

Sen. Bradley, Dist 3
Sen. Prentiss, Dist 5
May 21, 2024
2024-2108s
09/05

Floor Amendment to HB 1222

Amend the title of the bill by replacing it with the following:

AN ACT relative to physician assistant scope of practice and establishing a committee to
research physician assistant scope of practice.

Amend the bill by replacing all after section 4 with the following:

5 Physician Assistants; Physician Assistant Scope of Practice. Amend RSA 328-D:3-b, I to read
as follows:

I.(a) Except as provided in RSA 328-D:15, III and RSA 328-D:16, II, ~~a physician assistant shall engage in practice as a physician assistant in this state only if the physician assistant has entered into a written collaboration agreement with a sole practice physician or a physician representing a group or health system so long as the sole practitioner or at least one physician in the group or health system practices in a similar area of medicine as the physician assistant, and is a licensed New Hampshire physician.~~ **physician assistants with fewer than 8,000 hours of post-graduate clinical practice hours practicing without at least one licensed New Hampshire physician in the group, practice, or health system shall enter into a written collaboration agreement with a New Hampshire licensed physician. The physician signing the collaboration agreement shall practice in a similar area of medicine as the physician assistant. The physician assistant shall provide proof of clinical hours worked upon request of the board of medicine.**

(b) **Any New Hampshire licensed physician assistant with more than 8,000 post-graduate clinical practice hours who intends to practice medicine in a setting without at least one licensed New Hampshire physician in the group, practice, or health system shall apply to the board of medicine for a waiver of the collaboration agreement requirement. Within 90 days of enactment of this subparagraph, the board shall adopt rules pursuant to RSA 541-A which set forth the requirements the physician assistant must meet for the board to grant the waiver. The rules shall include creating a waiver application form on which the physician assistant shall provide the physician assistant's name, license number, physical location of the practice, mailing address, phone number, primary area of medical practice, and proof of required post-graduate clinical practice hours. The rules shall require the board to confirm the physician assistant's license is in good standing.**

The board may delay or deny approval of the waiver if the physician assistant's license is not in good standing or if the board is aware of action against the physician assistant's license. The board shall also adopt rules that outline the conditions under which a physician assistant who is denied a waiver may reapply. Any New Hampshire licensed physician assistant with more than 8,000 post-graduate clinical practice hours who intends to practice medicine in a setting without at least one licensed New Hampshire physician in the group, practice, or health system may not do so without first obtaining a waiver through the waiver process created by the board of medicine in this subparagraph.

6 Physician Assistants; Physician Assistant Scope of Practice; Effective January 1, 2027.
Amend RSA 328-D:3-b, I to read as follows

I. ~~(a)~~ Except as provided in RSA 328-D:15, III and RSA 328-D:16, II, physician assistants with fewer than 8,000 hours of post-graduate clinical practice hours practicing without at least one licensed New Hampshire physician in the group, practice, or health system shall enter into a written collaboration agreement with a New Hampshire licensed physician. The physician signing the collaboration agreement shall practice in a similar area of medicine as the physician assistant. The physician assistant shall provide proof of clinical hours worked upon request of the board of medicine.

~~[(b) Any New Hampshire licensed physician assistant with more than 8,000 post-graduate clinical practice hours who intends to practice medicine in a setting without at least one licensed New Hampshire physician in the group, practice, or health system shall apply to the board of medicine for a waiver of the collaboration agreement requirement. Within 90 days of enactment of this subparagraph, the board shall adopt rules pursuant to RSA 541-A which set forth the requirements the physician assistant must meet for the board to grant the waiver. The rules shall include creating a waiver application form on which the physician assistant shall provide the physician assistant's name, license number, physical location of the practice, mailing address, phone number, primary area of medical practice, and proof of required post-graduate clinical practice hours. The rules shall require the board to confirm the physician assistant's license is in good standing. The board may delay or deny approval of the waiver if the physician assistant's license is not in good standing or if the board is aware of action against the physician assistant's license. The board shall also adopt rules that outline the conditions under which a physician assistant who is denied a waiver may reapply. Any New Hampshire licensed physician assistant with more than 8,000 post-graduate clinical practice hours who intends to practice medicine in a setting without at least one licensed New Hampshire physician in the group, practice, or health system may not do so without first obtaining a waiver through the waiver process created by the board of medicine in this subparagraph.]~~

7 New Paragraphs; Physician Assistants; Physician Assistant Scope of Practice. Amend RSA 328-D:3-b by inserting after paragraph XVIII the following new paragraphs:

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1 XIX. Physician assistants shall collaborate with, consult with, and/or refer to a physician or
2 the appropriate member of the health care team as indicated by the patient's condition, the
3 education, experience, and competencies of the physician assistant, and the standard of care.
4 Physician assistants may only practice medicine when a physician or other appropriate member of
5 the health care team is available for consultation in person or by electronic means. Physician
6 assistants are solely responsible for the care they provide.

