

Part XLV. Medical Professions
PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 1. General

Chapter 1. Fees and Costs

Subchapter E. Physician Assistants Fees

§147. Scope of Subchapter

A. The rules of this Subchapter prescribe the fees and costs applicable to the ~~certification~~ licensure of physician assistants (PAs).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281 and 37:1360.24.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984).

§149. ~~Certification~~ Licensure

A. For processing an application for ~~certification~~ licensure as a ~~physician assistant~~ PA, a fee of \$250 shall be payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281, 37:1362.23, and 37:1360.24.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:238 (February 2004).

§153. Annual Renewal

A. For processing an application for annual renewal of a ~~physician assistant's~~ PA's ~~certification~~ license, a fee of \$150 shall be payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281, 37:1360.23, 37:1360.27.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:238 (February 2004).

Subpart 2. Licensure and Certification

Chapter 15. Physician Assistants (PAs)

§1501. Scope of Chapter

A. These rules govern the licensure of ~~physician assistants~~ (PAs) in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:109 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1102 (November 1991), LR 22:201 (March 1996), LR 25:27 (January 1999).

§1503. Definitions

A. As used in this Chapter, the following terms shall have the meanings specified.

Advisory Committee—the Louisiana State Board of Medical Examiners Physician Assistants Advisory Committee constituted under R.S. 37:1270.1.

Alternate Supervising Physician (alternate SP)—a physician designated to serve as the PA's SP in the absence of the primary SP registered with the board, who satisfies all of the qualifications and requirements of the primary SP. For large educational or institutional settings, all physicians within a designated department or division who meet the eligibility requirements have the qualifications and requirements.

Applicant—a person on whose behalf the board has received an application for:

- a. licensure as a physician assistant (PA);

- b. ~~physician assistant~~ PA registration for prescriptive authority; or
- c. registration by a physician to supervise a ~~physician assistant~~ PA and/or to delegate prescriptive authority to a ~~physician assistant~~ PA.

Approved Application—all of the information, representations, terms, restrictions, and documents contained in or submitted with an application upon which the board has issued: a ~~physician assistant~~ PA license; a ~~physician assistant~~ PA registration for prescriptive authority; or a supervising physician registration of delegation of prescriptive authority to a PA ~~physician assistant~~.

Board—the Louisiana State Board of Medical Examiners.

Bona Fide Medication Sample—a medication, other than a controlled substance, packaged by the original manufacturer thereof in such quantity as does not exceed a usual and reasonable therapeutic dosage and provided at no cost to a physician or ~~physician assistant~~ PA for administration or dispensation at no cost to the patient.

Controlled Substance—for purposes of this definition, any substance designated or that may hereafter be designated as a schedule II, III, IV, or V controlled substance in R.S. 40:964.

Drug—a controlled substance or a legend drug.

Legend Drug—any drug or drug product bearing on the label of the manufacturer or distributor as required by the Food and Drug Administration, the statement "Caution: Federal law prohibits dispensing without a prescription" or "Rx Only." For purposes of this definition, legend drugs do not include controlled substances.

Locum Tenens Physician—~~a supervising physician approved and registered with the board under this Chapter, who assumes the obligations and responsibilities of a primary supervising physician.~~

Medical Device—any instrument, apparatus, implement, contrivance, or similar or related article, which is required under federal law to bear the label "Caution: Federal or State law requires dispensing by or on the order of a physician" and/or "Rx Only," or any other designation required under federal law. For purposes of this Chapter a *medical device* shall not include medical lasers, microwave, pulse light, radio frequency or any other such instrument, apparatus, implement or similar equipment used for therapeutic or cosmetic purposes.

Medication—except in these rules where its use may indicate otherwise, is synonymous with *drug*, as defined herein.

Multiple Supervising Physicians—two or more supervising physicians practicing in any professional or clinical setting.

NCCPA—National Commission on Certification of Physician Assistants or its successors.

Physician—a person possessing a current license to practice medicine in the state of Louisiana.

Physician Assistant (PA)—a health care professional qualified by academic and clinical education who is currently certified by the National Commission on Certification of Physician Assistants (NCCPA) and is licensed by the board to provide health care services at the direction and under the supervision of a physician or a group of physicians approved by the board as (a) supervising physician(s).

Physician Assistant Certified (PA C)—~~a physician assistant who is currently certified by the National Commission on Certificate of Physician Assistants (NCCPA) or its successors,~~

Prescribe or Prescription—a request or order transmitted in writing, orally, electronically or by other means of telecommunication, for a drug or medical device issued in good faith, in the usual course of professional practice for a legitimate medical purpose, by a licensed physician, or a ~~physician assistant~~ PA registered to prescribe medication and/or medical devices under this Chapter, for the purpose of correcting a physical, mental, or bodily ailment.

Prescriptive Authority—the authority of a ~~physician assistant~~ PA duly registered and approved by the board to prescribe legend drugs and/or controlled substances and/or medical devices, to the extent delegated by a SP ~~supervising physician~~, in accordance with the registration on file with the board and in compliance with the board's rules, §§1501-1529 and §§4501-4513.

Primary Practice Site—the practice location at which a supervising physician or ~~physician assistant~~ PA spends the majority of time engaged in the performance of his profession.

Primary Supervising Physician—~~a supervising physician, approved and registered with the board as such under this Chapter.~~

Protocol or Clinical Practice Guidelines ~~or Clinical Practice Guidelines or Protocols~~—~~a written set of directives or instructions regarding routine medical conditions, to be followed by a physician assistant in patient care activities~~ documentation maintained at each practice site of the PA's training and experience in the services to be provided; of the PA's ability to provide or perform the services safely and effectively; and any protocols to be followed for such services. If prescriptive authority has been delegated to the ~~physician assistant~~ PA by the SP ~~supervising physician~~, the clinical practice guidelines or protocols shall contain each of the components specified by §1527. The clinical practice guidelines shall also include any

individual or group practice arrangements, including the mechanism for contacting the supervising physician when he or she is not physically present in the practice setting for consultation, assistance with medical emergencies, or patient referral, and the designation of an alternate supervising physician. If a PA is employed by more than one employer or group, a separate set of clinical practice guidelines is required for each employment. The Advisory Committee shall periodically publish and disseminate to supervising physicians and all physician assistants model forms and examples of clinical practice guidelines and protocols to SPs supervising physicians and all PAs, physician assistants. The SP supervising physician and PA physician assistant shall maintain a written copy of such clinical practice guidelines and protocols, which shall be made immediately available for inspection by authorized representatives of the board.

Supervising Group of Physicians or Supervising Group—a professional partnership, professional corporation, or other professional, physician-owned entity approved by and registered with the board under this Chapter to supervise one or more PAs physician assistants. For the purposes of this definition the term *physician-owned entity* does not mean the type of entity defined in R.S. 37:1360.22(3).

Supervising Physician (SP)—a physician approved by and registered with the board under this Chapter, ~~as a primary supervising physician or a locum tenens physician,~~ to provide supervision to one or more physician assistants PAs.

