

*Turneson
Boddicker
Smith*

HOUSE FILE _____ *02534*

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON BODDICKER)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the rendering of disaster and emergency care
2 by physician assistants.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 148C.4, Code Supplement 2001, is
2 amended to read as follows:

3 148C.4 SERVICES PERFORMED BY ASSISTANTS.

4 1. A physician assistant may perform medical services when
5 the services are rendered under the supervision of the
6 physician or physicians specified in the physician assistant
7 license approved by the board. A trainee may perform medical
8 services when the services are rendered within the scope of an
9 approved program. For the purposes of this section, "medical
10 services rendered under the supervision of the physician or
11 physicians specified in the physician assistant license
12 approved by the board" includes making a pronouncement of
13 death for a patient whose death is anticipated if the death
14 occurs in a licensed hospital, a licensed health care
15 facility, a Medicare-certified home health agency, or a
16 Medicare-certified hospice program or facility, with notice of
17 the death to a physician and in accordance with the directions
18 of a physician.

19 2. a. Notwithstanding subsection 1, a physician assistant
20 licensed pursuant to this chapter or authorized to practice in
21 any other state who voluntarily and gratuitously, and other
22 than in the ordinary course of the physician assistant's
23 employment or practice, responds to a need for medical care
24 created by an emergency or a state or local disaster may
25 render such care that the physician assistant is able to
26 provide without the supervision of the physician or physicians
27 specified in the physician assistant license, or under such
28 supervision as is available. A physician who supervises a
29 physician assistant providing medical care pursuant to this
30 paragraph shall not be required to meet the requirements of
31 section 148C.3, subsection 4, relating to supervising
32 physician qualifications.

33 b. A physician assistant responding pursuant to paragraph
34 "a" shall not be liable for civil damages for any personal
35 injuries which result from the physician assistant's negligent

1 acts or omissions. A physician assistant shall, however, be
 2 responsible for acts or omissions constituting gross
 3 negligence, or reckless, wanton, or intentional misconduct, or
 4 when the medical assistance is rendered by the physician
 5 assistant at any hospital, physician's office, or other health
 6 care delivery facility where those services are normally
 7 rendered. A physician who supervises a physician assistant
 8 responding pursuant to paragraph "a" shall not be liable for
 9 civil damages for any personal injuries which result from any
 10 acts or omissions of the physician assistant.

EXPLANATION

11
 12 This bill provides that a physician assistant licensed
 13 pursuant to Code chapter 148C to perform medical services
 14 under the supervision of a physician or physicians specified
 15 in the physician assistant's license, or authorized to
 16 practice in any other state, who voluntarily and gratuitously,
 17 and other than in the ordinary course of employment or
 18 practice, responds to a need for medical care created by an
 19 emergency or a state or local disaster, may render care
 20 without the supervision of the physician or physicians
 21 specified in the physician assistant license, or under such
 22 supervision as is available. The bill provides that a
 23 physician who supervises a physician assistant providing this
 24 emergency medical care shall not be required to meet the
 25 requirements of Code section 148C.3, subsection 4, relating to
 26 supervising physician qualifications. The bill additionally
 27 provides that the physician assistant shall not be liable for
 28 civil damages for any personal injuries which result from
 29 negligent acts or omissions, but shall be responsible for acts
 30 or omissions constituting gross negligence, or reckless,
 31 wanton, or intentional misconduct, or when the medical
 32 assistance is rendered at any hospital, physician's office, or
 33 other health care delivery entity where the physician
 34 assistant's services are normally rendered. The bill extends
 35 the immunity from civil damages to a supervising physician.

REPRINTED

FEB 28 2002

Place On Calendar

HOUSE FILE 2534
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 696)

Passed House, ^(P.689) Date 3-11-02 Passed Senate, Date _____
Vote: Ayes 94 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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HF 2534

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2 amended to read as follows:

3 148C.4 SERVICES PERFORMED BY ASSISTANTS.

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5 the services are rendered under the supervision of the
6 physician or physicians specified in the physician assistant
7 license approved by the board. A trainee may perform medical
8 services when the services are rendered within the scope of an
9 approved program. For the purposes of this section, "medical
10 services rendered under the supervision of the physician or
11 physicians specified in the physician assistant license
12 approved by the board" includes making a pronouncement of
13 death for a patient whose death is anticipated if the death
14 occurs in a licensed hospital, a licensed health care
15 facility, a Medicare-certified home health agency, or a
16 Medicare-certified hospice program or facility, with notice of
17 the death to a physician and in accordance with the directions
18 of a physician.

19 2. a. Notwithstanding subsection 1, a physician assistant
20 licensed pursuant to this chapter or authorized to practice in
21 any other state who voluntarily and gratuitously, and other
22 than in the ordinary course of the physician assistant's
23 employment or practice, responds to a need for medical care
24 created by an emergency or a state or local disaster may
25 render such care that the physician assistant is able to
26 provide without the supervision of the physician or physicians
27 specified in the physician assistant license, or under such
28 supervision as is available. A physician who supervises a
29 physician assistant providing medical care pursuant to this
30 paragraph shall not be required to meet the requirements of
31 section 148C.3, subsection 4, relating to supervising
32 physician qualifications.

