

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1138

Short Title: Orthopaedic Physician Assistants.

(Public)

Sponsors: Representative McComas.

Referred to: Health.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT ESTABLISHING A COMMITTEE ON ORTHOPAEDIC PHYSICIAN ASSISTANTS AND A SYSTEM TO CERTIFY ORTHOPAEDIC PHYSICIAN ASSISTANTS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 90 of the General Statutes is amended by adding a new Article to read:

“ARTICLE 37.

“ORTHOPAEDIC PHYSICIAN ASSISTANTS.

“§ 90-646. Definitions.

The following definitions apply in this Article:

(1) Board. – The North Carolina Board of Medical Examiners.

(2) Committee. – The North Carolina Committee on Orthopaedic Physician Assistants.

(3) Orthopaedic physician assistant. – A person who renders service under the supervision of a licensed orthopaedic physician or surgeon and who has been certified by the Committee pursuant to this Article as an orthopaedic physician assistant.

“§ 90-647. Committee on Orthopaedic Physician Assistants established.

1 (a) The North Carolina Committee on Orthopaedic Physician Assistants is
2 established as a Committee within the Board.

3 (b) The Committee shall consist of seven members, five of whom are appointed by
4 the Governor and two of whom are members of the Board and are appointed by the
5 Board. The Committee shall elect a chair from its members.

6 (c) The initial terms of the members of the Committee shall be staggered by the
7 appointing authorities so that the terms of three members (two of whom shall be
8 appointees of the Governor) expire December 31, 2000, the terms of two members (both
9 of whom shall be appointees of the Governor) expire December 31, 2001, and the terms
10 of the remaining two members (one of whom shall be an appointee of the Governor)
11 expire December 31, 2002.

12 (d) The terms of the members of the Committee shall be three years. Any vacancy
13 shall be filled by the initial appointing authority.

14 (e) The members of the Committee shall receive per diem and necessary travel and
15 subsistence expenses in accordance with the provisions of G.S. 93B-5 for all time
16 actually spent upon the business of the Committee. All expenses, salaries, and per diem
17 provided for in this Article shall be paid from funds received under the provisions of this
18 Article and shall in no manner be an expense to the State.

19 **"§ 90-648. Duties of Committee on Orthopaedic Physician Assistants.**

20 (a) Certified orthopaedic physician assistants shall be under the jurisdiction of the
21 Committee and the Board.

22 (b) The Committee shall have the following duties:

23 (1) To establish rules in accordance with Chapter 150B of the General
24 Statutes reasonably necessary for the performance of the duties of
25 orthopaedic physician assistants, including, but not limited to, rules
26 which specify the acts and offenses which subject the certificate holder
27 to disciplinary action by the Board.

28 (2) To set fees relative to the examination, certification, and certification
29 renewal of orthopaedic physician assistants in an amount sufficient to
30 pay all of the expenses of the Committee as well as all of the expenses
31 of the Board which are directly attributable to the performance of their
32 duties pursuant to the provisions of this Article, and to establish and
33 collect a late renewal fee from those orthopaedic physician assistants
34 who fail to renew their certificates in a timely manner.

35 (3) To review and approve or reject the qualifications of each applicant for
36 initial certification as an orthopaedic physician assistant.

37 (4) To review and approve or reject the qualifications of each applicant for
38 renewal every two years. The Committee shall condition approval for
39 renewal on the receipt of evidence satisfactory to the Committee of the
40 applicant's successful completion of 60 hours of continuing medical
41 education approved by the American Medical Association or other
42 appropriate professional associations.

1 (5) To issue, in the Board's name, all approved orthopaedic physician
2 assistant certificates and renewals.

3 (6) To collect or receive all fees, fines, and funds owed pursuant to the
4 provisions of this Article and to pay these funds into the General Fund.

5 (7) To deny, suspend, or revoke the certificate of, or otherwise discipline by
6 reprimand or by a fine not to exceed five hundred dollars (\$500.00), a
7 certificate holder who violates any of the provisions of this Article or
8 rules adopted pursuant to this Article.

9 **"§ 90-649. Regulation of orthopaedic physician assistants.**

10 (a) It is unlawful for a person to practice or offer to practice or hold oneself out to
11 practice as an orthopaedic physician assistant without a valid certificate issued by the
12 Board.

13 (b) The Board shall certify no person as an orthopaedic physician assistant unless
14 the person meets one of the following:

15 (1) Is a graduate of an orthopaedic physician assistant training program
16 approved by the Committee and the Board and has successfully
17 completed the examination of the National Board for Certification of
18 Orthopaedic Physician's Assistants.

19 (2) Has successfully completed the examination of the National Board for
20 Certification of Orthopaedic Physician's Assistants and is performing
21 services as an orthopaedic physician assistant in this State on the date
22 this act becomes effective.

23 (c) The Board or the Committee may require that an applicant for certification
24 appear before the Board or the Committee to answer any questions regarding the
25 applicant's fitness for certification.

26 (d) Any person who violates subsection (a) of this section is guilty of a Class 3
27 misdemeanor.

28 **"§ 90-650. Supervision of and limitations on orthopaedic physician assistants.**

29 (a) A certified orthopaedic physician assistant may perform services only under
30 the supervision of a licensed orthopaedic physician or surgeon within the specialty of
31 orthopaedic medicine and surgery.