Supervision—responsible direction and control, with the supervising physician assuming responsibility for the services rendered by a ~~physician assistant PA~~ in the course and scope of the ~~physician assistant's PA's~~ employment, with respect to patients for whose care, or aspect of care, the physician is responsible. Supervision shall not be construed in every case to require the physical presence of the supervising physician SP. However, the supervising physician SP and physician assistant PA must have the capability to be in contact with each other by either telephone or other telecommunications device. Supervision shall exist when the supervising physician SP responsible for the care, or aspect of care of the patient, gives informed concurrence of the actions of the ~~physician assistant PA~~, whether given prior to or after the action, and when a medical treatment plan or action is made in accordance with written clinical practice guidelines or protocols set forth by the supervising physician SP. Such guidelines or protocols shall require that the ~~physician assistant PA~~ contact the supervising physician SP when there is a question or uncertainty as to what should be done in a given case or when an approved protocol does not address the clinical situation presented. The level and method of supervision shall be at the physician and ~~physician assistant PA~~ level, shall be documented and reviewed annually, and shall reflect the acuity of the patient care and nature of the procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:109 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1102 (November 1991), LR 22:201 (March 1996), LR 25:27 (January 1999), LR 31:73 (January 2005), LR 34:244 (February 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1174 (June 2017), LR 45:552 (April 2019).

§1505. Necessity for License; Registration of Prescriptive Authority

A.1. No person may act as or undertake to perform the functions of a ~~physician assistant PA~~ unless he has in his personal possession a current ~~physician assistant PA~~ license issued to him under this Chapter.

2. A ~~physician assistant PA~~ currently licensed by the board shall not prescribe medication or medical devices unless his registration for prescriptive authority has been approved by the board in accordance with this Chapter.

B. Any person who acts or undertakes to perform the functions of a ~~physician assistant PA~~ without a current ~~physician assistant PA~~ license issued under this Chapter, or prescribes medication or medical devices without or beyond registration of such authority approved by the board, shall be deemed to be engaging in the practice of medicine; provided, however, that none of the provisions of this Chapter shall apply to:

1. any ~~physician assistant PA~~ employed by the federal government while performing duties incidental to that employment;
2. practitioners of allied health fields, duly licensed, certified, permitted, or registered under other laws of this state, when practicing within the scope of such license, certificate, permit, or registration;
3. any ~~physician assistant PA~~ student enrolled in a PA educational program accredited by the Accreditation Review Commission on Education for the Physician Assistant, its predecessors or successor; provided, however, that a ~~physician assistant PA~~ PA student shall not prescribe legend drugs or medical devices or be eligible for registration of prescriptive authority; and
4. a ~~physician assistant PA~~ administering medical services in cases of emergency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:109 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1102 (November 1991), LR 22:201 (March 1996), LR 25:28 (January 1999), LR 31:74 (January 2005), amended by the Department of Health, Board of Medical Examiners, LR 43:1175 (June 2017).

§1507. Qualifications for Licensure

A. To be eligible for licensure under this Chapter, an applicant shall:

1. ~~be at least 20 years of age~~ be of good moral character;
2. demonstrate his competence to provide patient services under the supervision and direction of a supervising physician by:
- 3.—

a. being a graduate of a ~~physician assistant~~ **PA** training program accredited by the Committee on Allied Health Education and Accreditation (CAHEA), or its predecessors or successors, including but not limited to the Accreditation Review Commission on Education for the Physician Assistant, and by presenting or causing to be presented to the board satisfactory evidence that the applicant has successfully passed the national certification examination administered by the National Commission on Certification ~~ion~~ of Physician Assistants (NCCPA) or its successors, together with satisfactory documentation of current certification; or

b. presenting to the board a valid, current ~~physician assistant~~ **PA** license, certificate or permit issued by any other state of the United States; provided, however, that the board is satisfied that the certificate, license or permit presented was issued upon qualifications and other requirements substantially equivalent to the qualifications and other requirements set forth in this Chapter;

4. certify that he is mentally and physically able to engage in practice as a ~~physician assistant~~ **PA**;

5. not, as of the date of application or the date on which it is considered by the board, be subject to discipline, revocation, suspension, or probation of certification or licensure in any jurisdiction for cause resulting from the applicant's practice as a ~~physician assistant~~ **PA**; provided, however, that this qualification may be waived by the board in its sole discretion.

B. The burden of satisfying the board as to the eligibility of the applicant for licensure shall be upon the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:109 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1102 (November 1991), LR 22:201 (March 1996), LR 25:28 (January 1999), amended by the Department of Health, Board of Medical Examiners, LR 43:1175 (June 2017).

§1508. Qualifications for Registration as Supervising Physician **(SP)**

A. To be eligible for approval and registration under this Chapter, a proposed ~~SP primary supervising physician or locum tenens physician~~ **SP** shall, as of the date of the application:

1. be licensed to practice medicine in the state of Louisiana; and

2. have been in the active practice of medicine for not less than three years following the date on which the physician was awarded a doctor of medicine or doctor of osteopathy degree and not currently be engaged in a medical residency or other post graduate training program. The board may, in its discretion, grant an exception to the requirement for completion of all post graduate training on a case-by-case basis where the ~~supervising physician~~ **SP** applicant is enrolled in fellowship or other advanced training and it has been shown to the board's satisfaction that the applicant has completed all training relevant to his or her designated area of practice; and

3. not be employed by or serve as an independent contractor to a ~~physician assistant~~ **PA** or be a party to any other or similar employment, contractual or financial relationship. The board may, in its discretion, grant an exception to this requirement on a case-by-case basis where it has been shown to its satisfaction that such relationship is structured so as to prohibit interference or intrusion into the physician's relationship with patients, his exercise of independent medical judgment and satisfaction of the obligations and responsibilities imposed by law and the board's rules on a ~~supervising physician~~ **SP**.

B. The burden of satisfying the board as to the eligibility of the proposed ~~supervising physician~~ **SP** for approval and registration shall be upon the proposed ~~supervising physician~~ **SP**.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(b)(6), 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:202 (March 1996), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 25:29 (January 1999), LR 34:244 (February 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1175 (June 2017).

§1509. Application for Licensure; Procedure

A. Application for licensure as a ~~physician assistant~~ **PA** must be made in a format approved by the board and must include:

1. proof, documented in a form satisfactory to the board that the applicant possesses the qualifications set forth in §1507 of this Chapter;

2. certification of the truthfulness and authenticity of all information, representations and documents contained in or submitted with the completed application;

3. payment of the applicable fee as provided in Chapter 1 of these rules; and

4. such other information and documentation as the board may require.

B. A personal interview of a ~~physician assistant~~ **PA** applicant by a member of the board or its designee may be required by the board, as a condition of licensure, with respect to:

1. an initial application for licensure where discrepancies exist in the application; or
2. an applicant who has been the subject of prior adverse licensure, certification or registration action in any jurisdiction.

C. The board may reject or refuse to consider any application which is not complete in every detail. The board may in its discretion require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1281, R.S. 37:1360.23, R.S. 37:1360.24.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 4:110 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1103 (November 1991), LR 22:202 (March 1996), LR 25:29 (January 1999), LR 30:238 (February 2004), LR 34:244 (February 2008).

