

ARKANSAS STATE MEDICAL BOARD



ARKANSAS MEDICAL PRACTICES ACT & REGULATIONS

17-94-101 – 17-94-113. [Repealed.]

PHYSICIAN ASSISTANT COMMITTEE

17-95-801. Physician Assistant Committee -- Members.

- (a) (1) The Physician Assistant Committee is created with the Arkansas State Medical Board.
- (2) The committee shall consist of five (5) members as follows:
 - (A) Three (3) members who shall be members of the Arkansas State Medical Board; and
 - (B) Two (2) physician assistant members selected by the board from a list of physician assistants nominated by the Arkansas Academy of Physician Assistants.
- (b) (1) (A) Committee members who are physician assistants shall serve three-year terms.
- (B) Committee members who are physician assistants shall not serve more than two (2) consecutive terms.
- (2) A physician assistant committee member shall serve until a successor is appointed by the board.
- (3) If a vacancy occurs among the committee members who are physician assistants, the board shall appoint a new member from a list of three (3) physician assistants nominated by the Arkansas Academy of Physician Assistants to fill the vacancy.
- (c) (1) The committee shall elect a chair with powers and duties the committee shall fix.
- (2) The chair shall serve a two-year term.
- (3) A chair may be elected for no more than two (2) consecutive terms.
- (d) (1) A quorum of the committee shall be three (3) members.
- (2) The committee shall hold a meeting at least quarterly and at other times the committee considers advisable to review applications for licensure or renewal and for approval of the protocol between the physician assistant and the supervising physician.
- (e) (1) The committee members who are physician assistants shall serve without remuneration.
- (2) However, if funds are available, the committee members who are physician assistants may receive expense reimbursement and stipends in accordance with § 25-16-902, as follows:
 - (A) Their actual expenses while attending regular and special meetings of the committee; and
 - (B) A per diem allowance when in attendance at regular or special meetings of the committee.

- (f) The members of the committee who are members of the board shall receive remuneration as now provided to members of the board.

HISTORY: Acts 2011, No. 1207, § 1.

17-95-802. Duties of Physician Assistant Committee.

The Physician Assistant Committee shall:

- (1) Review all applications for physician assistants' licensure and for renewal of physician assistants' licensure;
- (2) Review protocols between a physician assistant and a supervising physician;
- (3) Recommend to the Arkansas State Medical Board approval or disapproval of applications submitted under subdivision (1) of this section and of protocols reviewed under subdivision (2) of this section; and
- (4) Recommend the approval, disapproval, or modification of the application for prescriptive privileges for a physician assistant.

HISTORY: Acts 2011, No. 1207, § 1.

PHYSICIAN ASSISTANTS

17-105-101. Definitions.

As used in this chapter:

- (1) "Board" means the Arkansas State Medical Board;
- (2) (A) "Physician assistant" means a person who has:
 - (i) Graduated from a physician assistant or surgeon assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs; and
 - (ii) Passed the certifying examination administered by the National Commission on Certification of Physician Assistants.
- (B) The physician assistant is a dependent medical practitioner who:
 - (i) Provides health care services under the supervision of a physician; and
 - (ii) Works under a physician-drafted protocol approved by the board, which describes how the physician assistant and the physician will work together and any practice guidelines required by the supervising physician;
- (3) "Supervision" means overseeing the activities of and accepting responsibility for the medical services rendered by a physician assistant. The constant physical presence of the supervising physician is not required so long as the supervising physician and physician assistant are or can be easily in contact with one another by radio, telephone, electronic, or other telecommunication device. Supervision of each

physician assistant by a physician or physicians shall be continuous; and

- (4) "Supervising physician" means a doctor of medicine or doctor of osteopathy licensed by the board who supervises physician assistants.

HISTORY: Acts 1999, No. 851, § 1.

17-105-102. Qualifications for licensure.

