

CERTIFICATE

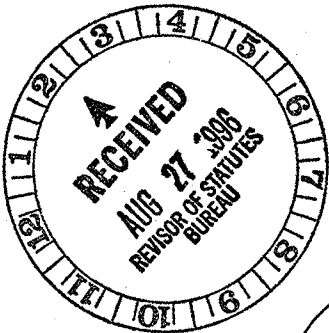
**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Patrick D. Braatz, Director, Bureau of Health Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Medical Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Medical Examining Board on the 22nd day of August, 1996.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 22nd day of August, 1996.



Patrick D. Braatz, Director, Bureau of Health Professions, Department of Regulation and Licensing

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : MEDICAL EXAMINING BOARD
MEDICAL EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 96-047)

ORDER

An order of the Medical Examining Board to repeal Med 8.11; to amend ch. Med 8 (title), 8.01, 8.02 (2), (3) and (4), 8.03, 8.05 (intro.), 8.05 (1) (intro.), (cm), (2) (b) 4., 5., 6., (c) and (4), 8.06 (1) (intro.) and (2) (a), 8.07 (1) and (2) (intro.), 8.08 (1), (2) (intro.), (a), (b), (c), (d), (e) 1., 2. and 3., 8.09 and 8.10; and to create Med 8.02 (3m), relating to physician assistants.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 448.04 (1) (f) and 448.40 (1), Stats.

Statutes interpreted: s. 448.05 (5), Stats.

In this proposed rule-making order the Medical Examining Board amends the current administrative code relating to physician assistants to reflect the name change that took place in 1993 Wisconsin Act 105. That legislation changed the term "physician's assistant" to "physician assistant."

This rule-making order further clarifies when a physician delegates the preparation of a prescription to a physician assistant, what items are required to be on that prescription so that a pharmacist will be able to fill the prescription.

And, finally, s. Med 8.11 is repealed. This section required the board to review prescribing requirements for physician assistants and to report to the legislature no later than January 1, 1986, the board's recommendations to the rule. This section is antiquated and therefore being repealed.

TEXT OF RULE

SECTION 1. Chapter Med 8 (title) is amended to read:

CHAPTER Med 8 (title)

PHYSICIAN'S PHYSICIAN ASSISTANTS

SECTION 2. Med 8.01 is amended to read:

Med 8.01 AUTHORITY AND PURPOSE. The rules in this chapter are adopted by the medical examining board pursuant to authority in ss. 15.08 (5), 227.11, 448.04 (1) (f) and 448.40, Stats., and govern the certification and regulation of physician's physician assistants.

SECTION 3. Med 8.02 (2) and (3) are amended to read:

Med 8.02 (2) "Council" means the council on physician's physician assistants.

(3) "Certificate" means documentary evidence issued by the board to applicants for certification as a physician's physician assistant who ~~meets~~ meet all of the requirements of the board.

SECTION 4. Med 8.02 (3m) is created to read:

Med 8.02 (3m) "DEA" means the United States drug enforcement administration.

SECTION 5. Med 8.02 (4) is amended to read:

Med 8.02 (4) "Educational program" means a program for educating and preparing physician's physician assistants which is approved by the board.

SECTION 6. Med 8.03 is amended to read:

Med 8.03 COUNCIL. As specified in s. 15.407 (1) and (2), Stats., the council shall advise the board on the formulation of rules on the education, examination, certification and practice of a physician's physician assistant.

SECTION 7. Med 8.05 (intro.), 8.05 (1) (intro.), (cm), (2) (b) 4., 5., 6., (c) and (4) are amended to read:

Med 8.05 PANEL REVIEW OF APPLICATIONS; EXAMINATIONS REQUIRED. (intro.) The board may use a written examination prepared, administered and scored by the national commission on certification of physician's physician assistants, or a written examination from other professional testing services as approved by the board.