§1510. Application for Registration as Supervising Physician; Procedure

A. A physician seeking to supervise a ~~physician assistant~~ **PA**, ~~as either primary SP or as locum tenens physician~~, shall first register with and be approved by the board as a **SP** for the ~~physician assistant~~ **PA**. Application for approval and registration as ~~either a primary SP or locum tenens physician~~ must be made in a format approved by the board and must include:

1. a detailed description of the proposed ~~supervising physician's~~ **SP's** professional background and specialty, if any; the nature and scope of his medical practice; the geographic and demographic characteristics of his medical practice; the address or location of the primary office where the ~~physician assistant~~ **PA** is to practice and be supervised;
2. a description of the way in which the ~~physician assistant~~ **PA** will be utilized as a ~~physician assistant~~ **PA**, and the methods to be used by the proposed ~~supervising physician~~ **SP** to ~~ensure~~ responsible direction and control of the activities of the ~~physician assistant~~ **PA**;
3. a statement that the physician will exercise supervision over the ~~physician assistant~~ **PA** in accordance with any rules and regulations adopted by the board and that the physician will retain professional responsibility for the services provided by the ~~physician assistant~~ **PA** to any patient for whose care, or aspect of care, the physician is responsible;
4. certification of the truthfulness and authenticity of all information, representations and documents contained in or submitted with the completed application;
5. payment of a one-time fee of \$75, of which the sum of \$20 will represent a nonrefundable processing fee; and
6. such other information and documentation as the board may require; provided, however, that criminal history record information is not required for registration as a ~~supervising physician~~ **SP**.

B. A physician seeking to supervise a ~~physician assistant~~ **PA** may be required to appear before the board upon his notification to the board of his intention to supervise a ~~physician assistant~~ **PA**:

1. upon a first notification to the board of the physician's intention to supervise a ~~physician assistant~~ **PA** if the board finds discrepancies in the physician's application; or
2. if the physician has been the subject of prior adverse licensure, certification or registration action in any jurisdiction.

C. The board may reject or refuse to consider any application which is not complete in every detail. The board may in its discretion require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

~~D. Prerequisite to consideration of an application for locum tenens physician, the physician assistant sought to be supervised shall have at least one primary supervising physician registered with and approved by the board.~~ An application completed to the satisfaction of the board may be deemed approved as of the date received by the board, subject to final approval at the next board meeting.

E.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:202 (March 1996), amended LR 25:29 (January 1999), LR 34:245 (February 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1175 (June 2017).

§1511. ~~PA~~ Physician Assistant Advisory Committee

A. The advisory committee shall be authorized to advise the board on all matters specifically dealing with licensing or disciplining of ~~physician assistants~~ **PAs** or the drafting and promulgating of regulations relating to ~~physician assistants~~ **PAs**. The advisory committee shall also review and make recommendations to the board on applications for licensure as ~~physician assistants~~ **PAs**. The board shall not act on any matter relating to ~~physician assistants~~ **PAs** without first attempting to consulting with the advisory committee.

B. The advisory committee shall meet not less than twice each calendar year, or more frequently as may be deemed necessary or appropriate by its chairman or a majority of the members of the advisory committee, which meetings shall be at the call of and at such time and place as may be noticed by its chairman.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 4:110 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1103 (November 1991), LR 22:203 (March 1996), LR 25:30 (January 1999).

§1513. Issuance of License; Registration of Prescriptive Authority; Working Permit; Updating Information

A.1. If the qualifications, requirements and procedures of §§1507 and 1509 are met to the satisfaction of the board, the board shall license the applicant as a ~~physician assistant~~ **PA**.

2. If the qualifications, requirements and procedures of §§1521 and 1525 are met to the satisfaction of the board, the board shall register the ~~physician assistant's~~ **PA's** prescriptive authority to the extent delegated by the ~~supervising physician~~ **SP**.

B. ~~The board may grant a working permit (temporary license), valid and effective for one year but renewable for one additional year, to an applicant who otherwise meets the qualifications, requirements and procedures for licensure, except that the applicant has not yet taken or is awaiting the results of the national certification examination.~~

C. ~~A working permit shall expire and become null and void on the date on which:~~

~~1. the results of the applicant's national certifying examination are available, and the applicant has failed to pass such examination; or~~

~~2. the board takes final action on the applicant's application for licensure.~~

D. Every license ~~or permit~~ issued under this Chapter is expressly subject to the terms, restrictions and limitations set forth in the approved application.

E. ~~A working permit shall not qualify a PA for registration of prescriptive authority.~~

F. A ~~physician assistant~~ **PA** is responsible for updating the board within 15 days should any of the information required and submitted pursuant to §§1507, 1509, 1521, or 1525 change after the ~~physician assistant~~ **PA** has been licensed as a ~~physician assistant~~ **PA** or his registration of prescriptive authority approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:110 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1103 (November 1991), LR 22:203 (March 1996), LR 25:30 (January 1999), LR 31:74 (January 2005), amended by the Department of Health, Board of Medical Examiners, LR 43:1175 (June 2017).

§1514. Issuance of Approval as Supervising Physician; Registration of Delegation of Prescriptive Authority; Updating/Verification of Information

A.1. If all the qualifications, requirements and procedures of §§1508 and 1510 are met to the satisfaction of the board, the board shall approve and register a physician as a ~~supervising physician~~ **SP**.

2. If all the qualifications, requirements and procedures of §§1523 and 1527 are met to the satisfaction of the board, the board shall approve and register a ~~supervising physician's~~ **SP's** delegation of prescriptive authority to a ~~physician assistant~~ **PA**.

B. Although a physician must notify the board each time the ~~physician~~ **SP** intends to undertake the supervision of a ~~physician assistant~~ **PA**, registration as a ~~supervising physician~~ **SP** with the board is only required once. Notification of supervision of a new ~~physician assistant~~ **PA** by a registered ~~supervising physician~~ **SP** shall be deemed given to the board upon the ~~physician assistant's~~ **PA's** filing with the board a notice of intent to practice in accordance with §1517 of this Chapter. The board shall maintain a list of physicians who are registered to supervise ~~physician assistants~~ **PAs** and those who have registered delegation of prescriptive authority to a ~~physician assistant~~ **PA**.

C. Each registered physician is responsible for updating the board within 15 days in the event any of the information required and submitted in accordance with §§1508, 1510, 1523, and 1527 change after the physician has become registered as a ~~supervising physician~~ **SP** or registered his delegation of prescriptive authority to a ~~physician assistant~~ **PA**.

D. Registration of a ~~supervising physician's~~ **SP's** delegation of prescriptive authority shall be filed with and approved by the board for each ~~physician assistant~~ **PA** that is to receive such authority. A ~~supervising physician~~ **SP** shall annually verify, on a form supplied by the board, the accuracy of such registration information on file with the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:203 (March 1996), amended LR 25:30 (January 1999), LR 31:75 (January 2005).

§1515. Consent to Examination; Waiver of Privileges; Examining Committee of Physicians

A. An applicant or ~~physician assistant~~ **PA** shall, by applying for or accepting licensure under this Chapter, be deemed to have given his consent to submit to physical or mental examinations when so directed by the board and to waive all objections as to the disclosure or admissibility of findings, reports, or recommendations pertaining thereto on the grounds of privileged communication or other personal privileges provided by law.