- (a) Except as otherwise provided in this chapter, an individual must be licensed by the Arkansas State Medical Board before the individual may practice as a physician assistant.
- (b) The board may grant a license as a physician assistant to an applicant who:
- (1) Submits an application on forms approved by the board;
 - (2) Pays the appropriate fees as determined by the board;
 - (3) Has successfully completed an educational program for physician assistants or surgeon assistants accredited by the Committee on Allied Health Education and Accreditation or by its successor agency and has passed the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physician Assistants;
 - (4) Certifies that he or she is mentally and physically able to engage safely in practice as a physician assistant;
 - (5) Has no licensure, certification, or registration as a physician assistant under current discipline, revocation, suspension, or probation for cause resulting from the applicant's practice as a physician assistant, unless the board considers the condition and agrees to licensure;
 - (6) Is of good moral character;
 - (7) Submits to the board any other information the board deems necessary to evaluate the applicant's qualifications;
 - (8) Has been approved by the board;
 - (9) Is at least twenty-one (21) years of age; and
 - (10) After July 1, 1999, has at least a bachelor's degree in some field of study from a regionally accredited college or university, unless the applicant has:
 - (A) Prior service as a military corpsman and is a graduate of a physician assistant education program recognized by the Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs or the applicant is currently certified by the National Commission on Certification of Physician Assistants;

- (B) Was serving as a physician assistant in a federal facility located in the State of Arkansas on or after July 1, 1999, and who is a graduate of a physician assistant education program recognized by the Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs;
- (C) Was licensed in good standing on June 30, 1999, by the board; or
- (D) Was enrolled on or before July 1, 1999, in a physician assistant program recognized by the Commission on Accreditation of Allied Health Education Programs.

HISTORY: Acts 1999, No. 851, § 2.

17-105-103. Graduate license -- Temporary license.

- (a) The Arkansas State Medical Board may grant a graduate license to an applicant who meets the qualifications for licensure, except that the applicant has not yet taken the national certifying examination or the applicant has taken the national certifying examination and is awaiting the results.
- (b) A graduate license is valid:
- (1) For one (1) year from the date of issuance;
 - (2) Until the results of an applicant's examination are available; or
 - (3) Until the board makes a final decision on the applicant's request for licensure, whichever comes first.
- (c) The board may extend a graduate license upon a majority vote of the board members for a period not to exceed one (1) year. Under no circumstances may the board grant more than one (1) extension of a graduate license.
- (d) A temporary license may be granted to an applicant who meets all the qualifications for licensure but is awaiting the next scheduled meeting of the board.

HISTORY: Acts 1999, No. 851, § 3.

17-105-104. Inactive license.

Any physician assistant who notifies the Arkansas State Medical Board in writing on forms prescribed by the board may elect to place his or her license on an inactive status. A physician assistant with an inactive license shall be excused from payment of renewal fees and shall not practice as a physician assistant. Any licensee who engages in practice while his or her license is lapsed or on inactive status shall be considered to be practicing without a license, which shall be grounds for discipline under § 17-105-113. A physician assistant requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to meet the criteria for renewal as

specified in § 17-105-105.

HISTORY: Acts 1999, No. 851, § 4.

17-105-105. Renewal.

Upon notification from the Arkansas State Medical Board, each person who holds a license as a physician assistant in this state shall renew the license by:

- (1) Submitting the appropriate fee as determined by the board;
- (2) Completing the appropriate forms; and
- (3) Meeting any other requirements set forth by the board.

HISTORY: Acts 1999, No. 851, § 5.

17-105-106. Exemption from licensure.

