

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 45:9- 27.10 et al. (Physician assistants)

LAWS OF: 1991 CHAPTER: 378

Bill No: S3510

Sponsor(s): Lipman

Date Introduced: June 10, 1991

Committee: Assembly: ---
Senate: Labor, Industry

Amended during passage: No Senate Committee substitute enacted

Date of Passage: Assembly: January 10, 1992
Senate: December 16, 1991

Date of Approval: January 15, 1992

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No
Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: Yes

Hearings: No Health Care Costs

974.90 New Jersey Governor's Commission
I59 Report...October 1, 1990
1990 (p. 29)

See newspaper clippings--attached

Hearing, during earlier:

974.90 New Jersey Legislature. Assembly Committee on Institutions, Health
& Welfare

H434 Public hearing on A. 1387, held 10-24-78
1978j Trenton, 1978

974.90 New Jersey Dept. of Higher Education
H434 A study of the potential need for
1977n ...physicians assistants. 1977.

KBG/dgw

SENATE, No. 3510

STATE OF NEW JERSEY

ADOPTED JUNE 24, 1991

Sponsored by Senator LIPMAN

CHAPTER 378
APPROVED 1-15-92
LAWS OF N.J. 1991

1 AN ACT providing for the licensure of physician assistants,
 2 amending R.S.45:9-21, R.S.45:14-13, R.S.45:14-14 and
 3 R.S.45:14-15 and supplementing Title 45 of the Revised
 4 Statutes.
 5
 6 BE IT ENACTED by the Senate and General Assembly of the
 7 State of New Jersey:
 8 1. (New section) This act shall be known and may be cited as
 9 the "Physician Assistant Licensing Act."
 10 2. (New section) As used in this act:
 11 "Approved program" means an education program for physician
 12 assistants which is approved by the Committee on Allied Health
 13 Education and Accreditation or its successor.
 14 "Board" means the State Board of Medical Examiners created
 15 pursuant to R.S.45:9-1.
 16 "Committee" means the Physician Assistant Advisory
 17 Committee established pursuant to section 11 of this act.
 18 "Director" means the Director of the Division of Consumer
 19 Affairs.
 20 "Health care facility" means a health care facility as defined
 21 in section 2 of P.L.1971, c.136 (C.26:2H-2).
 22 "Institution" means any of the charitable, hospital, relief and
 23 training institutions, noninstitutional agencies, and correctional
 24 institutions enumerated in R.S.30:1-7.
 25 "Physician assistant" means a person who holds a current, valid
 26 license issued pursuant to section 4 of this act.
 27 "Physician" means a person licensed to practice medicine and
 28 surgery pursuant to chapter 9 of Title 45 of the Revised Statutes.
 29 "Veterans' home" means the New Jersey Veterans' Memorial
 30 Home - Menlo Park, the New Jersey Veterans' Memorial Home -
 31 Vineland and the New Jersey Veterans' Memorial Home -
 32 Paramus.
 33 3. (New section) a. (1) No person shall practice as a
 34 physician assistant or present, call or represent himself as a
 35 physician assistant unless that person is licensed pursuant to
 36 section 4 of this act.
 37 (2) Nothing in this act shall be construed to limit, preclude, or
 38 otherwise interfere with the practice of any person licensed by an
 39 appropriate agency of the State of New Jersey, provided that
 40 such duties are consistent with the accepted standards of the

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
 above bill is not enacted and is intended to be omitted in the law.
 Matter underlined thus is new matter.

1 person's profession and the person does not present himself as a
2 physician assistant.

3 b. No person shall assume, represent himself as, or use the
4 title or designation "physician assistant" or "physician assistant -
5 certified" or the abbreviation "PA-C" or any other title or
6 designation which indicates or implies that he is a physician
7 assistant unless that person is licensed pursuant to section 4 of
8 this act.

9 4. (New section) a. The director shall issue a license as a
10 physician assistant to an applicant who has fulfilled the following
11 requirements:

- 12 (1) Is at least 18 years of age;
- 13 (2) Is of good moral character;
- 14 (3) Has successfully completed an approved program; and
- 15 (4) Has passed a written examination selected and
16 administered by the director.

17 b. In addition to the requirements of subsection a. of this
18 section, an applicant for renewal of a license as a physician
19 assistant shall:

- 20 (1) Execute and submit a sworn statement made on a form
21 provided by the director that neither the license for which
22 renewal is sought nor any similar license or other authority issued
23 by another jurisdiction has been revoked, suspended or not
24 renewed; and

- 25 (2) Present satisfactory evidence that any continuing
26 education requirements have been completed as required by this
27 act.

28 c. The director, in consultation with the committee, may
29 accept, in lieu of the written examination required by paragraph
30 (4) of subsection a. of this section, proof that an applicant for
31 licensure holds a current license in a state which has standards
32 substantially equivalent to those of this State.

33 5. (New section) a. A physician assistant may be employed by
34 a physician, a health care facility, an institution or a veterans'
35 home.

36 b. A physician, health care facility, institution or veterans'
37 home which employs a physician assistant shall file with the
38 director a notice of employment within 10 days after the date on
39 which the employment commences, on a form and in accordance
40 with rules to be promulgated by the director in accordance with
41 section 17 of this act.

42 6. (New section) a. A physician assistant may practice in all
43 medical care settings, including, but not limited to, a physician's
44 office, a health care facility, an institution, a veterans' home or
45 a private home, provided that:

- 46 (1) the physician assistant is under the direct supervision of a
47 physician pursuant to section 9 of this act;

- 48 (2) the practice of the physician assistant is limited to those
49 procedures authorized under section 7 of this act;

1 (3) an appropriate notice of employment has been filed with
2 the director pursuant to subsection b. of section 5 of this act;

3 (4) the supervising physician or physician assistant advises the
4 patient at the time that services are rendered that they are to be
5 performed by the physician assistant;

6 (5) the physician assistant conspicuously wears an
7 identification tag using the term "physician assistant" whenever
8 acting in that capacity; and

9 (6) any entry by a physician assistant in a clinical record is
10 appropriately signed and followed by the designation, "PA-C."

11 b. Any physician assistant who practices in violation of any of
12 the conditions specified in subsection a. of this section shall be
13 deemed to have engaged in professional misconduct in violation
14 of subsection f. of section 8 of P.L.1978, c.73 (C.45:1-21).

15 7. (New section) a. A physician assistant may perform the
16 following procedures:

17 (1) Approaching a patient to elicit a detailed and accurate
18 history, perform an appropriate physical examination, identify
19 problems, record information and present information to the
20 supervising physician;

21 (2) Suturing and caring for wounds including removing sutures
22 and clips and changing dressings, except for facial wounds,
23 traumatic wounds requiring suturing in layers and infected
24 wounds;

25 (3) Providing patient counseling services and patient education
26 consistent with directions of the supervising physician;

27 (4) Assisting a physician in an inpatient setting by conducting
28 patient rounds, recording patient progress notes, determining and
29 implementing therapeutic plans jointly with the supervising
30 physician and compiling and recording pertinent narrative case
31 summaries;

32 (5) Assisting a physician in the delivery of services to patients
33 requiring continuing care in a private home, nursing home,
34 extended care facility or other setting, including the review and
35 monitoring of treatment and therapy plans;

36 (6) Facilitating the referral of patients to, and promoting their
37 awareness of, health care facilities and other appropriate
38 agencies and resources in the community; and

39 (7) Such other procedures suitable for discretionary and
40 routine performance by physician assistants as designated by the
41 director pursuant to subsection a. of section 15 of this act.

