

Chapter Med 8

PHYSICIAN'S ASSISTANTS

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Note: Chapter Med 8 as it existed on October 31, 1976 was repealed and a new chapter Med 8 was created effective November 1, 1976. Section Med 8.03 to 8.10 as they existed on July 31, 1984 were repealed and recreated effective August 1, 1984.

Med 8.01 Authority and purpose. The rules in this chapter are adopted by the medical examining board pursuant to authority in ss. 15.08 (5), 227.11, 448.04 (1) (f) and 448.40, Stats., and govern the certification and regulation of physician's assistants.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76; am. Register, April, 1981, No. 304, eff. 5-1-81; am. Register, July, 1984, No. 343, eff. 8-1-84; correction made under s. 13.93 (2m) (b) 7, Stats., Register, May, 1989, No. 401.

Med 8.02 Definitions. (1) "Board" means the medical examining board.

(2) "Council" means the council on physician's assistants.

(3) "Certificate" means documentary evidence issued by the board to applicants for certification as a physician's assistant who meet all of the requirements of the board.

(4) "Educational program" means a program for educating and preparing physician's assistants which is approved by the board.

(5) "Individual" means a natural person, and does not include the terms firm, corporation, association, partnership, institution, public body, joint stock association, or any other group of individuals.

(6) "Supervision" means to co-ordinate, direct, and inspect continually the accomplishments of another, or to oversee with powers of direction and decision the implementation of one's own or another's intentions.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76; am. (6) and (7) (b) to (e), Register, June, 1980, No. 294, eff. 7-1-80; r. (7), Register, July, 1984, No. 343, eff. 8-1-84.

Med 8.03 Council. As specified in s. 15.407 (1) and (2), Stats., the council shall advise the board on the formulation of rules on the education, examination, certification and practice of a physician's assistant.

History: Cr. Register, July, 1984, No. 343, eff. 8-1-84.

Med 8.04 Educational program approval. The board shall approve only educational programs accredited and approved by the council on medical education of the American medical association.

History: Cr. Register, July, 1984, No. 343, eff. 8-1-84.

Med 8.05 Panel review of applications; examinations required. The board may use a written examination prepared, administered and scored by the

national commission on certification of physicians assistants, or a written examination from other professional testing services as approved by the board.

(1) APPLICATION. An applicant for examination for certification as a physician's assistant shall submit to the board:

(a) An application on a form prescribed by the board.

Note: An application form may be obtained upon request to the Medical Examining Board office located at Room 176, 1400 East Washington Avenue, Madison, Wisconsin 53702.

(b) Proof of successful completion of an educational program, as defined in s. Med 8.02 (4).

(c) Proof of successful completion of the national certifying examination.

(d) The fee specified in s. 440.05 (1), Stats.

(e) An unmounted photograph, approximately 8 by 12 cm., of the applicant taken no more than 60 days prior to the date of application which has on the reverse side a statement of a notary public that the photograph is a true likeness of the applicant.

(2) EXAMINATIONS, PANEL REVIEW OF APPLICATIONS. (a) All applicants shall complete a written examination.

(b) An applicant shall complete an oral examination if the applicant:

1. Has received inpatient or outpatient care for drug or alcohol abuse;
2. Has received inpatient or outpatient care for mental illness;
3. Has been disciplined or had certification denied by a licensing or regulatory authority in Wisconsin or another jurisdiction;
4. Has been convicted of a crime, the circumstances of which substantially relate to the practice of physician's assistants;
5. Has not practiced patient care as a physician's assistant for a period of 3 years prior to application, unless the applicant has been graduated from a school approved for physician's assistants within that period; or,
6. Has been found to have been negligent in the practice as a physician's assistant or has been a party in a lawsuit in which it was alleged that the applicant has been negligent in the practice of medicine.