This chapter does not require licensure of:

- (1) A physician assistant student enrolled in a physician assistant or surgeon assistant educational program accredited by the Commission on Accreditation of Allied Health Education Programs or by its successor agency;
- (2) A physician assistant employed in the service of the United States Government while performing duties incident to that employment;
- (3) Technicians, other assistants, or employees of physicians who perform delegated tasks in the office of a physician but who are not rendering services as a physician assistant or identifying themselves as a physician assistant;
- (4) A physician assistant in the service of the State Military Department or the Arkansas National Guard, or both. These physician assistants shall be allowed to perform their physician assistant practice duties, including prescribing, in the same manner as they would if federalized by the United States Government;
- (5) A physician assistant who is temporarily transiting through the State of Arkansas while caring for a patient, provided that he or she remains under the supervision of his or her supervising physician; or
- (6) A physician assistant providing services through a program in partnership with federal Innovative Readiness Training if the physician assistant has obtained a license to practice from another state, commonwealth, territory, or the District of Columbia.

HISTORY: Acts 1999, No. 851, § 6; 2017, No. 205, § 10.

17-105-107. Scope of authority -- Delegatory authority -- Agent of supervising physician.

- (a) Physician assistants provide health care services with physician supervision. The supervising physician shall be identified on all prescriptions and orders. Physician assistants may perform those duties and responsibilities, including the prescribing, ordering,

and administering drugs and medical devices, that are delegated by their supervising physicians.

- (b) Physician assistants shall be considered the agents of their supervising physicians in the performance of all practice-related activities, including, but not limited to, the ordering of diagnostic, therapeutic, and other medical services.
- (c) Physician assistants may perform health care services in any setting authorized by the supervising physician in accordance with any applicable facility policy.
- (d) Nothing in this chapter shall be construed to authorize a physician assistant to:
 - (1) Examine the human eye or visual system for the purpose of prescribing glasses or contact lenses or the determination of the refractive power for surgical procedures;
 - (2) Adapt, fill, duplicate, modify, supply, or sell contact lenses or prescription eye glasses; or
 - (3) Prescribe, direct the use of, or use any optical device in connection with ocular exercises, vision training, or orthoptics.

HISTORY: Acts 1999, No. 851, § 7.

17-105-108. Prescriptive authority.

- (a) Physicians supervising physician assistants may delegate prescriptive authority to physician assistants to include prescribing, ordering, and administering Schedule III-V controlled substances as described in the Uniform Controlled Substances Act, §§ 5-64-101 -- 5-64-510, and 21 C.F.R. Part 1300, all legend drugs, and all nonschedule prescription medications and medical devices. All prescriptions and orders issued by a physician assistant shall also identify his or her supervising physician.
- (b) A physician assistant may prescribe hydrocodone combination products reclassified from Schedule III to Schedule II as of October 6, 2014, if authorized by the physician assistant's supervising physician and in accordance with other requirements of this section.
- (c) At no time shall a physician assistant's level of prescriptive authority exceed that of the supervising physician.
- (d) Physician assistants who prescribe controlled substances must register with the Drug Enforcement Administration as part of the Drug Enforcement Administration's Mid-Level Practitioner Registry, 21 C.F.R. Part 1300, 58 FR 31171-31175, and the Controlled Substances Act.
- (e) The Arkansas State Medical Board shall promptly adopt rules concerning physician assistants that are consistent with the Arkansas State Medical Board's rules governing the prescription of dangerous drugs and controlled substances by physicians.

HISTORY: Acts 1999, No. 851, § 8; Acts 2015, No. 529.

17-105-109. Supervision.

- (a) Supervision of physician assistants shall be continuous but shall not be construed as necessarily requiring the physical presence of the supervising physician at the time and place that the services are rendered.
- (b) It is the obligation of each team of physicians and physician assistants to ensure that:
 - (1) The physician assistant's scope of practice is identified;
 - (2) The delegation of medical task is appropriate to the physician assistant's level of competence;
 - (3) The relationship and access to the supervising physician is defined; and
 - (4) A process of evaluation of the physician assistant's performance is established.
- (c) The physician assistant and supervising physician may designate back-up physicians who are agreeable to supervise the physician assistant during the absence of the supervising physician.

HISTORY: Acts 1999, No. 851, § 9.

17-105-110. Supervising physician.