33 b. A physician assistant responding pursuant to paragraph
34 "a" shall not be liable for civil damages for any personal
35 injuries which result from the physician assistant's negligent

1 acts or omissions. A physician assistant shall, however, be
2 responsible for acts or omissions constituting gross
3 negligence, or reckless, wanton, or intentional misconduct, or
4 when the medical assistance is rendered by the physician
5 assistant at any hospital, physician's office, or other health
6 care delivery facility where those services are normally
7 rendered. A physician who supervises a physician assistant
8 responding pursuant to paragraph "a" shall not be liable for
9 civil damages for any personal injuries which result from any
10 acts or omissions of the physician assistant.

11 EXPLANATION

12 This bill provides that a physician assistant licensed
13 pursuant to Code chapter 148C to perform medical services
14 under the supervision of a physician or physicians specified
15 in the physician assistant's license, or authorized to
16 practice in any other state, who voluntarily and gratuitously,
17 and other than in the ordinary course of employment or
18 practice, responds to a need for medical care created by an
19 emergency or a state or local disaster, may render care
20 without the supervision of the physician or physicians
21 specified in the physician assistant license, or under such
22 supervision as is available. The bill provides that a
23 physician who supervises a physician assistant providing this
24 emergency medical care shall not be required to meet the
25 requirements of Code section 148C.3, subsection 4, relating to
26 supervising physician qualifications. The bill additionally
27 provides that the physician assistant shall not be liable for
28 civil damages for any personal injuries which result from
29 negligent acts or omissions, but shall be responsible for acts
30 or omissions constituting gross negligence, or reckless,
31 wanton, or intentional misconduct, or when the medical
32 assistance is rendered at any hospital, physician's office, or
33 other health care delivery entity where the physician
34 assistant's services are normally rendered. The bill extends
35 the immunity from civil damages to a supervising physician.

HOUSE FILE 2534

H-8131

- 1 Amend House File 2534 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 147A.10, Code 2001, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 4. A physician, physician's
7 designee, advanced registered nurse practitioner, or
8 physician assistant who voluntarily and gratuitously,
9 and other than in the ordinary course of employment or
10 practice, responds to a need for medical care created
11 by an emergency or a state or local disaster, is not
12 subject to criminal liability by reason of having
13 issued or executed the orders for such care that the
14 physician, physician's designee, advanced registered
15 nurse practitioner, or physician assistant is
16 authorized to provide, and is not liable for civil
17 damages for acts or omissions relating to the issuance
18 or execution of the orders unless the acts or
19 omissions constitute recklessness."
20 2. Page 1, line 19, by striking the letter "a."
21 3. By striking page 1, line 33 through page 2,
22 line 10.
23 4. Title page, line 2, by striking the words "by
24 physician assistants".
25 5. By renumbering as necessary.

By TYMESON of Madison

H-8131 FILED FEBRUARY 28, 2002

adopted
3-11-02
(p.689)

HOUSE FILE 2534
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 696)

(As Amended and Passed by the House March 11, 2002)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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House Amendments _____
Deleted Language *

1 Section 1. Section 147A.10, Code 2001, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 4. A physician, physician's designee,
4 advanced registered nurse practitioner, or physician assistant
5 who voluntarily and gratuitously, and other than in the
6 ordinary course of employment or practice, responds to a need
7 for medical care created by an emergency or a state or local
8 disaster, is not subject to criminal liability by reason of
9 having issued or executed the orders for such care that the
10 physician, physician's designee, advanced registered nurse
11 practitioner, or physician assistant is authorized to provide,
12 and is not liable for civil damages for acts or omissions
13 relating to the issuance or execution of the orders unless the
14 acts or omissions constitute recklessness.

15 Sec. 2. Section 148C.4, Code Supplement 2001, is amended
16 to read as follows:

17 148C.4 SERVICES PERFORMED BY ASSISTANTS.

18 1. A physician assistant may perform medical services when
19 the services are rendered under the supervision of the
20 physician or physicians specified in the physician assistant
21 license approved by the board. A trainee may perform medical
22 services when the services are rendered within the scope of an
23 approved program. For the purposes of this section, "medical
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25 physicians specified in the physician assistant license
26 approved by the board" includes making a pronouncement of
27 death for a patient whose death is anticipated if the death
28 occurs in a licensed hospital, a licensed health care
29 facility, a Medicare-certified home health agency, or a
30 Medicare-certified hospice program or facility, with notice of
31 the death to a physician and in accordance with the directions
32 of a physician.

* 33 2. Notwithstanding subsection 1, a physician assistant
34 licensed pursuant to this chapter or authorized to practice in
35 any other state who voluntarily and gratuitously, and other

1 than in the ordinary course of the physician assistant's
2 employment or practice, responds to a need for medical care
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5 provide without the supervision of the physician or physicians
6 specified in the physician assistant license, or under such
7 supervision as is available. A physician who supervises a
8 physician assistant providing medical care pursuant to this
9 paragraph shall not be required to meet the requirements of
10 section 148C.3, subsection 4, relating to supervising
11 physician qualifications.

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