(1) APPLICATION. (intro.) An applicant for examination for certification as a ~~physician's~~ physician assistant shall submit to the board:

(cm) Proof that the applicant is currently certified to assist primary care physicians by the national commission on certification of ~~physician's~~ physician assistants.

(2) (b) 4. Has been convicted of a crime, the circumstances of which substantially relate to the practice of ~~physician's~~ physician assistants;

5. Has not practiced patient care as a ~~physician's~~ physician assistant for a period of 3 years prior to application, unless the applicant has been graduated from a school approved for ~~physician's~~ physician assistants within that period; or,

6. Has been found to have been negligent in the practice as a ~~physician's~~ physician assistant or has been a party in a lawsuit in which it was alleged that the applicant has been negligent in the practice of medicine.

(c) An application filed under this chapter shall be reviewed by an application review panel of at least 2 ~~physician's assistant~~ council members designated by the chairperson of the board to determine whether an applicant is required to complete an oral examination under par. (a). If the application review panel is not able to reach unanimous agreement on whether an applicant is eligible for certification without completing an oral examination, the application shall be referred to the ~~medical-examining~~ board for a final determination.

(4) CERTIFICATION; RENEWAL. At the time of certification and each biennial registration of certification thereafter, a ~~physician's~~ physician assistant shall list with the board the name and address of the supervising physician and shall notify the board within 20 days of any change of a supervising physician.

SECTION 8. Med 8.06 (1) (intro.) and (2) (a) are amended to read:

Med 8.06 TEMPORARY CERTIFICATE. (1) (intro.) An applicant for certification may apply to the board for a temporary certificate to practice as a ~~physician's~~ physician assistant if the applicant:

(2) (a) Except as specified in par. (b), a temporary certificate expires on the date the board grants or denies an applicant permanent certification. Permanent certification to practice as a ~~physician's~~ physician assistant is deemed denied by the board on the date the applicant is sent notice from the board that he or she has failed the examination required by s. Med 8.05 (1) (c).

SECTION 9. Med 8.07 (1) and (2) (intro.) are amended to read:

Med 8.07 PRACTICE. (1) SCOPE AND LIMITATIONS. In providing patient services, the entire practice of any ~~physician's~~ physician assistant shall be under the supervision of a licensed physician. The scope of practice is limited to providing patient services specified in sub. (2). A ~~physician's~~ physician assistant's practice may not exceed his or her educational training or experience and may not exceed the scope of practice of the supervising physician. A task assigned by the supervising physician to ~~physician's~~ a physician assistant may not be delegated by the ~~physician's~~ physician assistant to another person.

(2) PATIENT SERVICES. (intro.) Patient services a ~~physician's~~ physician assistant may provide include:

SECTION 10. Med 8.08 (1), (2) (intro.), (a), (b), (c), (d), (e) 1., 2. and 3. are amended to read:

Med 8.08 PROHIBITIONS AND LIMITATIONS. (1) ACUPUNCTURE AND INDEPENDENT PRESCRIBING PROHIBITED. A ~~physician's~~ physician assistant may not practice acupuncture in any form and may not prescribe or dispense any drug independently. A supervising physician may direct a ~~physician's~~ physician assistant to prepare a prescription order according only to procedures specified in sub. (2).

(2) PRESCRIBING LIMITATIONS. (intro.) A ~~physician's~~ physician assistant may prepare a prescription order only if all the following conditions apply:

(a) The ~~physician's~~ physician assistant prepares the prescription order only in patient situations specified and described in established written protocols. The protocol shall be reviewed at least annually by the ~~physician's~~ physician assistant and his or her supervising physician, ~~and~~.

(b) The supervising physician and ~~physician's~~ physician assistant determine by mutual agreement that the ~~physician's~~ physician assistant is qualified through training and experience to prepare a prescription order as specified in the established written protocols, ~~and~~.

(c) When practicable, the ~~physician's~~ physician assistant consults directly with the supervising physician prior to preparing a prescription order. In any case the supervising physician shall be available for consultation as specified in s. Med 8.10 (2), ~~and~~.