42 b. A physician assistant may perform the following procedures
43 only when directed, ordered or prescribed by the supervising
44 physician or specified in accordance with protocols promulgated
45 pursuant to subsection c. of section 15 of this act;

46 (1) Performing non-invasive laboratory procedures and related
47 studies or assisting duly licensed personnel in the performance of
48 invasive laboratory procedures and related studies;

49 (2) Giving injections, administering medications and requesting

1 diagnostic studies;

2 (3) Suturing and caring for facial wounds, traumatic wounds
3 requiring suturing in layers and infected wounds;

4 (4) Writing prescriptions or ordering medications in an
5 inpatient setting in accordance with section 10 of this act; and

6 (5) Such other procedures as may be specified in accordance
7 with protocols promulgated in accordance with subsection b. of
8 section 15 of this act.

9 c. A physician assistant may assist a supervising surgeon in the
10 operating room when a qualified assistant physician is not
11 required by the board and a second assistant is deemed necessary
12 by the supervising surgeon.

13 8. (New section) a. A physician may delegate to a physician
14 assistant under his supervision only those procedures identified in
15 section 7 of this act.

16 b. Any physician who permits a physician assistant under his
17 supervision to practice contrary to the provisions of this act shall
18 be deemed to have engaged in professional misconduct in
19 violation of subsection e. of section 8 of P.L.1978, c.73
20 (C.45:1-21) and shall be subject to disciplinary action by the
21 board pursuant to P.L.1978, c.73 (C.45:1-14 et seq.);

22 c. In the performance of a medical procedure, a physician
23 assistant shall be conclusively presumed to be the agent of the
24 physician under whose supervision the physician assistant is
25 performing.

26 9. (New section) a. A physician assistant shall be under the
27 direct supervision of a physician at all times during which the
28 physician assistant is working in his official capacity.

29 b. In an inpatient setting, direct supervision shall include, but
30 not be limited to:

31 (1) continuing or intermittent presence with constant
32 availability through electronic communications;

33 (2) regularly scheduled review of the practice of the physician
34 assistant; and

35 (3) personal review by a physician of all charts and records of
36 patients and countersignature by a physician of all medical
37 orders, including prescribing and administering medication, within
38 24 hours of their entry by the physician assistant.

39 c. In an outpatient setting, direct supervision shall include, but
40 not be limited to:

41 (1) constant availability through electronic communications;

42 (2) regularly scheduled review of the practice of the physician
43 assistant; and

44 (3) personal review by a physician of the charts and records of
45 patients and countersignature by a physician of all medical
46 orders, including administering medications, within seven days of
47 their entry by the physician assistant.

48 10. (New section) A physician assistant treating a patient in
49 an inpatient setting may order medications, subject to the

1 following conditions:

2 a. no controlled dangerous substances may be ordered;

3 b. the order is administered in accordance with protocols or
4 specific physician direction pursuant to subsection b. of section 7
5 of this act;

6 c. the prescription states whether it is written pursuant to
7 protocol or specific physician direction; and

8 d. the physician assistant signs his own name, prints his name
9 and license number and prints the supervising physician's name.

10 11. (New section) There is created within the Division of
11 Consumer Affairs in the Department of Law and Public Safety, a
12 Physician Assistant Advisory Committee. The committee shall
13 consist of five members who are residents of this State, one of
14 whom shall be a public member and one of whom shall be a
15 physician licensed pursuant to chapter 9 of Title 45 of the
16 Revised Statutes. The remaining three members shall be, except
17 for those first appointed, physician assistants licensed in
18 accordance with the provisions of this act. The physician
19 assistant members first appointed to the committee need not be
20 licensed in this State but shall be physician assistants certified by
21 the National Commission on Certification of Physician Assistants.

22 The Governor shall appoint the members of the committee for
23 a term of three years, except that of the members first
24 appointed, two shall be appointed for a term of one year, two
25 shall be appointed for a term of two years and one shall be
26 appointed for a term of three years. Each member shall serve
27 until his successor has been qualified. Any vacancy in the
28 membership of the committee shall be filled for the unexpired
29 term in the same manner as the original appointments were
30 made. No member shall serve for more than two consecutive
31 terms in addition to any unexpired term to which he has been
32 appointed. The Governor may remove a member of the
33 committee for cause.

34 Members of the committee shall be compensated and
35 reimbursed for actual expenses reasonably incurred in the
36 performance of their official duties in accordance with
37 subsection a. of section 2 of P.L.1977, c.285 (C.45:1-2.5).

38 12. (New section) The committee shall annually elect from
39 among its members a president and vice-president. The
40 committee shall meet at least twice each year and may hold
41 additional meetings, as necessary to discharge its duties. In
42 addition to such meetings, the committee shall meet at the call
43 of the president, the director or the Attorney General.

44 13. (New section) An Executive Director of the committee
45 shall be appointed by the director and shall serve at the
46 director's pleasure. The salary of the Executive Director shall
47 be determined by the director within the limits of available
48 funds. The director shall be empowered within the limits of
49 available funds to hire any assistants and confidential

1 investigative personnel as are necessary to administer this act.

2 14. (New section) a. The committee may have the following
3 powers and duties, as delegated by the director:

4 (1) to evaluate and pass upon the qualifications of candidates
5 for licensure;

6 (2) to take disciplinary action, in accordance with P.L.1978,
7 c.73 (C.45:1-14 et seq.) against a physician assistant who violates
8 any provision of this act;

9 (3) to adopt and administer the examination to be taken by
10 applicants for licensure; and

11 (4) subject to the requirements of section 16 of this act, to
12 adopt standards for and approve continuing education programs.

13 b. In addition to the powers and duties specified in subsection
14 a. of this section, the committee may make recommendations to
15 the director regarding any subjects pertinent to this act.

16 15. (New section) The director may receive and shall give due
17 consideration to advice from the board and the committee in
18 adopting regulations in accordance with the "Administrative
19 Procedure Act," P.L.1968, c.410 (C.52:14B-2 et seq.), in the
20 following areas:

21 a. Designating additional procedures which may be performed
22 on a discretionary and routine basis by licensed physician
23 assistants in accordance with paragraph (7) of subsection a. of
24 section 7 of his act;

25 b. Designating additional procedures which may be performed
26 by a licensed physician assistant only when ordered, prescribed or
27 directed by the supervising physician; and

28 c. Establishing and adopting protocols to be followed by
29 licensed physician assistants performing any of the procedures
30 listed in subsection b. of section 7 of this act.