(c) An application filed under this chapter shall be reviewed by an application review panel of at least 2 physician's assistant council members designated by the chairperson of the board to determine whether an applicant is required to complete an oral examination under sub. (a). If the application review panel is not able to reach unanimous agreement on whether an applicant is eligible for certification without completing an oral examination, the application shall be referred to the Medical Examining Board for a final determination.

(d) Where both written and oral examinations are required they shall be scored separately and the applicant shall achieve a passing grade on both examinations to qualify for a certificate.

(3) **EXAMINATION FAILURE.** An applicant who fails to receive a passing score on an examination may reapply by payment of the fee specified in sub. (1) (d). An applicant may reapply twice at not less than 4-month intervals. If an applicant fails the examination 3 times, he or she may not be admitted to an examination unless the applicant submits proof of having completed further professional training or education as the board may prescribe.

Note: There is no provision for waiver of examination nor reciprocity under rules in s. Med 8.05.

(4) **CERTIFICATION; RENEWAL.** At the time of certification and each biennial registration of certification thereafter, a physician's assistant shall list with the board the name and address of the supervising physician and shall notify the board within 20 days of any change of a supervising physician.

History: Cr. Register, July, 1984, No. 343, eff. 8-1-84; am. (intro.), r. and recr. (2), Register, October, 1989, No. 406, eff. 11-1-89.

Med 8.06 Temporary certificate. (1) An applicant for certification may apply to the board for a temporary certificate to practice as a physician's assistant if the applicant:

(a) Remits the fee specified in s. 440.05 (6), Stats.

(b) Is a graduate of an approved school and is scheduled to take the examination for primary care physician's assistants required by s. Med 8.05 (1) or has taken the examination and is awaiting the results; or

(c) Submits proof of successful completion of the examination required by s. Med 8.05 (1) and applies for a temporary certificate no later than 30 days prior to the date scheduled for the next oral examination.

(2) (a) Except as specified in par. (b), a temporary certificate expires 30 days after the completion of the next oral examination for permanent certification or on the date the board grants or denies an applicant permanent certification, whichever is later.

(b) A temporary certificate expires on the first day of the next regularly scheduled oral examination for permanent certification if the applicant is required to take, but failed to apply for, the examination.

(3) A temporary permit may not be renewed.

History: Cr. Register, July, 1984, No. 343, eff. 8-1-84; am. (1) (b) and (c), Register, October, 1989, No. 406, eff. 11-1-89.

Med 8.07 Practice. (1) **SCOPE AND LIMITATIONS.** In providing patient services, the entire practice of any physician's assistant shall be under the supervision of a licensed physician. The scope of practice is limited to providing patient services specified in sub. (2). A physician's assistant's practice may not exceed his or her educational training or experience and may not exceed the scope of practice of the supervising physician. A task assigned by the supervising physician to physician's assistant may not be delegated by the physician's assistant to another person.

(2) **PATIENT SERVICES.** Patient services a physician's assistant may provide include:

(a) Attending initially a patient of any age in any setting to obtain a personal medical history, perform an appropriate physical examination,

and record and present pertinent data concerning the patient in a manner meaningful to the supervising physician.

(b) Performing, or assisting in performing, routine diagnostic studies as appropriate for a specific practice setting.

(c) Performing routine therapeutic procedures, including injections, immunizations, and the suturing and care of wounds.

(d) Instructing and counseling a patient on physical and mental health, including diet, disease, treatment and normal growth and development.

(e) Assisting the supervising physician in a hospital or facility, as defined in s. 50.01 (1m), Stats., by assisting in surgery, making patient rounds, recording patient progress notes, compiling and recording detailed narrative case summaries and accurately writing or executing outstanding orders or other specific orders following consultation with and at the direction of the supervising physician.

(f) Assisting in the delivery of services to a patient by reviewing and monitoring treatment and therapy plans.

(g) Performing independently evaluative and treatment procedures necessary to provide an appropriate response to life-threatening emergency situations.

(h) Facilitating referral of patients to other appropriate community health-care facilities, agencies and resources.