B. The board may appoint or designate an examining committee of physicians, possessing appropriate qualifications, to conduct physical and mental examinations of a ~~physician assistant~~ **PA**, to otherwise inquire into the ~~physician assistant's~~ **PA's** fitness and ability to provide services with reasonable skill and safety to patients, and to submit advisory reports and recommendations to the board, when the board has reasonable cause to believe that the fitness and ability of such ~~physician assistant~~ **PA** are affected by mental illness or deficiency or physical illness, including but not limited to deterioration through the aging process or the loss of motor skills, and/or excessive use or abuse of drugs, including alcohol.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 4:111 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1104 (November 1991), LR 22:203 (March 1996), LR 25:30 (January 1999).

§1517. Expiration of Licensure; Renewals; Continuing Education; Modification; Notification of Intent to Practice

A. Initial licensure shall expire as of the last day of the year in which such license was issued.

B. Every license issued by the board under this Chapter shall be renewed annually on or before the last day of the month in which the licensee was born, by submitting to the board an application for renewal in a format approved by the board, together with:

1. satisfactory verification of current certification by the ~~National Commission on Certificate of Physician Assistants~~ **NCCPA** or its successors; and

2. the applicable fee as provided in Chapter 1 of these rules.

3. confirmation of the completion of such continuing education as is required to maintain current NCCPA certification. A ~~physician assistant~~ **PA** shall maintain a record of certification of attendance for at least four years from the date of completion of the continuing education activity. Such record shall be made available to the board within thirty days of its request.

C. A ~~physician assistant~~ **PA** licensed in this state, prior to initiating practice, shall submit in a format approved by the board notification of such intent to practice. Such notification may be deemed effective as of the date received by the board, subject to final approval by the board.

D. Licensure shall not terminate upon termination of a relationship between a ~~physician assistant~~ **PA** and a ~~supervising physician~~ **SP** provided that:

1. the ~~physician assistant~~ **PA** ceases to practice as a ~~physician assistant~~ **PA** until such time as he enters into a supervision relationship with another ~~primary supervising physician~~ **SP** registered with the board; and

2. the ~~physician assistant~~ **PA** notifies the board of any changes in or additions to his ~~supervising physicians~~ **SPs** within ~~15~~ **30** days of the date of such change or addition.

E. The board may, in its discretion, at the time of and upon application for renewal of licensure, require a review of the current accuracy of the information provided in the approved application and of the ~~physician assistant's~~ **PA's** performance thereunder and may modify or restrict any licensure in accordance with the findings of such review.

F. A ~~physician assistant~~ **PA** may elect to have his license placed on inactive status by the board by giving notice to the board in writing, on forms prescribed by the board, of his election of inactive status. A ~~physician assistant~~ **PA** whose license is on inactive status shall be excused from payment of renewal fees and shall not practice as a ~~physician assistant~~ **PA** in the state of Louisiana. Any licensee who engages in practice while his or her license is on inactive status shall be deemed to be engaged in practice without a license and shall be subject to administrative sanction under R.S. 37:1360.34 or to judicial injunction pursuant to R.S. 37:1360.37. A PA on inactive status may be reinstated to active status upon payment of the current renewal fees and satisfaction of other applicable qualifications for renewal prescribed by §1517.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281, 37:1360.23, and 37:1360.24.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 4:111 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1104 (November 1991), LR 22:203 (March 1996), LR 24:1498 (August 1998), LR 25:31 (January 1999), LR 30:238 (February 2004), LR 34:245 (February 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1176 (June 2017), LR 45:552 (April 2019).

§1519. Reinstatement of Expired License

A. A license that has not been placed on in-active status pursuant to §1517 of these rules, which has expired as a result of non-renewal for less than two years from the date of expiration, may be reinstated by the board subject to the conditions and procedures hereinafter provided.

B. An application for reinstatement shall be submitted in a format approved by the board and be accompanied by:

1. a statistical affidavit in a form provided by the board;
2. a recent photograph of the applicant;
3. current NCCPA certification;
4. such other information and documentation as is referred to or specified in this Chapter or as the board may require to evidence qualification for licensure; and
5. the renewal fee set forth in Chapter 1 of these rules, plus a penalty computed as follows:
 - a. if the application is made less than one year from the date of expiration, the penalty shall be equal to the renewal fee of the license;
 - b. if the application is made more than one but less than two years from the date of expiration, the penalty shall be equal to twice the renewal fee of the license.

C. A ~~physician assistant~~ **PA** whose license has lapsed and expired for a period in excess of two years shall not be eligible for reinstatement consideration but may apply to the board for an initial license pursuant to the applicable rules of this Chapter.

D. A temporary license is not subject to reinstatement.

E. A request for reinstatement may be denied by virtue of the existence of any grounds for denial of licensure as provided by the Act or these rules.

F. The burden of satisfying the board as to the qualifications and eligibility of the applicant for reinstatement of the license as a ~~physician assistant~~ **PA** shall be on the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in a manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281, 37:1360.23, 37:1360.24 and 37:1360.26.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:552 (April 2019).

§1521. Qualifications for Physician Assistant Registration of Prescriptive Authority

A. Legend Drugs, Medical Devices and Controlled Substances. To be eligible for registration of prescriptive authority, a PA shall:

1. have completed a minimum of five hundred clinical training hours prior to graduation from an approved PA education program;
2. hold an active, unrestricted license to practice as a PA duly issued by the board;
3. have received authority to prescribe to the extent delegated by a SP; and
4. apply for a controlled dangerous substance license from the Louisiana Board of Pharmacy and register with the United States Drug Enforcement Agency, if delegated authority to prescribe Schedule II, III, IV, or V controlled substances by the SP.

B. The board may deny registration of prescriptive authority to an otherwise eligible PA for any of the causes enumerated by R.S. 37:1360.33, or any other violation of the provisions of the Louisiana PA Practice Act, R.S. 37:1361.21 et seq. or its rules applicable to PAs.

C. The burden of satisfying the board as to the eligibility of the applicant for approval of registration of prescriptive authority shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 1360.23(D) and (F), and 1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 31:75 (January 2005), amended LR 38:3174 (December 2012), LR 41:925 (May 2015), amended by the Department of Health, Board of Medical Examiners, LR 43:1176 (June 2017), LR 45:553 (April 2019).

§1523. Qualifications of Supervising Physician for Registration of Delegation of Prescriptive Authority

A. Legend Drugs and Medical Devices. To be eligible for approval of registration to delegate authority to prescribe legend drugs or medical devices, or both, to a ~~physician assistant PA~~ a ~~supervising physician SP~~ shall:

1. satisfy the requirements of §1508;
2. be actively engaged in clinical practice and the provision of patient care and provide supervision as defined in §1503.A; and
3. have prepared and signed clinical practice guidelines or protocols that comply with §1527 of these rules.

B. Controlled Substances. To be eligible for approval of registration to delegate authority to prescribe controlled substances to a ~~physician assistant PA~~ a ~~supervising physician SP~~ shall:

1. satisfy the requirements of §1523.A; and
2. possess a current, unrestricted permit or license to prescribe controlled substances duly issued by the Office of Narcotics and Dangerous Drugs, Department of Health, state of Louisiana, and be currently registered to prescribe controlled substances, without restriction, with the Drug Enforcement Administration, United States Department of Justice (DEA);

C. A physician shall be deemed ineligible for registration to delegate authority to prescribe controlled substances to a ~~physician assistant PA~~ for any of the causes enumerated by R.S. 37:1285(A), or violation of any other provision of the Louisiana Medical Practice Act, R.S. 37:1261 et seq., or the board's rules.