31 16. (New section) a. The director, or the committee if so
32 delegated by the director, shall:

33 (1) approve only such continuing professional education
34 programs as are available to all physician assistants in this State
35 on a reasonable nondiscriminatory basis. Programs may be held
36 within or without this State, but shall be held so as to enable
37 physician assistants in all areas of the State to attend;

38 (2) establish standards for continuing professional education
39 programs, including the specific subject matter and content of
40 courses of study and the selection of instructors;

41 (3) accredit educational programs offering credits towards the
42 continuing professional education requirements; and

43 (4) establish the number of credits of continuing professional
44 education required of each applicant for license renewal. Each
45 credit shall represent or be equivalent to one hour of actual
46 course attendance, or in the case of those electing an alternative
47 method of satisfying the requirements of this act, shall be
48 approved by the director and certified pursuant to procedures
49 established for that purpose.

- 1 b. The director may, at his discretion:
- 2 (1) waive the requirements of paragraph (2) of subsection b. of
- 3 section 4 of this act for due cause; and
- 4 (2) accredit courses with non-hourly attendance, including
- 5 home study courses, with appropriate procedures for the issuance
- 6 of credit upon satisfactory proof of the completion of such
- 7 courses.
- 8 c. If any applicant for renewal of registration completes a
- 9 number of credit hours in excess of the number established
- 10 pursuant to paragraph (4) of subsection a. of this section, the
- 11 excess credit may, at the discretion of the director, be applicable
- 12 to the continuing education requirement for the following
- 13 biennial renewal period but shall not be applicable thereafter.
- 14 17. (New section) The director shall, in addition to such other
- 15 powers and duties as he may possess by law:
- 16 a. Administer and enforce the provisions of this act;
- 17 b. Adopt and promulgate rules and regulations, pursuant to the
- 18 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
- 19 seq.), to effectuate the purposes of this act;
- 20 c. Establish professional standards for persons licensed under
- 21 this act;
- 22 d. Conduct hearings pursuant to the "Administrative
- 23 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), except
- 24 that the director shall have the right to administer oaths to
- 25 witnesses, and shall have the power to issue subpoenas for the
- 26 compulsory attendance of witnesses and the production of
- 27 pertinent books, papers, or records;
- 28 e. Conduct proceedings before any board, agency or court of
- 29 competent jurisdiction for the enforcement of the provisions of
- 30 this act;
- 31 f. Evaluate and pass upon the qualifications of candidates for
- 32 licensure;
- 33 g. Establish standards for and approve educational programs
- 34 for physician assistants as required by paragraph (3) of subsection
- 35 a. of section 4 of this act;
- 36 h. Adopt and administer the examination to be taken by
- 37 applicants for licensure;
- 38 i. Subject to the requirements of section 16 of this act,
- 39 establish standards for and approve continuing education
- 40 programs; and
- 41 j. Have the enforcement powers provided pursuant to P.L.1978,
- 42 c.73 (C.45:1-14 et seq.).
- 43 18. (New section) The provisions of the uniform enforcement
- 44 law, P.L.1978, c.73 (C.45:1-14 et seq.), shall apply to this act and
- 45 the director shall be deemed to have all authority granted to any
- 46 board under that act. The authority of the director may be
- 47 delegated to the committee at the discretion of the director.
- 48 19. (New section) a. The director shall by rule or regulation
- 49 establish, prescribe or change the fees for licenses, renewals of

1 licenses or other services provided by the director or the
2 committee pursuant to the provisions of this act. Licenses shall
3 be issued for a period of two years and be biennially renewable,
4 provided however, that the director may, in order to stagger the
5 expiration dates thereof, provide that those licenses first issued
6 or renewed after the effective date of this act shall expire and
7 become void on a date fixed by the director, not sooner than six
8 months nor later than 29 months after the date of issue.

9 b. Fees shall be established, prescribed or changed by the
10 director pursuant to subsection a. of this section to the extent as
11 is necessary to defray all proper expenses incurred by the
12 committee, the director and any staff employed to administer
13 this act. However, fees shall not be fixed at a level that will
14 raise amounts in excess of the amount estimated to be so
15 required.

16 c. All fees and any fines imposed by the director shall be paid
17 to the director and shall be forwarded to the State Treasurer and
18 become part of the General Fund.

19 d. There shall be annually appropriated to the Department of
20 Law and Public Safety for the use of the director such sums as
21 shall be necessary to implement and effectuate to provisions of
22 this act.

23 20. R.S.45:9-21 is amended to read as follows:

24 45:9-21. The prohibitory provisions of this chapter shall not
25 apply to the following:

26 a. A commissioned surgeon or physician of the regular United
27 States Army, Navy, or Marine hospital service while so
28 commissioned and actively engaged in the performance of his
29 official duties. This exemption shall not apply to reserve officers
30 of the United States Army, Navy or Marine Corps, or to any
31 officer of the National Guard of any state or of the United States;

32 b. A lawfully qualified physician or surgeon of another state
33 taking charge temporarily, on written permission of the board, of
34 the practice of a lawfully qualified physician or surgeon of this
35 State during his absence from the State, upon written request to
36 the board for permission so to do. Before such permission is
37 granted by the board and before any person may enter upon such
38 practice he must submit proof that he can fulfill the
39 requirements demanded in the other sections of this article
40 relating to applicants for admission by examination or
41 indorsement from another state. Such permission may be granted
42 for a period of not less than two weeks nor more than four
43 months upon payment of a fee of [~~\$50.00~~] \$50. The board in its
44 discretion may extend such permission for further periods of two
45 weeks to four months but not to exceed in the aggregate one year;

46 c. A physician or surgeon of another state of the United States
47 and duly authorized under the laws thereof to practice medicine
48 or surgery therein, if such practitioner does not open an office or
49 place for the practice of his profession in this State;

- 1 d. A person while actually serving as a member of the resident
2 medical staff of any legally incorporated charitable or municipal
3 hospital or asylum approved by the board. Hereafter such
4 exemption of any such resident physician shall not apply with
5 respect to any individual after he shall have served as a resident
6 physician for a total period of five years;
- 7 e. The practice of dentistry by any legally qualified and
8 registered dentist;
- 9 f. The ministrations to, or treatment of, the sick or suffering
10 by prayer or spiritual means, whether gratuitously or for
11 compensation, and without the use of any drug material remedy;
- 12 g. The practice of optometry by any legally qualified and
13 registered optometrist;
- 14 h. The practice of podiatry by any legally licensed podiatrist;
- 15 i. The practice of pharmacy by a legally licensed and
16 registered pharmacist of this State, but this exception shall not
17 be extended to give to said licensed pharmacist the right and
18 authority to carry on the business of a dispensary, unless the
19 dispensary shall be in charge of a legally licensed and registered
20 physician and surgeon of this State;
- 21 j. A person claiming the right to practice medicine and surgery
22 in this State who has been practicing therein since before July 4,
23 1890, if said right or title was obtained upon a duly registered
24 diploma, of which the holder and applicant was the lawful
25 possessor, issued by a legally chartered medical institution which,
26 in the opinion of the board, was in good standing at the time the
27 diploma was issued;
- 28 k. A podiatrist, professional nurse, or a registered physical
29 therapist, masseur, while operating in each particular case under
30 the specific direction of a regularly licensed physician or
31 surgeon. This exemption shall not apply to such assistants of
32 persons who are licensed as osteopaths, chiropractors,
33 optometrists or other practitioners holding limited licenses;
- 34 l. A person while giving aid, assistance or relief in emergency
35 or accident cases pending the arrival of a regularly licensed
36 physician, or surgeon or under the direction thereof;
- 37 m. The operation of a bio-analytical laboratory by a licensed
38 bio-analytical laboratory director, or any person working under
39 the direct and constant supervision of a licensed bio-analytical
40 laboratory director;
- 41 n. Any employee of a State or county institution holding the
42 degree of M.D. or D.O., regularly employed on a salary basis on
43 its medical staff or as a member of the teaching or scientific
44 staff of a State agency, may apply to the State Board of Medical
45 Examiners of New Jersey and may, in the discretion of said
46 board, be granted exemption from the provisions of this chapter;
47 provided said employee continues as a member of the medical
48 staff of a State agency, or county institution or of the teaching or
49 scientific staff of a State agency and does not conduct any type