(i) Preparing written prescription orders for drugs, other than controlled substances as defined in s. 161.01 (4), Stats., if specifically directed to do so by the supervising physician and in accordance with procedures specified in s. Med 8.08 (2).

History: Cr. Register, July, 1984, No. 343, eff. 8-1-84.

Med 8.08 Prohibitions and limitations. (1) **ACUPUNCTURE AND INDEPENDENT PRESCRIBING PROHIBITED.** A physician's assistant may not practice acupuncture in any form and may not prescribe or dispense any drug independently. A supervising physician may direct a physician's assistant to prepare a prescription order according only to procedures specified in sub. (2).

(2) **PRESCRIBING LIMITATIONS.** A physician's assistant may prepare a prescription order only if all the following conditions apply:

(a) The physician's assistant prepares the prescription order only in patient situations specified and described in established written protocols. The protocol shall be reviewed at least annually by the physician's assistant and his or her supervising physician, and

(b) The supervising physician and physician's assistant determine by mutual agreement that the physician's assistant is qualified through training and experience to prepare a prescription order as specified in the established written protocols, and

(c) When practicable, the physician's assistant consults directly with the supervising physician prior to preparing a prescription order. In any case the supervising physician shall be available for consultation as specified in s. Med 8.10 (2), and

(d) The prescription orders prepared under procedures in this section contain, in addition to other information required by law, the name, address and telephone number of the supervising physician and the name and address of the physician's assistant, legibly printed, and the signature of the physician's assistant, and

(e) The supervising physician either:

1. Reviews and countersigns the prescription order prepared by the physician's assistant, or

2. Reviews and countersigns within one day the patient record prepared by the physician's assistant practicing in the office of the supervising physician or at a facility or a hospital in which the supervising physician has staff privileges, or

3. Reviews by telephone or other means, as soon as practicable but within a 48-hour period, and countersigns within one week, the patient record prepared by the physician's assistant who practices in an office facility other than the supervising physician's main office of a facility or hospital in which the supervising physician has staff privileges.

(3) No physician's assistant may prepare a prescription order for a controlled substance, as defined in s. 161.01 (4), Stats.

History: Cr. Register, July, 1984, No. 343, eff. 8-1-84.

Med 8.09 Employe status. No physician's assistant may be self-employed. If the employer of a physician's assistant is other than a licensed physician, the employer shall provide for, and may not interfere with, the supervisory responsibilities of the physician, as defined in s. Med 8.02 (6) and required in ss. Med 8.07 (1) and 8.10.

History: Cr. Register, July, 1984, No. 343, eff. 8-1-84.

Med 8.10 Employment requirements; supervising physician responsibilities. (1) No physician may supervise more than 2 physician's assistants unless the physician submits a written plan for the supervision of more than 2 assistants and the board approves the plan. A physician's assistant may be supervised by more than one physician.

(2) Another licensed physician may be designated by the supervising physician to supervise a physician's assistant for a period not to exceed 8 weeks per year. Except in an emergency, the designation shall be made in writing to the substitute supervising physician and the physician's assistant. The supervising physician shall file with the board a copy of the substitution agreement before the beginning date of the period of his or her absence.

(3) The supervising physician or substitute supervising physician shall be available to the physician's assistant at all times for consultation either in person or within 15 minutes of contact by telephone or by 2-way radio or television communication.

(4) A supervising physician shall visit and conduct an on-site review of facilities attended by the physician's assistants at least once a month. Any patient in a location other than the location of the supervising physician's main office shall be attended personally by the physician consistent with his or her medical needs.

History: Cr. Register, July, 1984, No. 343, eff. 8-1-84.

Register, October, 1989, No. 406

Med 8.11 Legislative report requirement. The board shall review the prescribing requirements for a physician's assistant under s. Med 8.08 and report to the legislature no later than January 1, 1986 the board's recommendation for any modification to the rule or for repeal of the rule on prescribing requirements.

History: Cr. Register, July, 1984, No. 343, eff. 8-1-84.