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# Physician Assistant Advisory Committee Law

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**45:9-27.10. Short title**

1. This act shall be known and may be cited as the "Physician Assistant Licensing Act."

L.1991,c.378,s.1.

**45:9-27.11. Definitions**

2. As used in this act:

"Approved program" means an education program for physician assistants which is approved by the Committee on Allied Health Education and Accreditation or its successor.

"Board" means the State Board of Medical Examiners created pursuant to R.S.45:9-1.

"Committee" means the Physician Assistant Advisory Committee established pursuant to section 11 of this act.

"Director" means the Director of the Division of Consumer Affairs.

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

"Institution" means any of the charitable, hospital, relief and training institutions, noninstitutional agencies, and correctional institutions enumerated in R.S.30:1-7.

"Physician assistant" means a person who holds a current, valid license issued pursuant to section 4 of this act.

"Physician" means a person licensed to practice medicine and surgery pursuant to chapter 9 of Title 45 of the Revised Statutes.

"Veterans' home" means the New Jersey Veterans' Memorial Home - Menlo Park, the New Jersey Veterans' Memorial Home - Vineland and the New Jersey Veterans' Memorial Home - Paramus.

L.1991,c.378,s.2; amended 1992,c.102,s.1.

**45:9-27.12. Required license**

3. a. (1) No person shall practice as a physician assistant or present, call or represent himself as a physician assistant unless that person is licensed pursuant to section 4 of this act.

(2) Nothing in this act shall be construed to limit, preclude, or otherwise interfere with the practice of any person licensed by an appropriate agency of the State of New Jersey, provided that such duties are consistent with the accepted standards of the person's profession and the person does not present himself as a physician assistant.

b. No person shall 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 which indicates or implies that he is a physician assistant unless that person is licensed pursuant to section 4 of this act.

L.1991,c.378,s.3.

**45:9-27.13. License requirements**

4. a. The board shall issue a license as a physician assistant to an applicant who has fulfilled the following requirements:

- (1) Is at least 18 years of age;
- (2) Is of good moral character;
- (3) Has successfully completed an approved program; and
- (4) Has passed the national certifying examination administered by the National Commission on Certification of Physician Assistants, or its successor.

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

- (1) Execute and submit a sworn statement made on a form provided by the board that neither the license for which renewal is sought nor any similar license or other authority issued by another jurisdiction has been revoked, suspended or not renewed; and
- (2) Present satisfactory evidence that any continuing education requirements have been completed as required by this act.

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

d. The board shall issue a temporary license to an applicant who meets the requirements of paragraphs (1), (2) and (3) of subsection a. of this section and who is either waiting to take the first scheduled examination following completion of an approved program or is awaiting the results of the examination. The temporary license shall expire upon the applicant's receipt of notification of failure to pass the examination.

L.1991,c.378,s.4; amended 1992,c.102,s.2; 1993,c.337,s.1.

**45:9-27.14. Employment**

5. a. A physician assistant may be employed by a physician, a health care facility, an institution or a veterans' home.

b. A physician, health care facility, institution or veterans' home which employs a physician assistant shall file with the board a notice of employment within 10 days after the date on which the

employment commences, on a form and in accordance with rules to be promulgated by the board in accordance with section 17 of this act.

L.1991,c.378,s.5; amended 1992,c.102,s.3.

**45:9-27.15. Practice of physician assistant**

6. a. 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, provided that:

- (1) the physician assistant is under the direct supervision of a physician pursuant to section 9 of this act;
- (2) the practice of the physician assistant is limited to those procedures authorized under section 7 of this act;
- (3) an appropriate notice of employment has been filed with the board pursuant to subsection b. of section 5 of this act;
- (4) the supervising physician or physician assistant advises the patient at the time that services are rendered that they are to be performed by the physician assistant;
- (5) the physician assistant conspicuously wears an identification tag using the term "physician assistant" whenever acting in that capacity; and
- (6) any entry by a physician assistant in a clinical record is appropriately signed and followed by the designation, "PA-C."

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

L.1991,c.378,s.6; amended 1992,c.102,s.4.

**45:9-27.16. Allowable procedures**

7. a. A physician assistant may perform the following procedures:

- (1) Approaching a patient to elicit a detailed and accurate history, perform an appropriate physical examination, identify problems, record information and interpret and present information to the supervising physician;
- (2) 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;
- (3) Providing patient counseling services and patient education consistent with directions of the supervising physician;

(4) 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;

(5) 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;

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

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

b. 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 pursuant to subsection c. of section 15 of this act:

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

(2) Giving injections, administering medications and requesting diagnostic studies;

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

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

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

c. 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.

L.1991,c.378,s.7; amended 1992, c.102, s.5, 1998, c.125, s.1.

#### **45:9-27.17. Physician's responsibility for assistant**

8. a. A physician may delegate to a physician assistant under his supervision only those procedures identified in section 7 of this act.

