

# Proposed Rulemaking

## Title

Promulgated by:  
Arkansas State Medical Board

### Title 17. Professions, Occupations, and Businesses

#### Chapter XXIV. Arkansas State Medical Board, Department of Health

##### Subchapter A. Generally

##### Part 140. Arkansas State Medical Board Rules

##### Subpart 25. Physician and Physician Assistant Delegation Rule

#### **17 CAR § 140-2501. Generally.**

(a) Acts 2009, No. 472 of the 87th General Assembly authorized physicians and physician assistants to delegate the performance of certain medical practices or tasks to qualified and properly trained employees, commonly referred to as medical assistants, who are not licensed or otherwise specifically authorized by Arkansas law to perform the practice or task.

(b) This subpart will set forth standards to be met and the procedures to be followed by ~~the physicians~~ and physician assistants when delegating to employees.

#### **17 CAR § 140-2502. Definitions.**

For purposes of this subpart:

(1) "Delegate" means to authorize a qualified and properly trained employee to perform a medical practice that does not conflict with a provision of the Arkansas Code that specifically authorizes an individual to perform a particular practice;

(2) "Medical assistant" means an employee of a physician who has been delegated medical practices or tasks and who has not been licensed by or specifically

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authorized to perform the practice or task pursuant to other provisions of Arkansas law;

(3) "Medical practice" means those tasks or functions that are delegated to a qualified and properly trained employee, including the administration of drugs, pursuant to Acts 2009, No. 472, and this subpart;

(4) "Physician" means an individual licensed by the Arkansas State Medical Board to practice medicine in the State of Arkansas; ~~and~~

(5) (A) "Physician assistant" means a dependent healthcare professional qualified by academic and clinical education and licensed by the Arkansas State Medical Board to provide healthcare services and who has: (i) Graduated from a program for the education and training of physician assistants that has been approved by the Accreditation Review Commission on Education for the Physician Assistant, Inc. or its successors; and (ii) Passed the certifying examination administered by the National Commission on Certification of Physician Assistants.

(B) A physician assistant: (i) Provides healthcare services under the supervision of a physician; and (ii) Works under a delegation agreement with a physician; and

~~(5)(6)~~ "Supervision" means the act by a physician in directing and overseeing an employee who performs a delegated medical practice.

### **17 CAR § 140-2503. General provisions.**

(a) The delegating physician or physician assistant remains responsible for the acts of the employee performing the delegated medical practice.

(b) The employee performing the delegated medical practice shall not be represented to the public as a licensed physician, licensed nurse, licensed physician's assistant, or other licensed healthcare provider.

(c) Medical practices delegated pursuant to this statute and subpart shall be performed under the physician's or physician assistant's supervision.

### **17 CAR § 140-2504. Procedures for delegating a medical practice.**

Prior to delegating a medical practice or task, the physician or physician assistant

shall determine the following:

- (1) That the medical practice or task is within that physician's or physician assistant's authority to perform;
- (2) That the medical practice or task is indicated for the patient;
- (3) The appropriate level of supervision for the physician or physician assistant to exercise while the medical practice or task is being performed;
- (4) That the person to whom the medical practice or task is being delegated is qualified and properly trained to perform the medical practice or task; and
- (5) That the medical practice is one that can be appropriately delegated when considering the following factors:
  - (A) That the medical practice can be performed without requiring the exercise of judgment based on medical knowledge;
  - (B) That the results of the medical practice are reasonably predictable;
  - (C) That the medical practice can be safely performed according to exact, unchanging directions;
  - (D) That the medical practice can be performed without the need for complex observations or critical decisions; and
  - (E) That the medical practice can be performed without repeated medical assessments.

**17 CAR § 140-2505. Additional requirements for delegating the administration of drugs.**

(a) A physician or physician assistant may only delegate the administration of drugs that do not require substantial, specialized judgment and skill based on knowledge and application of the principles of biological, physical, and social sciences.

(b) Administration of drugs, delegated pursuant to this section, shall only be permissible within the physical boundaries of the delegating physician's or physician assistant's offices.

(c) The physician or physician assistant shall evaluate the acuity of the patient and make a determination that delegation is appropriate.

(d) The physician or physician assistant shall determine the competency of the person to whom the administration of drugs is being delegated through training and experience, including the physician's personal observation.

**17 CAR § 140-2506. Prohibitions.**

A physician or physician assistant shall not:

(1) Transfer his or her responsibility for supervising an unlicensed person in the performance of a delegated medical practice except to another physician or physician assistant who has knowingly accepted that responsibility;

(2) Authorize or permit an unlicensed person to whom a medical practice is delegated to delegate the performance of that practice to another person;

(3) Delegate to an unlicensed person the administration of anesthesia;

(4) Delegate a medical practice that is not within the authority of that physician or physician assistant or is beyond the physician's or physician assistant's training, expertise, or normal course of practice; and

(5) Delegate a medical practice to an unlicensed person if the practice is beyond that person's competence.