(d) The prescription orders prepared under procedures in this section contain, in addition to other information required by law, the name, address and telephone number of the supervising physician ~~and~~, the DEA registration number of the supervising physician if the prescription is prepared for a controlled substance, the name and address of the ~~physician's~~ physician assistant, legibly printed, the DEA registration number of the physician

assistant if the prescription is prepared for a controlled substance and if the physician assistant is registered with DEA, and the signature of the physician's physician assistant, and,

(e) 1. Reviews and countersigns the prescription order prepared by the physician's physician assistant, or

2. Reviews and countersigns within one day the patient record prepared by the physician's physician assistant practicing in the office of the supervising physician or at a facility or a hospital in which the supervising physician has staff privileges, or

3. Reviews by telephone or other means, as soon as practicable but within a 48-hour period, and countersigns within one week, the patient record prepared by the physician's physician assistant who practices in an office facility other than the supervising physician's main office of a facility or hospital in which the supervising physician has staff privileges.

SECTION 11. Med 8.09 and 8.10 are amended to read:

Med 8.09 EMPLOYEE STATUS. No physician's physician assistant may be self-employed. If the employer of a physician's physician assistant is other than a licensed physician, the employer shall provide for, and may not interfere with, the supervisory responsibilities of the physician, as defined in s. Med 8.02 (6) and required in ss. Med 8.07 (1) and 8.10.

Med 8.10 EMPLOYMENT REQUIREMENTS; SUPERVISING PHYSICIAN RESPONSIBILITIES. (1) No physician may supervise more than 2 physician's physician assistants unless the physician submits a written plan for the supervision of more than 2 physician assistants and the board approves the plan. A physician's physician assistant may be supervised by more than one physician.

(2) Another licensed physician may be designated by the supervising physician to supervise a physician's physician assistant for a period not to exceed 8 weeks per year. Except in an emergency, the designation shall be made in writing to the substitute supervising physician and the physician's physician assistant. The supervising physician shall file with the board a copy of the substitution agreement before the beginning date of the period of his or her absence.

(3) The supervising physician or substitute supervising physician shall be available to the physician's physician assistant at all times for consultation either in person or within 15 minutes of contact by telephone or by 2-way radio or television communication.

(4) A supervising physician shall visit and conduct an on-site review of facilities attended by the physician's physician assistants at least once a month. Any patient in a location other than the location of the supervising physician's office shall be attended personally by the physician consistent with his or her medical needs.

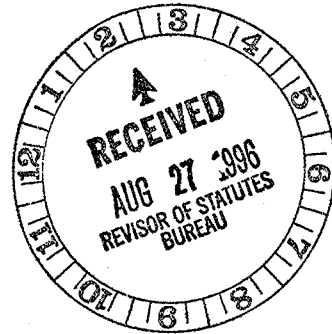
SECTION 12. Med 8.11 is repealed.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated August 22, 1996 Agency B. Fur Neviasser
Chairperson
Medical Examining Board

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8/7/96





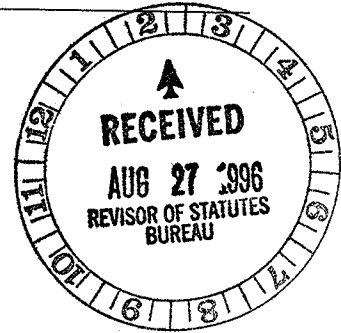
State of Wisconsin
DEPARTMENT OF REGULATION AND LICENSING
CORRESPONDENCE/MEMORANDUM

DATE: August 27, 1996

TO: Gary Poulson
Assistant Revisor of Statutes

FROM: Pamela A. Haack, Rules Center Coordinator
Office of Administrative Rules

SUBJECT: Final Order Adopting Rules



Agency: MEDICAL EXAMINING BOARD

Clearinghouse Rule 96-047

Attached is a copy and a certified copy of a final order adopting rules. Would you please publish these rules in the register.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.