
20 reasonable and necessary to implement this subchapter.

21
22 17-95-915. "Good Samaritan" provision.

23 A graduate registered physician shall be subject to the "Good
24 Samaritan" provisions embodied in § 17-95-101.

25
26 17-95-916. Patient care orders.

27 (a) Patient care orders generated by a graduate registered physician
28 shall be construed as having the same medical, health, and legal force and
29 effect as if the orders were generated by his or her supervising physician,
30 provided that the supervising physician's name is identified in the patient
31 care order.

32 (b) The orders shall be complied with and carried out as if the orders
33 had been issued by the graduate registered physician's supervising physician.

34
35 17-95-917. Medical malpractice – Professional and legal liability for
36 actions.