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

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

L.1991,c.378,s.8.

**45:9-27.18. Direct supervision required**

9. a. A physician assistant and a temporary licensed physician assistant shall be under the direct supervision of a physician at all times during which the physician assistant or temporary licensed physician assistant is working in his official capacity.

b. In an inpatient setting, direct supervision of a physician assistant shall include, but not be limited to:

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

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

(3) 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.

c. In an outpatient setting, direct supervision of a physician assistant shall include, but not be limited to:

(1) constant availability through electronic communications;

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

(3) personal review by a physician of the charts and records of patients and countersignature by a physician of all medical orders, within seven days of their entry by the physician assistant, except that in the case of any medical order prescribing or administering medication, a physician shall review and countersign the order within 48 hours of its entry by the physician assistant.

d. In any setting, direct supervision of a temporary licensed physician assistant shall include, but not be limited to:

(1) continuing physical presence of a physician or a licensed physician assistant;

(2) regularly scheduled review by a physician of the practice of the temporary licensed physician assistant; and

(3) personal review by a physician of all charts and records of patients within 24 hours of an entry by the temporary licensed physician assistant.

L.1991,c.378,s.9; amended 1993, c.337, s.2; 1998, c.125, s.2.

**45:9-27.19 Ordering of medication; conditions.**

10. A physician assistant treating a patient in an inpatient or outpatient setting may order or prescribe medications, subject to the following conditions:

- a. controlled dangerous substances may be ordered or prescribed if:
  - (1) a supervising physician has authorized a physician assistant to order or prescribe Schedule II, III, IV or V controlled dangerous substances in order to:
    - (a) continue or reissue an order or prescription for a controlled dangerous substance issued by the supervising physician;
    - (b) otherwise adjust the dosage of an order or prescription for a controlled dangerous substance originally ordered or prescribed by the supervising physician, provided there is prior consultation with the supervising physician;
    - (c) initiate an order or prescription for a controlled dangerous substance for a patient, provided there is prior consultation with the supervising physician if the order or prescription is not pursuant to subparagraph (d) of this paragraph; or
    - (d) initiate an order or prescription for a controlled dangerous substance as part of a treatment plan for a patient with a terminal illness, which for the purposes of this subparagraph means a medical condition that results in a patient's life expectancy being 12 months or less as determined by the supervising physician;
  - (2) the physician assistant has registered with and obtained authorization to order or prescribe controlled dangerous substances from the appropriate State and federal agencies; and
  - (3) the physician assistant complies with all requirements which the board shall establish by regulation for the administration of controlled dangerous substances pursuant to section 15 of P.L.1991, c.378 (C.45:9-27.24) and applicable requirements with respect to educational programs approved by the board pursuant to section 17 of P.L.1991, c.378 (C.45:9-27.26) and continuing professional education programs approved pursuant to section 16 of P.L.1991, c.378 (C.45:9-27.25);
- b. the order or prescription is administered in accordance with protocols or specific physician direction pursuant to subsection b. of section 7 of P.L.1991, c.378 (C.45:9-27.16);
- c. the prescription states whether it is written pursuant to protocol or specific physician direction; and
- d. the physician assistant signs his own name, prints his name and license number and prints the supervising physician's name, and in the case of an order or prescription for a controlled dangerous substance, prints the physician assistant's Drug Enforcement Administration registration number.

L.1991,c.378,s.10; amended 1998, c.125, s.3; 2005, c.48.

**45:9-27.19a. Countersignature required for order for medications by temporary licensee**

3. A temporary licensed physician assistant may write an order for medications; however, the order may not be executed without the immediate countersignature of a physician or licensed physician assistant. When the countersignature is provided by a licensed physician assistant, the order must also be countersigned by a physician within 24 hours of its entry by the temporary licensed physician assistant. Any limitation on the authority of a temporary licensed physician assistant to order

medications as provided in this section shall be in addition to any such limitation on a licensed physician assistant pursuant to the "Physician Assistant Licensing Act," P.L.1991, c.378 (C.45:9-27.10 et al.).

L.1993,c.337,s.3.

#### **45:9-27.20. Physician Assistant Advisory Committee**

11. There is created within the State Board of Medical Examiners, a Physician Assistant Advisory Committee. The committee shall consist of five members who are residents of this State, one of whom shall be a public member and one of whom shall be a physician licensed pursuant to chapter 9 of Title 45 of the Revised Statutes. The remaining three members shall be, except for those first appointed, physician assistants licensed in accordance with the provisions of this act. The physician assistant members first appointed to the committee need not be licensed in this State but shall be physician assistants certified by the National Commission on Certification of Physician Assistants.

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

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

L.1991,c.378,s.11; amended 1992,c.102,s.6.