1 of private medical practice; [or]

2 o. The practice of chiropractic by any legally licensed
3 chiropractor; or

4 p. The practice of a physician assistant in compliance with the
5 provisions of P.L. , c. (C.)(now pending in the
6 Legislature as this bill).

7 (cf: P.L.1989, c.153, s.20)

8 21. R.S.45:14-13 is amended to read as follows:

9 45:14-13. No person who is not a registered pharmacist of this
10 State, or an apprentice employed in a pharmacy under the
11 immediate personal supervision of a registered pharmacist, shall
12 compound, dispense, fill or sell prescriptions of physicians,
13 dentists, veterinarians, any other medical practitioners [or] ,
14 certified nurse midwives or physician assistants licensed or
15 approved to write prescriptions for drugs and medicines.

16 (cf: P.L.1991, c.97, s.7)

17 22. R.S.45:14-14 is amended to read as follows:

18 45:14-14. The term "prescription" as used in R.S.45:14-13,
19 R.S.45:14-15 to R.S.45:14-17 means an order for drugs or
20 medicines or combinations or mixtures thereof, written or signed
21 by a duly licensed physician, dentist, veterinarian, other medical
22 practitioner [or] , a certified nurse midwife or a physician
23 assistant licensed or approved to write prescriptions intended for
24 the treatment or prevention of disease in man or animals, and
25 includes orders for drugs or medicines or combinations or
26 mixtures thereof transmitted to pharmacists through word of
27 mouth, telephone, telegraph or other means of communication by
28 a duly licensed physician, dentist, veterinarian, other medical
29 practitioner [or] , a certified nurse midwife or a physician
30 assistant licensed or approved to write prescriptions intended for
31 the treatment or prevention of disease in man or animals, and
32 such prescriptions received by word of mouth, telephone,
33 telegraph or other means of communication shall be recorded in
34 writing by the pharmacist and the record so made by the
35 pharmacist shall constitute the original prescription to be filed by
36 the pharmacist as provided for in R.S.45:14-15, but no
37 prescription, for any narcotic drug, except as provided in section
38 15 of P.L.1970, c.226 (C.24:21-15), shall be given or transmitted
39 to pharmacists, in any other manner, than in writing signed by the
40 physician, dentist, veterinarian, other medical practitioner [or] ,
41 certified nurse midwife or a physician assistant giving or
42 transmitting the same, nor shall such prescription be renewed or
43 refilled.

44 (cf: P.L.1991, c.97, s.8)

45 23. R.S.45:14-15 is amended to read as follows:

46 45:14-15. The registered pharmacist compounding, dispensing,
47 filling or selling a prescription shall place the original written
48 prescription in a file kept for that purpose for a period of not less
49 than five years if such period is not less than two years after the

1 last refilling, and affix to the container in which the prescription
2 is dispensed, a label bearing the name and complete address of
3 the pharmacy or drug store in which dispensed, the brand name or
4 generic name of the product dispensed unless the prescriber
5 states otherwise on the original written prescription, the date on
6 which the prescription was compounded and an identifying
7 number under which the prescription is recorded in his files,
8 together with the name of the physician, dentist, veterinarian,
9 other medical practitioner [or] , certified nurse midwife or
10 physician assistant prescribing it and the directions for the use of
11 the prescription by the patient, as directed on the prescription of
12 the physician, dentist, veterinarian, other medical practitioner
13 [or] , certified nurse midwife or physician assistant licensed or
14 approved to write prescriptions. Every registered pharmacist who
15 fills or compounds a prescription, or who supervises the filling or
16 compounding of a prescription by a person other than a
17 pharmacist registered in this State, shall place his name or
18 initials on the original prescription or on the label affixed to the
19 container in which the prescription is dispensed or in a book kept
20 for the purpose of recording prescriptions. The board of
21 pharmacy or any of its agents is hereby empowered to inspect the
22 prescription files and other prescription records of a pharmacy
23 and to remove from said files and take possession of any original
24 prescription; providing, that the authorized agent removing or
25 taking possession of an original prescription shall place in the file
26 from which it was removed a copy certified by said person to be a
27 true copy of the original prescription thus removed; provided
28 further, that the original copy shall be returned by the board of
29 pharmacy to the file from which it was removed after it has
30 served the purpose for which it was removed.

31 (cf: P.L.1991, c.97, s.9)

32 24. This act shall take effect on the 180th day after the date
33 of enactment, but sections 11, 12, 13, 14, 15 and 17 shall take
34 effect immediately.

35

36

37

REGULATED PROFESSIONS

38

39 Designated the "Physician Assistant Licensing Act."

SENATE, No. 3510

STATE OF NEW JERSEY

INTRODUCED JUNE 10, 1991

By Senator LIPMAN

1 AN ACT providing for the registration of physician assistants,
2 amending P.L.1971, c.60, P.L.1974, c.46 and P.L.1978, c.73,
3 and supplementing chapter 9 of Title 45 of the Revised
4 Statutes.

5

6 BE IT ENACTED *by the Senate and General Assembly of the*
7 *State of New Jersey:*

8 1. (New section) Sections 1 through 12 of this act shall be
9 known and may be cited as the "Physician Assistant Registration
10 Act."

11 2. (New section) As used in sections 1 through 12 of this act:
12 "Approved program" means an education program for physician
13 assistants which is approved by the Committee on Allied Health
14 Education and Accreditation, its successor or the Department of
15 Health.

16 "Board" means the State Board of Physician Assistants created
17 pursuant to section 11 of this act.

18 "Certified physician assistant" means a physician assistant who
19 has passed a proficiency examination approved by the
20 Department of Health for the certification of physician
21 assistants, including the examination administered for that
22 purpose by the National Commission on Certification of Physician
23 Assistants.

24 "Health care facility" means a health care facility as defined
25 in section 2 of P.L.1971, c.136 (C.26:2H-2).