D. The burden of satisfying the board as to the eligibility of a physician for registration to delegate prescriptive authority to a ~~physician assistant PA~~ shall be upon the proposed ~~supervising physician SP~~. A physician shall not be deemed to possess such qualifications unless the physician demonstrates and evidences such qualifications in the manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), and 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 31:76 (January 2005), amended by the Department of Health, Board of Medical Examiners, LR 43:1176 (June 2017), LR 45:553 (April 2019).

§1525. ~~Physician Assistant PA~~ Application for Registration of Prescriptive Authority; Procedure

A. ~~Physician assistant PA~~ application for registration of prescriptive authority shall be made upon forms supplied by the board and shall include:

1. proof, documented in a form satisfactory to the board that the applicant possesses the qualifications for registration of prescriptive authority set forth in §1521 of this Chapter;
2. confirmation that the ~~supervising physician SP~~ has delegated prescriptive authority to the ~~physician assistant PA~~ and the nature, extent, and limits thereof, including the Schedules of any controlled substances delegated, as documented in clinical practice guidelines or protocols conforming to §1527;
3. such other information and documentation as the board may require; and
4. certification of the truthfulness and authenticity of all information, representations and documents contained in or submitted with the application.

B. A personal interview of a ~~physician assistant PA~~ applicant for registration of prescriptive authority by a member of the board or its designee may be required as a condition of registration for any of the reasons specified in §1509.B or for other good cause as determined by the board.

C. The board may reject or refuse to consider any application for registration of prescriptive authority that is not complete in every detail required by the board. The board may in its discretion require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 31:77 (January 2005), LR 45:553 (April 2019).

§1527. Supervising Physician Application for Registration of Delegation of Prescriptive Authority; Procedure

A. Physician application for approval and registration of delegation of prescriptive authority to a ~~physician assistant PA~~ shall be made upon forms supplied by the board and shall include:

1. proof documented in a form satisfactory to the board that the applicant possesses the qualifications set forth in §1523 and this Chapter;

2. confirmation that the physician has delegated prescriptive authority to the ~~physician assistant~~ **PA** and the nature, extent, and limits thereof as documented in clinical practice guidelines;

3. a description of the manner and circumstances in which the ~~physician assistant~~ **PA** has been authorized to utilize prescriptive authority and the geographical location(s) where such activities will be carried out as documented in clinical practice guidelines;

4. confirmation that clinical practice guidelines or protocols conforming to this Section have been signed by the ~~supervising physician~~ **SP** and ~~physician assistant~~ **PA**;

5. such other information and documentation as the board may require; and

6. certification of the truthfulness and authenticity of all information, representations and documents contained in or submitted with the application.

B. A personal interview of a physician applicant for registration of delegation of prescriptive authority by a member of the board or its designee may be required as a condition of registration for any of the reasons specified in §1510.B or for other good cause as determined by the board.

C. The board may reject or refuse to consider any application for registration of delegation of prescriptive authority that is not complete in every detail required by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1207(B)(6), 37:1360.23(D) and (F), and 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 31:77 (January 2005), amended by the Department of Health, Board of Medical Examiners, LR 43:1177 (June 2017), LR 45:553 (April 2019).

§1529. Expiration of Registration of Prescriptive Authority; Renewal

A. Registration of prescriptive authority shall not be effective until the ~~physician assistant~~ **PA** receives notification of approval from the board. Such registration and the ~~physician assistant's~~ **PA's** prescriptive authority shall terminate and become void, null and to no effect upon the earlier of:

1. termination of the relationship between the ~~physician assistant~~ **PA** and ~~supervising physician~~ **SP**;

2. notification to the board that the ~~supervising physician~~ **SP** has withdrawn, cancelled or otherwise modified the ~~physician assistant's~~ **PA's** prescriptive authority;

3. a finding by the board of any of the causes that would render a ~~physician assistant~~ **PA** ineligible for registration of prescriptive authority set forth in §1521.B or a ~~supervising physician~~ **SP** ineligible to delegate such authority pursuant to §1523.C;

4. a finding by the board that the ~~physician assistant~~ **PA** has violated the Louisiana ~~Physician Assistant~~ **PA** Practice Act, R.S. 37:1360.21 et seq. or the board's rules;

5. a finding by the board that the ~~supervising physician~~ **SP** has violated the Louisiana Medical Practice Act, R.S. 37:1261 et seq. or the board's rules; or

6. expiration of a ~~physician assistant's~~ **PA's** or ~~supervising physician's~~ **SP's** license or registration of prescriptive authority for failure to timely renew/verify such license or registration.

B. A ~~physician assistant's~~ **PA's** prescriptive authority is personal to the individual ~~physician assistant~~ **PA** and ~~supervising physician~~ **SP** who delegated such authority and shall not be transferred by notice of intent or otherwise, utilized by anyone other than the ~~physician assistant~~ **PA** to whom delegated, or placed on inactive status.

C. The ~~physician assistant~~ **PA**, together with the ~~supervising physician~~ **SP**, shall annually verify the accuracy of registration information on file with the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), and 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 31:77 (January 2005), amended by the Department of Health, Board of Medical Examiners, LR 43:1177 (June 2017), LR 45:553 (April 2019).

Subpart 3. Practice

Chapter 45. Physician Assistants

§4501. Obligations and Responsibilities of Supervising Physicians (SPs) and Physician Assistants (PAs) ~~Supervision by Multiple Supervising Physicians~~

~~A. A physician assistant may be supervised by two or more supervising physicians practicing in any professional or clinical setting provided that:~~ The SP is responsible for the supervision, control, and direction of the PA and retains responsibility to the patient for the competence and performance of the PA.

B. A SP may delegate medical services to the PA provided:

1. the SP is trained and qualified in and performs the service in the course and scope of his or her practice.
2. the SP delegates the service to a PA who is qualified by training and experience to perform the services safely and effectively; and
3. the SP determines the level of supervision at the practice level commensurate with potential risk to the patient and the education and the PAs training and experience, including the method and frequency of chart review or practice site visits unless otherwise provided herein.

C. For new graduates or upon a major shift in practice, during the first 12 months of supervised practice after passing the credentialing examination and/or the first 6 months after entering into an entirely new field of practice, a SP shall conduct a monthly chart review of no less than 50 percent of the PA's patient encounters, as documented in the patient records. Where the SP and PA work together, have the same primary practice site, routinely confer with respect to patient care, and the PA and SP document their services in the charts and records maintained at the primary practice site, this requirement shall be considered satisfied.

D. A PA may be supervised by a physician provided all of the qualifications, procedures, and other requirements of Chapter 15 of this part are satisfied, to include being identified in the physician's notice of intent to practice as provided in §1517 of this Part.

E. If the PA to be supervised is registered with the board to prescribe medication and/or medical devices, a SP shall meet the qualifications prescribed by §1523 of this Part and shall be registered with the board pursuant to §1517 for delegation of prescriptive authority.

F. A SP may not serve as a SP for more than 8 PAs.

G. The PA and SP shall:

1. notify the board, in writing, or on electronic forms as instructed by the board within 30 days, of:

a. the termination of the PA's supervision relationship with a SP;

b. the retirement or withdrawal of practice by the SP; and

c. any other changes in the employment, functions, activities, services, nature or extent of delegation prescription authority of the PA, or the manner or location of their performance.