#### **45:9-27.21. Election of officers; meetings**

12. The committee shall annually elect from among its members a president and vice-president. The committee shall meet at least twice each year and may hold additional meetings, as necessary to discharge its duties. In addition to such meetings, the committee shall meet at the call of the president, the board or the Attorney General.

L.1991,c.378,s.12; amended 1992,c.102,s.7.

#### **45:9-27.22. Executive Director**

13. An Executive Director of the committee shall be appointed by the director and shall serve at the director's pleasure. The salary of the Executive Director shall be determined by the director within the limits of available funds. The director shall be empowered within the limits of available funds to hire any assistants and confidential investigative personnel as are necessary to administer this act.

L.1991,c.378,s.13; amended 1992,c.102,s.8.

**45:9-27.23. Powers, duties**

14. a. The committee may have the following powers and duties, as delegated by the board:

- (1) to evaluate and pass upon the qualifications of candidates for licensure;
- (2) to take disciplinary action, in accordance with P.L.1978, c.73 (C.45:1-14 et seq.) against a physician assistant who violates any provision of this act;
- (3) to adopt and administer the examination to be taken by applicants for licensure; and
- (4) subject to the requirements of section 16 of this act, to adopt standards for and approve continuing education programs.

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

L.1991,c.378,s.14; amended 1992,c.102,s.9.

**45:9-27.24. Additional procedures and protocols**

15. The board may receive and shall give due consideration to advice from the committee in adopting regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), in the following areas:

- a. Designating additional procedures which may be performed on a discretionary and routine basis by licensed physician assistants in accordance with paragraph (7) of subsection a. of section 7 of his act;
- b. Designating additional procedures which may be performed by a licensed physician assistant only when ordered, prescribed or directed by the supervising physician; and
- c. Establishing and adopting protocols to be followed by licensed physician assistants performing any of the procedures listed in subsection b. of section 7 of this act.

L.1991,c.378,s.15; amended 1992,c.102,s.10.

**45:9-27.25. Continuing professional education**

16. a. The board, or the committee if so delegated by the board, shall:

- (1) approve only such continuing professional education programs as are available to all physician assistants in this State on a reasonable nondiscriminatory basis. Programs may be held within or without this State, but shall be held so as to enable physician assistants in all areas of the State to attend;
- (2) establish standards for continuing professional education programs, including the specific subject matter and content of courses of study and the selection of instructors;

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

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

b. The board may, at its discretion:

(1) waive the requirements of paragraph (2) of subsection b. of section 4 of this act for due cause; and

(2) accredit courses with non-hourly attendance, including home study courses, with appropriate procedures for the issuance of credit upon satisfactory proof of the completion of such courses.

c. If any applicant for renewal of registration completes a number of credit hours in excess of the number established pursuant to paragraph (4) of subsection a. of this section, the excess credit may, at the discretion of the board, be applicable to the continuing education requirement for the following biennial renewal period but shall not be applicable thereafter.

L.1991,c.378,s.16; amended 1992,c.102,s.11.

#### **45:9-27.26. Powers, duties of board**

17. The board shall, in addition to such other powers and duties as it may possess by law:

a. Administer and enforce the provisions of this act;

b. 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 act;

c. Establish professional standards for persons licensed under this act;

d. Conduct hearings pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), except that the board shall have the right to administer oaths to witnesses, and shall have the power to issue subpoenas for the compulsory attendance of witnesses and the production of pertinent books, papers, or records;

e. Conduct proceedings before any board, agency or court of competent jurisdiction for the enforcement of the provisions of this act;

f. Evaluate and pass upon the qualifications of candidates for licensure;

g. Establish standards for and approve educational programs for physician assistants as required by paragraph (3) of subsection a. of section 4 of this act;

h. Adopt and administer the examination to be taken by applicants for licensure;

i. Subject to the requirements of section 16 of this act, establish standards for and approve continuing education programs; and

j. Have the enforcement powers provided pursuant to P.L.1978, c.73 (C.45:1-14 et seq.).

L.1991,c.378,s.17; amended 1992,c.102,s.12.

**45:9-27.27. Enforcement**

18. The provisions of the uniform enforcement law, P.L.1978, c.73 (C.45:1-14 et seq.), shall apply to this act. The authority of the board may be delegated to the committee at the discretion of the board.

L.1991,c.378,s.18; amended 1992,c.102,s.13.

**45:9-27.28. Fees for licenses**

19. a. The board shall by rule or regulation establish, prescribe or change the fees for licenses, renewals of licenses or other services provided by the board or the committee pursuant to the provisions of this act. Licenses shall be issued for a period of two years and be biennially renewable, provided however, that the board may, in order to stagger the expiration dates thereof, provide that those licenses first issued or renewed after the effective date of this act shall expire and become void on a date fixed by the board, not sooner than six months nor later than 29 months after the date of issue.

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

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

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

L.1991,c.378,s.19; amended 1992,c.102,s.14.