26 "Physician assistant" means a skilled person, qualified by
27 academic and clinical training to provide patient services with
28 and under the supervision of a licensed physician.

29 "Supervision" means the overseeing of, or the participation in
30 the work of, a physician assistant by a licensed physician or group
31 of physicians, including but not limited to:

32 a. Continuous availability of direct communication either in
33 person or by radio, telephone or telecommunications between the
34 physician assistant and a licensed physician;

35 b. Availability of a licensed physician on a regularly scheduled
36 basis to:

37 (1) Review the practice of the physician assistant;

38 (2) Review charts and records of the physician assistant; and

39 (3) Support the physician assistant in the performance of the
40 physician assistant's services; and

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 c. A predetermined plan for emergency situations, including
2 designation of an alternate licensed physician in the absence of
3 the regular licensed physician.
- 4 3. (New section) No person shall practice as a physician
5 assistant or hold himself out to be a physician assistant or use any
6 term indicating or implying that the person is a physician
7 assistant unless the person is registered pursuant to this act.
- 8 4. (New section) In order to be a registered physician
9 assistant, a person shall apply to the board on a form, and in a
10 manner prescribed by the board, satisfy the requirements for
11 registration prescribed by this act and the rules and regulations
12 of the board, and pay any required fees. In order to be eligible for
13 registration, an applicant shall:
- 14 a. Be a graduate of an approved program; and
15 b. Be a certified physician assistant or eligible for
16 certification.
- 17 A registration is valid for two years unless revoked or
18 suspended by the board and may be renewed for additional
19 two-year periods by payment of the required fees.
- 20 The board shall adopt rules and regulations governing the
21 temporary registration of physician assistants who are graduates
22 of an approved program and eligible for certification and the
23 training of physician assistants.
- 24 A person who obtains, or attempts to obtain, registration as a
25 physician assistant by fraud or misrepresentation, is subject to a
26 penalty of not less than \$200 nor more than \$600 for the first
27 offense and not less than \$500 nor more than \$1,000 for each
28 subsequent offense, to be sued for and recovered by and in the
29 name of the board in a summary manner under "the penalty
30 enforcement law" (N.J.S.2A:58-1 et seq.).
- 31 5. (New section) A physician assistant may be employed by a
32 health care facility or a physician. A physician assistant may
33 provide health care services under the supervision of a physician
34 in all medical care settings, including but not limited to, office
35 settings, private homes, ambulatory care clinics, or in hospitals,
36 extended care facilities and nursing homes. The physician or
37 facility which employs the physician assistant shall file with the
38 board a notice of intent to employ and supervise a registered
39 physician assistant no less than 14 days prior to the date of
40 employment.
- 41 If the notice is for the replacement of a physician assistant in a
42 job description unchanged and previously approved by the board,
43 the notice shall be filed no less than seven days prior to the date
44 of replacement. A separate notice shall be filed for each
45 physician assistant to be supervised. The notice shall include the
46 name and address of the health care facility and supervising
47 physician, the proposed date of commencement or replacement of
48 employment, and the name, address and credentials of the
49 physician assistant to be employed. The notice shall be
50 accompanied by a job description of the physician assistant and a

1 list of alternate supervising physicians.

2 Employment of a physician assistant shall begin on the date
3 indicated in the notice of intent unless the board disapproves the
4 job description and so notifies the health care facility or the
5 supervising physician. The employment of the physician assistant
6 shall not begin until the board approves the job description.

7 6. (New section) The job description of a physician assistant
8 shall describe the practice setting and define the scope and
9 nature of responsibilities and functions of the physician assistant
10 in accordance with the provisions of this act and the rules and
11 regulations adopted by the board pursuant to this act; except that:

12 a. A supervising physician shall not supervise more than two
13 physician assistants at the same time;

14 b. A health care facility shall not employ more than two
15 physician assistants for each physician within the facility at the
16 same time; and

17 c. Before a physician assistant performs services to or upon a
18 patient, the physician assistant or the supervising physician shall
19 advise the patient that the services are to be performed by the
20 physician assistant, and the physician assistant or the supervising
21 physician shall properly identify the physician assistant.

22 7. (New section) A physician assistant may perform the
23 following services:

24 a. Initially approaching a patient to elicit a detailed and
25 accurate history, perform an appropriate physical examination,
26 identify problems, and record and present pertinent data;

27 b. Performing or interpreting routine diagnostic studies,
28 including but not limited to, common laboratory procedures,
29 common radiologic studies, electrocardiographic tracings, and
30 obtaining Pap smears;

31 c. Performing therapeutic procedures, including but not
32 limited to, injections, immunizations, suturing and wound care,
33 incision and drainage of superficial infections, cast application,
34 and follow-up of simple fractures;

35 d. Instructing and counseling patients regarding physical and
36 mental health, including but not limited to, the provision of
37 information relating to diet, disease prevention and therapy,
38 normal growth and development, family planning, and situational
39 adjustment reactions;

40 e. Assisting a physician in an inpatient setting by conducting
41 patient rounds, recording patient progress notes, determining and
42 implementing therapeutic plans jointly with the supervising
43 physician, and compiling and recording pertinent narrative case
44 summaries;

45 f. Assisting in the delivery of services to patients requiring
46 continuing care in a private home, nursing home, extended care
47 facility or other setting, including the review and monitoring of
48 treatment and therapy plans;

49 g. Independently performing evaluation and therapeutic
50 procedures when responding to life-threatening situations; and

1 h. Facilitating the referral of patients to, and promoting their
2 awareness of, health care facilities and other appropriate
3 agencies and resources in the community.

4 8. (New section) In an inpatient setting, a health care facility
5 may permit a physician assistant to write and carry out medical
6 orders, including prescribing and administering medication for
7 patients under the care of the supervising physician. The medical
8 orders so written shall be countersigned by the supervising
9 physician within 24 hours but do not require countersignature
10 before execution.

11 In an outpatient setting, a physician may delegate the writing
12 of prescriptions for noncontrolled substances to a physician
13 assistant; except that the physician assistant shall adhere to a
14 specific format as follows:

15 a. The prescription shall be written on the prescription blank
16 of the supervising physician and shall include the supervising
17 physician's name, address and telephone number;

18 b. The prescription shall be dated and include the name,
19 address and age of the patient;

20 c. The physician assistant shall authorize the prescription by
21 signing his name and registration number, printing both the
22 supervising physician's and the physician assistant's own name.

23 9. (New section) In the performance of a medical service, a
24 physician assistant shall be conclusively presumed to be the agent
25 of the licensed physician under whose supervision the physician
26 assistant performs that service.