2. comply with reasonable requests by the board for personal appearance and/or information about the functions, activities, and performance of the PA and SP;

3. ensure that with respect to patient encounters and all activities, functions, services, treatment measures, medical devices and/or medication prescribed or delivered to the patient by the PA are properly documented in the patient's record by the PA as outlined by the clinical practice guidelines.

4. ensure that in instances where a PA with prescriptive authority has a primary practice site that is different from that of the SP, the SP follows supervisory procedures outlined R.S. 37:1360.22.;

5. maintain written clinical practice guidelines in compliance with R.S. 37:1360.22(8) that include a statement that the SP shall exercise supervision over the PA in accordance with R.S. 37:1360.21 et seq. and are reviewed on an annual basis.

H. The PA and SP shall bear equal and mutual responsibility for producing the following documentation upon an official inspection conducted by a duly authorized representative of the board:

1. A copy of the PA's notice of intent to practice; and

2. A copy of written clinical practice guidelines including:
 - a. the scope of practice of the PA, to be determined at the practice level;
 - b. the medical procedures which the SP has authorized the PA to perform;
 - c. any group practice arrangements; and
 - d. a list of the locations where the PA may be working at any given time.

§4503. ~~Compensation~~ Insurance Reimbursement

A PA may, at the discretion of the SP, bill directly for services, or a bill for services may be submitted through the SP's practice, employer, or corporation.

- A. ~~A physician assistant may receive compensation, salary or wages only from his or her employer and may neither render a statement for service directly to any patient nor receive any payment, compensation or fee for services directly from any patient.~~
- B. ~~Nothing in this Section shall prohibit charges from being submitted to any governmental or private payer for services rendered by a physician assistant.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 4:111 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1105 (November 1991), LR 22:204 (March 1996), LR 25:31 (January 1999).

§4505. Services Performed by ~~Physician Assistants~~ PAs

A. The practice of a ~~physician assistant~~ PA shall include the performance of medical services that are delegated by the supervising physician and are within the scope of the ~~physician assistant~~ PA's education, training, and licensure. A ~~physician assistant~~ PA is considered to be and is deemed the agent of his supervising physician in the performance of all practice-related activities, including but not limited to assisting in surgery and ordering and interpretation of diagnostic and other medical services with appropriate supervision provided. The level and method of supervision shall be at the supervising physician and ~~physician assistant~~ PA level, shall be documented in clinical practice guidelines reviewed annually and shall reflect the acuity of patient care and the nature of a procedure.

~~B.—In accordance with a written clinical practice guideline or protocol medical services rendered by a physician assistant may include: screening patients to determine need for medical attention; eliciting patient histories; reviewing patient records to determine health status; performing physical examinations; recording pertinent patient data; performing developmental screening examinations on children; making preliminary decisions regarding data gathering and appropriate management and treatment of patients being seen for initial evaluation of a problem or follow up evaluation of a previously diagnosed and stabilized condition; making appropriate referrals; preparing patient summaries; requesting initial laboratory studies; collecting specimens for blood, urine and stool analyses; performing urine analyses, blood counts and other laboratory procedures; identifying normal and abnormal findings on history, physical examinations and laboratory studies; initiating appropriate evaluation and emergency management for emergency situations such as cardiac arrest, respiratory distress, burns and hemorrhage; performing clinical procedures such as venipuncture, intradermal testing, electrocardiography, care and suturing of wounds and lacerations, casting and splinting, control of external hemorrhage, application of dressings and bandages, administration of medications, intravenous fluids, and transfusion of blood or blood components, removal of superficial foreign bodies, cardio-pulmonary resuscitation, audiometry screening, visual screening, aseptic and isolation techniques; providing counseling and instruction regarding common patient problems; monitoring the effectiveness of therapeutic intervention; assisting in surgery; signing for receipt of medical supplies or devices that are delivered to the supervising physician or supervising physician group; and, to the extent delegated by the supervising physician, prescribing legend drugs and controlled substances listed in R.S. 40:964 as schedule II, III, IV and V substances and prescribing medical devices. A physician assistant may inject local anesthetic agents subcutaneously, including digital blocks or apply topical anesthetic agents when delegated to so by a supervising physician. This list is illustrative only, and does not constitute the limits or parameters of the physician assistant's practice.~~

~~C.~~ B. A ~~physician assistant~~ PA may prescribe, order and administer drugs to the extent delegated by the SP, except as provided pursuant to R.S. 37:930 relative to anesthetics. Drugs which may be prescribed, ordered, and administered by a PA are those listed in schedules II, III, IV and V of R.S. 40:964 and legend drugs.

D.C. The activities listed in this Section may be performed in any setting authorized by the supervising physician including but not limited to clinics, hospitals, ambulatory surgical centers, patient homes, nursing homes, other institutional settings, and health manpower shortage areas.

E.D.A ~~physician assistant~~ **PA** shall not:

1. practice without supervision, as defined by §1503, except in life-threatening emergencies;
2. complete and issue prescription blanks previously signed by a physician;
3. except to the extent delegated by a supervising physician, issue prescriptions for any medication;
4. act as or engage in the functions of a ~~physician assistant~~ **PA** other than on the direction and under the direction and supervision of his supervising physician at the location or locations specified in ~~the physician assistant~~ **PA's** notice of practice location to the board, except in the following situations:
 - a. if the ~~physician assistant~~ **PA** is acting as assistant in life-threatening emergencies and in situations such as man-made and natural disaster or a physician emergency relief efforts;
 - b. if the ~~physician assistant~~ **PA** is volunteering his services to a non-profit charitable organization, receives no compensation for such services, and is performing such services under the supervision and in the presence of a licensed physician;
5. act as or engage in the functions of a ~~physician assistant~~ **PA** when the supervising physician and the ~~physician assistant~~ **PA** do not have the capability to be in contact with each other by telephone or other telecommunication device;
6. identify himself, hold himself out to the public, or permit any other person to identify him, as "doctor," "medical doctor," "doctor of medicine" or "physician" or render any service to a patient unless the ~~physician assistant~~ **PA** has clearly identified himself as a ~~physician assistant~~ **PA** by any method reasonably calculated to advise the patient that the ~~physician assistant~~ **PA** is not a physician licensed to practice medicine; or
7. administer local anesthetics perineurally, pericurally, epidurally, intrathecally, or intravenously unless such ~~physician assistant~~ **PA** is a certified registered nurse anesthetist and meets the requirements in R.S. 37:930.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), and 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 4:111 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1105 (November 1991), LR 22:204 (March 1996), LR 25:32 (January 1999), LR 31:78 (January 2005), LR 41:925 (May 2015), amended by the Department of Health, Board of Medical Examiners, LR 43:1177 (June 2017).

§4506. Services Performed by ~~Physician Assistants~~ **PAs Registered to Prescribe Medication or Medical Devices; Prescription Forms; Prohibitions**

A.1. A ~~physician assistant~~ **PA** who is registered with the board pursuant to §§1521 and 1525 of these rules to prescribe medication and/or medical devices may, to the extent delegated by a supervising physician:

- a. issue prescriptions for medication or medical devices to a patient of the supervising physician;
 - b. transmit orally, electronically, or in writing on a patient's record a prescription or order to an individual who may lawfully furnish such medication or medical device; and
 - c. request, receive, sign for and deliver to a patient a bona fide medication sample.
2. The medical record of any patient for whom the ~~physician assistant~~ **PA** has prescribed medication or a medical device, or delivered a bona fide medication sample, shall be properly documented by the ~~physician assistant~~ **PA**.