7 XX. Physician assistants shall comply with all internal policies regarding scope of practice
8 as set forth by the physician assistant's employer.

9 8 Committee Established to Research Physician Assistant Scope of Practice; Purpose.

10 Access to health care providers in New Hampshire, especially primary care providers, continues
11 to be an issue for patients in all parts of the state. This is especially true in rural areas. Optimal
12 utilization of advanced practice providers and removal of regulatory requirements placed only on
13 physician assistants could expand patient access to primary care. There is established a study
14 committee to research physician assistant scope of practice, specifically laws and regulations
15 governing the collaboration with other health care providers, including, but not limited to
16 physicians, nurse practitioners, nurses, and pharmacists, and to research how to maximize hiring,
17 retention, and utilization of physician assistants in the state's health care system to address
18 provider shortages.

19 9 Membership and Compensation.

20 I. Members of the committee shall include the following:

21 (a) Four members of the house of representatives appointed by the speaker of the house
22 of representatives, one of whom shall be from the house health, human services, and elderly affairs
23 committee, 2 from the house executive departments and administration committee, and one at large.

24 (b) One member of the senate, appointed by the president of the senate.

25 II. The committee's study shall include collaboration with:

26 (a) New Hampshire Society of Physician Assistants.

27 (b) New Hampshire board of medicine.

28 (c) New Hampshire board of nursing.

29 (d) New Hampshire Nurse Practitioner Association.

30 (e) New Hampshire Medical Society.

31 (f) America's Health Insurance Plans.

32 III. The committee may solicit input from any person or entity the committee deems
33 relevant to its study.

34 IV. Legislative members of the committee shall receive mileage at the legislative rate when
35 attending to the duties of the committee.

36 10 Duties. The study committee shall:

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1 I. Research revisions to statutes and regulations governing the scope of practice of physician
2 assistants to identify differences between advanced practice provider scopes of practice, especially
3 collaboration agreements with physicians, that should be changed to bring physician assistants more
4 in line with advanced practice nurse practitioners and increase access to care.

5 II. Research other state laws that govern physician assistant scope of practice, educational
6 requirements, and the level of supervision and collaboration with physicians, with the intent to
7 make New Hampshire's practice environment attractive to physician assistants. In doing the
8 research described in this paragraph, the committee shall compare these areas between the 2
9 advanced practice provider professions.

10 III. Research patient safety in states where collaboration agreements between physicians
11 and physician assistants have been relaxed or eliminated.

12 IV. Research billing by advanced practice providers and reimbursement by health insurance
13 companies for provided services. Special attention shall be paid to the barriers faced by physician
14 assistants seeking reimbursement by health insurance companies as primary care providers.

15 V. Identify and correct, for the benefit of the public and legislators, misconceptions of a
16 physician assistant's role in the health care system, including misconceptions regarding physician
17 assistant education, training, experience, qualifications for advanced practice provider positions in
18 all health care settings, and how physician assistants practice medicine within health care teams.

19 11 Chairperson; Quorum. The members of the committee shall elect a chairperson from among
20 the members. The quorum shall consist of a majority of the members. The first meeting of the
21 committee shall be called by the first-named house member. The first meeting of the committee
22 shall be held within 45 days of the effective date of sections 8 through 12 of this act.

23 12 Report. The committee shall submit a report including its findings and any
24 recommendations for proposed legislation on or before November 1, 2024 to the speaker of the house
25 of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and
26 the state library.

27 13 Effective Date.

28 I. Section 6 of this act shall take effect January 1, 2027.

29 II. The remainder of this act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill revises the requirements governing collaboration agreements for physician assistants, and establishes a committee to study physician assistant scope of practice.