27 10. (New section) a. The board may refuse to grant, or may
28 suspend or revoke, the registration of a physician assistant or
29 may administer a public or private reprimand or place on
30 probation a physician assistant, if, after due notice and a hearing
31 by the board, it determines that the physician assistant:

32 (1) Has engaged in fraudulent activities or misrepresentation
33 relating to the scope of employment as a physician assistant;

34 (2) Has engaged in fraudulent activities or misrepresentation
35 in the procurement of registration:

36 (3) Has been convicted of violating a State or federal narcotic
37 law;

38 (4) Has been adjudicated mentally incompetent;

39 (5) Uses intoxicants or controlled dangerous substances to an
40 extent which renders the physician assistant unfit to act in the
41 capacity of a physician assistant;

42 (6) Is incompetent, or has been grossly negligent, or has been
43 guilty of unprofessional conduct as defined by rules and
44 regulations adopted by the board pursuant to this act;

45 (7) Has undertaken to practice independent of the supervision
46 of a licensed physician;

47 (8) Has been convicted of a crime involving moral turpitude; or

48 (9) Has violated a provision of this act or a rule or regulation
49 adopted by the board pursuant to this act.

50 b. The board may refuse to grant, or may suspend or revoke,

1 the approval of a health care facility or supervising physician to
2 employ a physician assistant if, after due notice and a hearing by
3 the board, it determines that the health care facility or
4 supervising physician has violated a provision of this act or a rule
5 or regulation adopted by the board pursuant to this act.

6 11. (New section) a. There is created within the Division of
7 Consumer Affairs in the Department of Law and Public Safety
8 the State Board of Physician Assistants which shall consist of
9 15 members, including 11 members who shall be appointed by the
10 Governor for terms of four years, except for the initial
11 appointments. The President of the State Board of Medical
12 Examiners, the Chancellor of the Department of Higher
13 Education, the President of the University of Medicine and
14 Dentistry of New Jersey, and the Commissioner of the
15 Department of Health, or their designees, shall serve as members
16 of the board consistent with their terms of appointment and
17 office. Of the 11 initial appointees, the Governor shall designate
18 three to serve for terms of one year, three for two years, three
19 for three years and two for four years. The appointed members
20 shall include two public members appointed pursuant to the
21 provisions of subsection b. of P.L.1971, c.60 (C.45:1-2.2), three
22 practicing registered physician assistants, one health educator
23 representative of an approved program, one hospital
24 administrator, one nursing home administrator, one nurse
25 practitioner, and two practicing physicians, one of whom shall be
26 a physician who supervises a physician assistant. The three
27 physician assistants initially appointed to the board need not be
28 registered in this State but shall be registered in another state
29 and shall be deemed to be and shall become registered physician
30 assistants in this State immediately upon their appointments.
31 Vacancies in the membership of the board shall be filled for the
32 unexpired terms in the same manner as the original appointments
33 were made.

34 Appointed members shall continue in office until their
35 successors are appointed. An appointed member shall not serve
36 for more than two consecutive terms or for more than eight years.

37 b. The board shall develop standards for the qualifications and
38 employment of physician assistants, and shall review matters
39 relating to physician assistants, including, but not limited to,
40 proposed regulations concerning physicians assistants,
41 applications for registration and reregistration, and educational
42 requirements.

43 12. (New section) The board, pursuant to the "Administrative
44 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
45 rules and regulations to effectuate the purposes of this act.

46 13. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read
47 as follows:

48 1. The provisions of this act shall apply to the following boards
49 and commissions: the New Jersey State Board of Accountancy,
50 the New Jersey State Board of Architects, the New Jersey State

1 Board of Cosmetology and Hairstyling, the Board of Examiners of
2 Electrical Contractors, the New Jersey State Board of Dentistry,
3 the State Board of Mortuary Science of New Jersey, the State
4 Board of Professional Engineers and Land Surveyors, the State
5 Board of Marriage Counselor Examiners, the State Board of
6 Medical Examiners, the New Jersey Board of Nursing, the New
7 Jersey State Board of Optometrists, the State Board of
8 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
9 the Board of Pharmacy, the State Board of Professional Planners,
10 the State Board of Psychological Examiners, the State Board of
11 Examiners of Master Plumbers, the New Jersey Real Estate
12 Commission, the State Board of Shorthand Reporting, the State
13 Board of Veterinary Medical Examiners, the Radiologic
14 Technology Board of Examiners, the Acupuncture Examining
15 Board, the State Board of Chiropractic Examiners, the State
16 Board of Respiratory Care, the State Board of Physician
17 Assistants and the State Board of Social Work Examiners.

18 (cf: P.L.1991, c.134, s.15)

19 14. Section 2 of P.L.1971, c.60 (C.45:1-2.2) is amended to read
20 as follows:

21 2. a. All members of the several professional boards and
22 commissions shall be appointed by the Governor in the manner
23 prescribed by law; except in appointing members other than those
24 appointed pursuant to subsection b. or subsection c., the Governor
25 shall give due consideration to, but shall not be bound by,
26 recommendations submitted by the appropriate professional
27 organizations of this State.

28 b. In addition to the membership otherwise prescribed by law,
29 the Governor shall appoint in the same manner as presently
30 prescribed by law for the appointment of members, two
31 additional members to represent the interests of the public, to be
32 known as public members, to each of the following boards and
33 commissions: the New Jersey State Board of Accountancy, the
34 New Jersey State Board of Architects, the New Jersey State
35 Board of Cosmetology and Hairstyling, the New Jersey State
36 Board of Dentistry, the State Board of Mortuary Science of New
37 Jersey, the State Board of Professional Engineers and Land
38 Surveyors, the State Board of Medical Examiners, the New Jersey
39 Board of Nursing, the New Jersey State Board of Optometrists,
40 the State Board of Examiners of Ophthalmic Dispensers and
41 Ophthalmic Technicians, the Board of Pharmacy, the State Board
42 of Professional Planners, the State Board of Psychological
43 Examiners, the New Jersey Real Estate Commission, the State
44 Board of Shorthand Reporting, the State Board of Social Work
45 Examiners, the State Board of Physician Assistants and the State
46 Board of Veterinary Medical Examiners, and one additional public
47 member to each of the following boards: the Board of Examiners
48 of Electrical Contractors, the State Board of Marriage Counselor
49 Examiners and the State Board of Examiners of Master
50 Plumbers. Each public member shall be appointed for the term

1 prescribed for the other members of the board or commission and
2 until the appointment of his successor. Vacancies shall be filled
3 for the unexpired term only. The Governor may remove any such
4 public member after hearing, for misconduct, incompetency,
5 neglect of duty or for any other sufficient cause.

6 No public member appointed pursuant to this section shall have
7 any association or relationship with the profession or a member
8 thereof regulated by the board of which he is a member, where
9 such association or relationship would prevent such public
10 member from representing the interest of the public. Such a
11 relationship includes a relationship with members of one's
12 immediate family; and such association includes membership in
13 the profession regulated by the board. To receive services
14 rendered in a customary client relationship will not preclude a
15 prospective public member from appointment. This paragraph
16 shall not apply to individuals who are public members of boards
17 on the effective date of this act.

18 It shall be the responsibility of the Attorney General to insure
19 that no person with the aforementioned association or
20 relationship or any other questionable or potential conflict of
21 interest shall be appointed to serve as a public member of any
22 board regulated by this section.