B. All prescriptions issued by a ~~physician assistant~~ **PA** shall include:

1. the preprinted name, address, prescriptive authority registration number (license number), and telephone number of the ~~physician assistant~~ **PA**;
2. the patient's name and the date the prescription is written;
3. whether generic substitution is authorized, and if not:
 - a. the ~~physician assistant~~ **PA** shall check a box labeled "Dispense as Written" or "DAW" or both; and
 - b. for prescriptions reimbursable by Medicare and Medicaid, the ~~physician assistant~~ **PA** may only inhibit equivalent drug product interchange by handwriting the words "brand necessary" or "brand medically necessary" on the face of the prescription order or on a separate sheet attached to the prescription order;
4. the number of refills, if any; and
5. for a controlled substance, a space in which the ~~physician assistant~~ **PA** shall legibly print his DEA number.

C. A ~~physician assistant~~ PA who has been delegated prescriptive authority shall not:

1. utilize prescriptive authority without supervision, as defined by §1503, or at any location other than specified in the supervising physician's registration of delegation of prescriptive authority filed with the board, except in life-threatening emergencies;
2. prescribe medication or medical devices:
 - a. except to the extent delegated by a supervising physician, as evidenced by approval of registration on file with the board in accordance with §§1507-1527 of these rules;
 - b. beyond the ~~physician assistant's~~ PA's education, training and experience;
 - c. outside of his specialty or that of the supervising physician;
 - d. in the absence of clinical practice guidelines or protocols specified by §1527;
 - e. except in compliance with all applicable state and federal laws and regulations;
 - f. when the ~~supervising physician~~ SP, or in his absence ~~an approved locum tenens physician~~ the designated alternate supervising physician, and ~~physician assistant~~ PA do not have the capability to be in contact with each other by telephone or other telecommunication.
3. ~~treat and/or~~ utilize controlled substances in connection with the treatment of:
 - a. non-cancer related chronic or intractable pain, as set forth in §§6915-6923 of the board's rules;
 - b. obesity, as set forth in §§6901-6913 of the board's rules;
 - c. one's self, spouse, child or any immediate family member except in a life-threatening emergency;
4. sell or dispense medication, as set forth in §§6501-6561 of the board's rules;
5. issue a prescription or order for any schedule I controlled substance contained or hereinafter included in R.S. 40:964; or
6. dispense or deliver any controlled substance sample.

D. A PA who has been delegated controlled substance prescriptive authority shall enroll in and periodically accesses the Prescription Monitoring Program (PMP) established by R.S. 40:1001 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), and 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 31:79 (January 2005), amended LR 41:925 (May 2015), amended by the Department of Health, Board of Medical Examiners, LR 43:1178 (June 2017), LR 45:554 (April 2019).

~~§4507. Authority and Limitations of Supervising Physician~~

~~A. The supervising physician (SP) is responsible for the supervision, control, and direction of the physician assistant (PA) and retains responsibility to the patient for the competence and performance of the PA.~~

~~B. An SP may delegate medical services identified as core competencies by the National Commission on Certification of Physician Assistants or its successors ("core competencies"), under general supervision as defined in §1503.A of this Part.~~

~~C. An SP may delegate certain medical services beyond core competencies to a PA provided:~~

~~1. the SP is trained and qualified in and performs the service in the course and scope of his or her practice. If the service is provided in a hospital the SP and the PA shall be credentialed to provide the service. PA credentialing shall be in the manner specified in Subparagraph C.5.a of this Section;~~

~~2. the SP delegates the service to a PA who has obtained additional training and has documented the ability to perform the service safely and effectively; and~~

~~3. the SP provides a level of supervision appropriate to the risk to the patient and the potential for complications requiring the physician's personal attention;~~

~~4. credentials file. A primary SP ("PSP") shall maintain a credentials file for each PA for whom he or she serves as a PSP and at least annually assess and document therein the PA's performance as evidenced by the PSP's dated signature. The credentials file shall include a list of services beyond core competencies that the PA may perform and with respect to each shall also document:~~

~~the PA's training in the service;~~

~~b. the PA's ability to provide or perform the service safely and effectively; and~~

~~e. the protocols to be followed for the service;~~

~~5. a PSP who is employed or under contract with a hospital is not required to maintain a credentials file for a PA, who is also employed or under contract with the same hospital provided:~~

~~a. that the PA is individually credentialed by the medical staff organization of the hospital, based on established criteria similar to those utilized for physicians, which takes into consideration the PA's training and qualifications to provide or perform a service beyond core competencies safely and effectively; and~~

~~b. the PSP annually reviews, dates and signs the PA's credentials file.~~

~~§4509. Designation of Locum Tenens Physician~~

~~A. A physician qualified, registered and approved under this Part, who is not registered as a physician assistant's primary supervising physician, shall be designated as locum tenens physician for such physician assistant.~~

~~B. If the physician assistant to be supervised is registered with the board to prescribe medication or medical devices, a locum tenens physician shall:~~

~~1. meet the qualifications prescribed by §1523 of this Part and be registered with the board pursuant to §1527 for delegation of prescriptive authority; or~~

~~2. shall not supervise a physician assistant with respect to the exercise of prescriptive authority.~~

~~C. The board may, in its discretion, refuse to approve the use of a locum tenens, or it may restrict or otherwise modify the specified circumstances under which the locum tenens would be authorized to act.~~

~~D. While acting under the direction and supervision of an approved locum tenens physician a physician assistant may attend or otherwise provide any services for or with respect to any patient for whose care, or aspect of care, the locum tenens physician is responsible.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 4:112 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1106 (November 1991), LR 22:205 (March 1996), LR 25:33 (January 1999), LR 34:246 (February 2008).

~~§4511. Mutual Obligations and Responsibilities~~

~~A. The physician assistant and supervising physician shall:~~

~~1. within 15 days notify the board, in writing, of:~~

~~a. the termination of the physician assistant's supervision relationship with a supervising physician or supervising group of physicians;~~

~~b. the retirement or withdrawal from active practice by the supervising physician; and~~

~~c. any other change in the employment, functions, activities, services or the nature or extent of delegation of prescriptive authority of the physician assistant or the manner or location of their performance;~~

~~2. comply with reasonable requests by the board for personal appearances and/or information relative to the functions, activities and performance of the physician assistant and supervising physician;~~

~~3. insure that each individual to whom the physician assistant provides patient services is expressly advised and understands that the physician assistant is not a licensed physician;~~

~~4. insure that with respect to patient encounters, all activities, functions, services, treatment measures, medical devices or medication prescribed or delivered to the patient by the physician assistant are properly documented in written form in the patient's record by the physician assistant as evidenced by compliance with the clinical practice guidelines established by the supervising physician and physician assistant;~~

~~5. insure that in those instances where a physician assistant with prescriptive authority has a primary practice site that is different from that of the supervising physician, that the supervising physician:~~

~~a. visits the physician assistant's primary practice site at least weekly during regular office hours and provides consultation to the physician assistant on any issues, complications or other matters relating to the physician assistant's prescriptions for medication or medical devices;~~