32 (b) The supervising orthopaedic physician or surgeon shall actively and
33 continuously review the performance of the orthopaedic physician assistant to ensure that
34 the physician's directions, orders, and advice are in fact being implemented. Constant
35 physical presence of the supervising physician is not required, but the supervising
36 physician shall personally review and certify by personal signature in a timely manner the
37 historical, physical, and therapeutic data on all patients and their conditions.

38 (c) No one supervising orthopaedic physician or surgeon shall supervise more than
39 two certified orthopaedic physician assistants at any one time.

40 (d) More than one orthopaedic physician or surgeon may supervise the same
41 certified orthopaedic physician assistant.

42 (e) The supervising orthopaedic physician or surgeon shall designate one or more
43 alternate orthopaedic physicians or surgeons who have agreed to accept the responsibility

1 of supervising the orthopaedic physician assistant on a prearranged basis in the absence
2 of the supervising orthopaedic physician or surgeon.

3 (f) The certified orthopaedic physician assistant shall provide services in
4 accordance with written policies and procedures involving management of care which
5 have been established by the supervising physician and the orthopaedic physician
6 assistant.

7 (g) In cases where follow-up care is rendered in a clinic, hospital, nursing home, or
8 patient's home, and in similar situations where a therapeutic regimen, policy, or protocol
9 has been established by the supervising physician, the certified orthopaedic physician
10 assistant may check and record the patient's progress within the confines of the written
11 regimen, policy, or protocol and report the patient's progress and changes to the physician
12 after each visit. When a new problem arises, the supervising physician shall undertake
13 personal review of the patient's problem or complaint.

14 (h) The orthopaedic physician assistant may render emergency services in
15 accordance with guidelines previously established by the supervising physician pending
16 the arrival of a responsible physician in cases where immediate diagnosis and treatment
17 are necessary to avoid disability or death.

18 (i) The certified orthopaedic physician assistant shall render services and care
19 commensurate with the orthopaedic physician assistant's education, training, and
20 experience.

21 (j) The certified orthopaedic physician assistant shall not make any definitive
22 diagnosis or prescribe any treatment program independent of the supervising physician.

23 (k) The certified orthopaedic physician assistant shall not use presigned
24 prescriptions. Medications dispensed by the certified orthopaedic physician assistant
25 shall be approved by the supervising physician.

26 (l) The patient of any physician receiving services from a certified orthopaedic
27 physician assistant shall be fully informed that the person is a certified orthopaedic
28 physician assistant, or a sign shall be conspicuously placed within the office of the
29 physician stating that certain services may be rendered by a certified orthopaedic
30 physician assistant.

31 (m) Nothing in this Article shall permit a certified orthopaedic physician assistant
32 to:

33 (1) Practice chiropractic or analyze or palpate the articulations of the spinal
34 column for the purposes of giving a spinal adjustment.

35 (2) Measure the powers or range of human vision, or determine the
36 refractive state of the human eye or the scope of its functions in general,
37 or prescribe or direct the use of ophthalmic lenses or prisms to remedy or
38 relieve defects of vision or muscular anomalies, or prescribe or fit or
39 adapt contact lenses to or for the human eye.

40 **"§ 90-651. Disciplinary action by Board.**

41 (a) Any certified orthopaedic physician assistant rendering services inconsistent
42 with this Article is practicing medicine without a license and shall be subject to
43 appropriate legal action by the Board.

1 (b) When a licensed orthopaedic physician or surgeon utilizes the services of a
2 certified orthopaedic physician assistant inconsistent with this Article, it shall constitute
3 grounds for a finding of unprofessional conduct, and the physician shall be subject to
4 disciplinary action by the Board. Such disciplinary action may include, but is not limited
5 to, the suspension of privileges to utilize a certified orthopaedic physician assistant or the
6 revocation or suspension of the license of the orthopaedic physician or surgeon.

7 **"§ 90-652. Effect on other laws and medical providers.**

8 (a) Nothing in this Article shall be construed to modify or supersede any existing
9 laws or rules pertaining to any other allied health professionals, professions, or services.

10 (b) The provisions of this Article shall not apply to other physician extenders,
11 physician assistants, family nurse practitioners, registered nurses, licensed practical
12 nurses, technologists, technicians, and other assistants or employees that perform
13 delegated services in a medical setting.

14 **"§ 90-653. Recertification.**

15 Any person certified by the Board as an orthopaedic physician assistant who has
16 retired from the practice in this State shall not be required to biennially renew the
17 person's certificate if the person files an affidavit on a form furnished by the Board. The
18 affidavit shall state the date on which the person retired from practice and any other
19 information required by the Board. If the retired person decides to reengage in practice in
20 this State, the person shall apply for certification as provided by this Article but shall not
21 be liable for payment of certification renewal fees which accrued during the period of the
22 person's retirement.

23 **"§ 90-654. Use of title.**

24 Any person who holds a valid certificate from the Board pursuant to this Article may
25 use the title 'orthopaedic physician assistant' or the abbreviation 'opa-c' or 'opa', but shall
26 not be entitled to use the title 'physician assistant' or the abbreviation 'PA' or 'PA-C'."

27 Section 2. G.S. 90-18(c) is amended by adding the following new subdivision:

28 "(17) Any act, task, or function performed by an orthopaedic physician
29 assistant pursuant to the provisions of Article 37 of this Chapter."

30 Section 3. This act is effective when it becomes law.