23 Where a board is required to examine the academic and
24 professional credentials of an applicant for licensure or to test
25 such applicant orally, no public member appointed pursuant to
26 this section shall participate in such examination process;
27 provided, however, that public members shall be given notice of
28 and may be present at all such examination processes and
29 deliberations concerning the results thereof, and, provided
30 further, that public members may participate in the development
31 and establishment of the procedures and criteria for such
32 examination processes.

33 c. The Governor shall designate a department in the Executive
34 Branch of the State Government which is closely related to the
35 profession or occupation regulated by each of the boards or
36 commissions designated in section 1 of P.L.1971 c.60 (C.45:1-2.1)
37 and shall appoint the head of such department, or the holder of a
38 designated office or position in such department, to serve without
39 compensation at the pleasure of the Governor as a member of
40 such board or commission.

41 d. A majority of the voting members of such boards or
42 commissions shall constitute a quorum thereof and no action of
43 any such board or commission shall be taken except upon the
44 affirmative vote of a majority of the members of the entire
45 board or commission.

46 (cf: P.L.1991, c.134, s.16)

47 15. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read
48 as follows:

49 1. The provisions of this act shall apply to the following boards
50 and commissions: the New Jersey State Board of Accountancy,

1 the New Jersey State Board of Architects, the New Jersey State
2 Board of Cosmetology and Hairstyling, the Board of Examiners of
3 Electrical Contractors, the New Jersey State Board of Dentistry,
4 the State Board of Mortuary Science of New Jersey, the State
5 Board of Professional Engineers and Land Surveyors, the State
6 Board of Marriage Counselor Examiners, the State Board of
7 Medical Examiners, the New Jersey Board of Nursing, the New
8 Jersey State Board of Optometrists, the State Board of
9 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
10 the Board of Pharmacy, the State Board of Professional Planners,
11 the State Board of Psychological Examiners, the State Board of
12 Examiners of Master Plumbers, the State Board of Shorthand
13 Reporting, the State Board of Veterinary Medical Examiners, the
14 Radiologic Technology Board of Examiners, the Acupuncture
15 Examining Board, the State Board of Chiropractic Examiners, the
16 State Board of Respiratory Care, the State Board of Physician
17 Assistants and the State Board of Social Work Examiners.

18 (cf: P.L.1991, c.134, s.17)

19 16. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read
20 as follows:

21 2. The provisions of this act shall apply to the following boards
22 and all professions or occupations regulated by or through such
23 boards: the New Jersey State Board of Accountancy, the New
24 Jersey State Board of Architects, the New Jersey State Board of
25 Cosmetology and Hairstyling, the Board of Examiners of
26 Electrical Contractors, the New Jersey State Board of Dentistry,
27 the State Board of Mortuary Science of New Jersey, the State
28 Board of Professional Engineers and Land Surveyors, the State
29 Board of Marriage Counselor Examiners, the State Board of
30 Medical Examiners, the New Jersey Board of Nursing, the New
31 Jersey State Board of Optometrists, the State Board of
32 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
33 the Board of Pharmacy, the State Board of Professional Planners,
34 the State Board of Psychological Examiners, the State Board of
35 Examiners of Master Plumbers, the State Board of Shorthand
36 Reporting, the State Board of Veterinary Medical Examiners, the
37 Acupuncture Examining Board, the State Board of Chiropractic
38 Examiners, the State Board of Respiratory Care, the State Board
39 of Physician Assistants and the State Board of Social Work
40 Examiners.

41 (cf: P.L.1991, c.134, s.14)

42 17. This act shall take effect immediately.

43

44

45

STATEMENT

46

47 This bill provides for the registration of physician assistants to
48 practice in New Jersey. This category of health care providers is
49 permitted to practice in every other state in the nation, in the
50 District of Columbia, and at federal government facilities in this

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9

1 State. In addition, the State Board of Medical Examiners
2 recently approved a two-year experimental program of using
3 physician assistants in teaching hospitals and State institutions.

4 By permitting the utilization of these rigorously trained and
5 tested health care professionals, this bill will promote more
6 accessible and cost-effective, high-quality health care delivery
7 to the citizens of this State.

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9

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HEALTH

11

12 Designated the "Physician Assistant Registration Act."

SENATE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 3510

STATE OF NEW JERSEY

DATED: JUNE 24, 1991

The Senate Labor, Industry and Professions Committee reports favorably a Senate Committee Substitute for Senate Bill No. 3510.

This bill, designated the "Physician Assistant Licensing Act," provides for the licensure and regulation of physician assistants practicing in this State by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety. The bill creates a Physician Assistant Advisory Committee within the Division of Consumer Affairs to which the director may delegate certain authority and which may advise the director with regard to certain aspects of the licensure and regulation of physician assistants. The committee is to be comprised of five residents of this State appointed by the Governor, three are to be physician assistants, one is to be a licensed physician and one a public member. The committee is to annually elect a president and vice-president from among its members. In addition, the director is to appoint an Executive Director of the committee and may, within the limits of available funds, hire assistants and confidential investigative personnel as are necessary to administer the provisions of the bill.

The bill provides that, beginning 180 days from the date of enactment, no person is to practice as a physician assistant, or present, call or represent himself as a physician assistant or assume, represent himself as or use the title or designation "physician assistant" or "physician assistant-certified" or the abbreviation "PA-C" or any other title or designation that indicates or implies that he is a physician assistant, unless that person is licensed under the provisions of the bill. Nothing in the bill is to be construed to limit, preclude or otherwise interfere with the practice of a person otherwise licensed by an appropriate agency in this State, provided such duties are consistent with the standards of the other profession and provided that person does not present himself as a physician assistant.

In order to be licensed as a physician assistant by the director, an applicant must: be at least 18 years old and of good moral character; have successfully completed an approved program; and have passed a written examination. The bill provides that the examination requirement may be waived if an applicant is currently licensed in a state which has standards substantially equivalent to

those of this State. Licenses are to be valid for a two-year period and are renewable upon expiration and a showing by the physician assistant that his authority to practice as a physician assistant in this State or any other jurisdiction has not been revoked, suspended or non-renewed and he has satisfied any applicable continuing education requirements.

A physician assistant licensed in this State may be employed by a physician licensed to practice medicine and surgery in this State; a health care facility as defined in section 2 of P.L.1971, c.136 (C.26:2H-2); a charitable, hospital, relief or training institution, noninstitutional agency or correctional institution set forth in R.S.30:1-7, or the New Jersey Veterans' Memorial Home in Menlo Park, Vineland or Paramus. A physician, health care facility, institution or veterans' home that employs a physician assistant is to file a notice of employment with the director within 10 days of the date on which the employment commences. The bill provides further that a physician assistant may practice in all medical care settings, including but not limited to a physician's office, a health care facility, an institution, a veterans' home or a private home as long as: the physician assistant is under the direct supervision of a physician; the practice of the physician assistant is limited to those procedures authorized by the bill; the required notice of employment has been filed with the director; the supervising physician or physician assistant informs the patient at the time procedures are performed that they are to be performed by the physician assistant; the physician assistant wears an identification tag using the term "physician assistant" when acting in that capacity; and any entry by a physician assistant in a clinical record is appropriately signed and followed by the designation "PA-C."