~~b. personally sees any patient requiring physician follow-up; and~~

~~c. verifies that the prescriptive authority delegated to the physician assistant is being utilized in accordance with the clinical practice guidelines or protocols that are in place;~~

~~6. maintains a written agreement in compliance with R.S. 37:1360.22(8), that includes a statement that the physician shall exercise supervision over the physician assistant in accordance with R.S. 37:1360.21 et seq.~~

~~B. The physician assistant and supervising physician shall bear equal and mutual responsibility for producing the following documentation upon an official inspection conducted by a duly authorized representative of the board:~~

~~1. a copy of the physician assistant's notice of intent to practice, listing all physicians authorized and designated to supervise the physician assistant; and~~

~~2. any written practice agreement defining the scope of practice of the physician assistant including:~~

~~a. any clinical practice guidelines prescribed by the supervising physician;~~

~~b. the medical procedures which the supervising physician has authorized the physician assistant to perform;~~

~~c. any group practice arrangements; and~~

~~d. a list of the locations where the physician assistant may be working at any given time;~~

~~3. clinical practice guidelines or protocols and any written practice agreement shall be annually reviewed, updated as appropriate, and signed by the physician assistant and supervising physician.~~

~~C. The physician assistant and supervising physician shall bear equal and reciprocal obligations to insure strict compliance with the obligations, responsibilities and provisions set forth in the rules of this Chapter, and to immediately report any violation or noncompliance thereof to the board.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), and 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 4:112 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1106 (November 1991), LR 22:206 (March 1996), LR 25:33 (January 1999), LR 31:79 (January 2005), LR 41:925 (May 2015), amended by the Department of Health, Board of Medical Examiners, LR 43:1178 (June 2017).

~~4512. Performance Plan~~

~~A. For each practice setting, a PA and SP shall develop and implement a meaningful performance plan for evaluating whether the PA has performed medical services delegated by the SP with professional competence and with reasonable skill and safety to patients. At a minimum, the plan shall include:~~

~~1. for new graduates/major shift in practice:~~

~~a. different primary practice sites— if the PA's primary practice site (as defined in §1503.A of these rules e.g., the location at which a PA spends the majority of time engaged in the performance of his or her profession) is different from the SP's primary practice site then, during the first 12 months of supervised practice after passing the credentialing examination, and the first 6 months after entering into an entirely new field of practice, such as from primary care or one of its sub-specialties to a surgical specialty or sub-specialty, monthly chart review conducted by a SP of no less than 50 percent of the PA's patient encounters, as documented in the patient records;~~

~~b. same primary practice site— where the SP and PA work together, have the same primary practice site, routinely confer with respect to patient care, and the PA and SP document their services in the charts and records maintained at the primary practice site, the requirements of §4512.A.1.a shall be considered satisfied;~~

~~2. for all other PAs not falling within §4512.A.1: a review of such number of charts and records of the PA on a monthly basis as the SP deems appropriate to meet the purposes of §4512.A. If the PA has prescriptive authority the plan shall include a review of a representative sample of the PA's prescriptions. The plan should also include any other items that the SP and PA deem appropriate to insure that the purposes of this Section are met (e.g., documented conferences between the PA and SP concerning specific patients, a sample of medical orders, referrals or consultations issued by the PA, observation of the PA's performance, the SP's examination of a patient when he or she deems such indicated, etc.).~~

~~B. The plan shall be a component of the clinical practice guidelines. The SP responsible for compliance with the plan shall be designated in the PA's clinical practice guidelines. Questions respecting the applicability of this paragraph in specific cases shall be determined at the discretion of the board.~~

~~C. Accurate records and documentation regarding the plan for each PA, including a list of the charts and any other items reviewed, shall be maintained for three years and made available to board representatives upon request.~~

~~D. For joint commission accredited practice sites, the performance plan requirements of §4512.A.2 and §4512.B-C of these rules shall be considered satisfied if the practice site requires chart review as part of its joint commission ongoing professional practice evaluation (OPPE) process for PAs. For a hospital practice site that is joint commission accredited, but does not require chart review as part of its OPPE process, or that is not joint commission accredited, the PA and his or her SP shall be responsible for meeting the requirements of §4512.A-C of these rules.~~

~~AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23, and 37:1360.28.~~

~~HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:925 (May 2015), amended by the Department of Health, Board of Medical Examiners, LR 43:1178 (June 2017).~~

§4513. Causes for Nonissuance, Suspension, Revocation or Restrictions; Fines, Reinstatement

A. The board may refuse to issue, or may suspend, revoke or impose probationary or other restrictions on, any license issued under this Chapter, or issue a private or public reprimand, for the following causes:

1. conviction of or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of the United States or of any state;

2. conviction of or entry of a plea of guilty or nolo contendere to any criminal charge arising out of or in connection with practice as a ~~physician assistant~~ **PA**;

3. fraud, deceit, or perjury in obtaining any license or permit issued under this Chapter;

4. providing false testimony before the board;

5. habitual or recurring drunkenness;

6. habitual or recurring use of morphine, opium, cocaine, drugs having a similar effect, or other substances which may induce physiological or psychological dependence;

7. aiding, abetting, or assisting any physician in any act or course of conduct enumerated in Louisiana Revised Statutes, Title 37, Section 1285;

8. efforts to deceive or defraud the public;

9. incompetency;
 10. immoral conduct in exercising the privileges provided for by licensure under this Chapter;
 11. persistent violation of federal or state laws relative to control of social diseases;
 12. interdiction or commitment by due process of law;
 13. inability to perform or function as a ~~physician assistant~~ PA with reasonable skill or safety to patients because of medical illness or deficiency; physical illness, including but not limited to deterioration through the aging process or loss of motor skills; and/or excessive use or abuse of drugs, including alcohol;
 14. refusing to submit to the examination and inquiry of an examining committee of physicians appointed or designated by the board to inquire into the ~~physician assistant~~ PA's physical and mental fitness and ability to provide patient services with reasonable skill and safety;
 15. the refusal of the licensing authority of another state to issue or renew a license, permit or certificate to act as a ~~physician assistant~~ PA in that state, or the revocation, suspension or other restriction imposed on a license, permit or certificate issued by such licensing authority which prevents or restricts the functions, activities or services of the ~~physician assistant~~ PA in that state; or
 16. violation of any provision of this Chapter, or of rules or regulations of the board or statute pertaining to ~~physician assistants~~ PAs;
 17. conviction or entry of a plea of guilty or nolo contendere to any crime an element of which is the manufacture, production, distribution, sale or exchange of any controlled substance;
 18. prescribing legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner; or
 19. utilizing prescriptive authority in violation of any of the provisions of §§1501-1529 or 4501-4513 of the board's rules.
- B. The board may, as a probationary condition, or as a condition of the reinstatement of any license suspended or revoked hereunder, require the ~~physician assistant~~ PA and/or the supervising physician ~~group~~ to pay all costs of the board proceedings, including investigators', stenographers', and attorneys' fees, and to pay a fine not to exceed the sum of \$5,000.
- C. Any license suspended, revoked or otherwise restricted by the board may be reinstated by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:112 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1107 (November 1991), LR 22:206 (March 1996), LR 25:33 (January 1999), LR 31:80 (January 2005).