The bill provides that a physician assistant may perform the following procedures: approaching a patient to obtain the patient's history, perform an appropriate physical examination, identify problems, record and present information to the supervising physician; suturing and caring for wounds including removing sutures and clips and changing dressings, except for facial wounds, traumatic wounds requiring suturing in layers and infected wounds; providing patient counseling services and education consistent with the directions of the supervising physician; assisting a physician in an inpatient setting by conducting patient rounds, recording patient progress notes, determining and implementing therapeutic plans jointly with the supervising physician and compiling and recording pertinent narrative case summaries; assisting a physician in the delivery of services to patients requiring continuing care in a private home, nursing home, extended care facility or other setting, including the review and monitoring of treatment and therapy plans; facilitating the referral of patients to, and promoting their awareness of, health care facilities and other appropriate agencies and resources in the community; and such other procedures suitable for discretionary and routine performance by physician assistants as

designated by rule or regulation of the director.

A physician assistant may perform the following procedures only when directed, ordered or prescribed by the supervising physician or specified in accordance with protocols promulgated by the director; performing non-invasive laboratory procedures and related studies or assisting duly licensed personnel in the performance of invasive laboratory procedures and related studies; giving injections, administering medications and requesting diagnostic studies; suturing and caring for facial wounds, traumatic wounds requiring suturing in layers and infected wounds; writing prescriptions or ordering medications in an inpatient setting in accordance with the provisions of the bill; and such other procedures as may be specified in accordance with protocols promulgated by the director.

The bill further provides that a physician assistant may assist a supervising surgeon in the operating room when a qualified assistant physician is not required by the board and a second assistant is deemed necessary by the supervising surgeon.

The bill requires that a physician assistant be under the direct supervision of a physician at all times during which the physician assistant is working in his official capacity and provides that a physician assistant is to be conclusively presumed to be the agent of the physician under whose supervision he is performing. In an inpatient setting, direct supervision shall include, but not be limited to: continuing or intermittent presence with constant availability through electronic communications; regularly scheduled review of the practice of the physician assistant; and personal review by a physician of all charts and records of patients and countersignature by a physician of all medical orders, including prescribing and administering medication, within 24 hours of their entry by the physician assistant. In an outpatient setting, direct supervision shall include, but not be limited to: constant availability through electronic communications; regularly scheduled review of the practice of the physician assistant; and personal review by a physician of the charts and records of patients and countersignature by a physician of all medical orders, including administering medications, within seven days of their entry by the physician assistant.

The bill provides that a physician assistant treating a patient in an inpatient setting may order medications, subject to the following conditions: no controlled dangerous substances may be ordered; the order is administered in accordance with protocols or specific physician direction and the prescription states whether it is written pursuant to protocol or specific physician direction; and the physician assistant signs his own name, prints his name and license number and prints the supervising physician's name.

The director may delegate the following powers and duties to the committee: to take disciplinary action, in accordance with the uniform enforcement law, P.L.1978, c.73 (C.45:1-14 et seq.), against a physician assistant who violates any provision of this bill; to adopt and administer the examination to be taken by applicants

for licensure; and to adopt standards for and approve continuing education programs. The committee may also make recommendations to the director regarding any subjects pertinent to this bill.

In addition, the bill provides that the director may receive and give due consideration to advice from the State Board of Medical Examiners and the committee in adopting regulations with regard to: designating additional procedures which may be performed on a discretionary and routine basis by licensed physician assistants; designating additional procedures which may be performed by a licensed physician assistant only when ordered, prescribed or directed by the supervising physician; and establishing and adopting protocols to be followed by licensed physician assistants performing any of procedures which may be performed only in accordance with established protocols.

The bill provides that in addition to any other powers and duties that the director may possess, he is to: administer and enforce the provisions of this bill; adopt and promulgate rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this bill; establish professional standards for persons licensed under this bill; conduct hearings pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and have the right to administer oaths to witnesses, and the power to issue subpoenas for the compulsory attendance of witnesses and the production of pertinent books, papers, or records; conduct proceedings before any board, agency or court of competent jurisdiction for the enforcement of the provisions of this bill; evaluate and pass upon the qualifications of candidates for licensure; establish standards for and approval of educational programs for physician assistants as required by this bill; adopt and administer the examination to be taken by applicants for licensure; establish standards for and approve continuing education programs or delegate such authority to the committee; and have the enforcement powers provided by the uniform enforcement law, P.L.1978, c.73 (C.45:1-14 et seq.) or delegate such powers to the committee.

The bill provides that its provisions are enforceable by the director pursuant to the provisions of the uniform enforcement law, P.L.1978, c.73 (C.45:1-14 et seq.).

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
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Release: WEDNESDAY
JAN. 15, 1992

GOVERNOR FLORIO TAKES FURTHER AIM AT RISING HEALTH CARE COST WITH NURSE PRACTITIONERS LAW AND PHYSICIAN ASSISTANTS LAW

Two bills designed to help contain the spiraling health care costs by forcing the system to operate more efficiently were signed into law today by Governor Jim Florio.

One of the measures allows physician assistants to be licensed in the state, making New Jersey the last state in the nation to license physician assistants. The signing of this legislation culminates several years of effort to allow these health care professionals to serve New Jersey patients.

The second bill allows nurse practitioners to prescribe medications when working with a collaborating physician. It makes New Jersey the 39th state to extend this authority to nurse practitioners, who are registered nurses who have completed a post graduate program and received national certification.

"These new laws are about common sense and about making health care more accessible. They're about making our health care system more efficient by containing unnecessary costs," Governor Florio said.

"Before today, physician assistants could graduate from one of the finest training programs in the nation at the University of Medicine and Dentistry of New Jersey, but they would have to leave here and go to any other state when they graduated and wanted to work," Governor Florio said. "That simply doesn't make sense."

Physician assistants are reimbursed by Medicare and are an important resource in caring for the homebound elderly. They also often serve as second assistants in surgery.

The second new law, the Nurse Practitioner Prescribing Act, requires that protocols be established between doctors and nurse practitioners to allow nurse practitioners to prescribe medications.

-more-



"Every day, nurse practitioners are an important first stop in the health care system for thousands of New Jersey residents," Gov. Florio said. "The vital work of these professionals in community health care centers throughout our state make them a critical source of early intervention and early treatment. This law helps them become even more effective in serving their patients."

"Clearly, both these laws are good common sense, and will help to make our health care system work better, and work for us," Governor Florio said.

Governor Florio thanked Senator Wynona Lipman and Assemblywoman Ann Mullen for their work on both bills. Both bills were also among the recommendations of the Governor's Commission on Health Care Costs last year as steps that should be taken to hold down the rising cost of health care and making early and preventive health care more accessible.

Governor Florio was joined by representatives of the New Jersey State Nurses Association and the Physician Assistants Society, as well as by Dr. Stanley Bergen, president of UMDNJ.

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