A physician desiring to supervise a physician assistant must:

- (1) Be licensed in this state;
- (2) Notify the Arkansas State Medical Board of his or her intent to supervise a physician assistant; and
- (3) Submit a statement to the board that he or she will exercise supervision over the physician assistant in accordance with any rules adopted by the board.

HISTORY: Acts 1999, No. 851, § 10.

17-105-111. Notification of intent to practice.

- (a) Prior to initiating practice, a physician assistant licensed in this state must submit on forms approved by the Arkansas State Medical Board notification of such an intent. The notification shall include:
 - (1) The name, business address, e-mail address, and telephone number of the supervising physician; and
 - (2) The name, business address, and telephone number of the physician assistant.
- (b) A physician assistant shall notify the board of any changes or additions in supervising physicians within ten (10) calendar days.

HISTORY: Acts 1999, No. 851, § 11.

17-105-112. Exclusions of limitations of employment.

Nothing in this chapter shall be construed to limit the employment arrangement of a physician assistant licensed under this chapter.

HISTORY: Acts 1999, No. 851, § 12.

17-105-113. Violation.

Following the exercise of due process, the Arkansas State Medical Board may discipline any physician assistant who:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license;
- (2) Fraudulently or deceptively uses a license;
- (3) Violates any provision of this chapter or any regulations adopted by the board pertaining to this chapter;
- (4) Is convicted of a felony;
- (5) Is a habitual user of intoxicants or drugs to such an extent that he or she is unable to safely perform as a physician assistant;
- (6) Has been adjudicated as mentally incompetent or has a mental condition that renders him or her unable to safely perform as a physician assistant;
- (7) Has committed an act of moral turpitude; or
- (8) Represents himself or herself as a physician.

HISTORY: Acts 1999, No. 851, § 13.

17-105-114. Disciplinary authority.

Upon finding that a physician assistant has committed any offense described in § 17-105-113, the Arkansas State Medical Board may:

- (1) Refuse to grant a license;
- (2) Administer a public or private reprimand;
- (3) Revoke, suspend, limit, or otherwise restrict a license;
- (4) Require a physician assistant to submit to the care, counseling, or treatment of a physician or physicians designated by the board;
- (5) Suspend enforcement of its finding thereof and place the physician assistant on probation with the right to vacate the probationary order for noncompliance; or
- (6) Restore or reissue, at its discretion, a license and impose any disciplinary or corrective measure which it may have imposed.

HISTORY: Acts 1999, No. 851, § 14.

17-105-115. Title and practice protection.

- (a) Any person not licensed under this chapter is guilty of a Class A misdemeanor and is subject to penalties applicable to the unlicensed practice of medicine if he or she:
 - (1) Holds himself or herself out as a physician assistant;
 - (2) Uses any combination or abbreviation of the term "physician assistant" to indicate or imply that he or she is a physician assistant; or
 - (3) Acts as a physician assistant.
- (b) An unlicensed physician shall not be permitted to use the title of physician assistant or to practice as a physician assistant unless he or she fulfills the requirements of this chapter.

HISTORY: Acts 1999, No. 851, § 15.

17-105-116. Identification requirements.

Physician assistants licensed under this chapter shall keep their license available for inspection at their primary place of business and when engaged in their professional activities shall wear a name tag identifying themselves as a physician assistant.

HISTORY: Acts 1999, No. 851, § 16.

17-105-117. Rule-making authority.

(a) The Arkansas State Medical Board shall promulgate regulations in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., that are reasonable and necessary for the performance of the various duties imposed upon the board by this chapter, including, but not limited to:

- (1) Establishing license renewal dates; and
- (2) Setting the level of liability coverage.

(b) The board may levy the following fees:

- (1) Physician assistant application for licensure fee, eighty dollars (\$80.00);
- (2) Initial application fee for the physician employer, fifty dollars (\$50.00);
- (3) Physician assistant annual relicensure fee, fifty dollars (\$50.00);
- (4) Physician assistant delinquent licensure fee, twenty-five dollars (\$25.00) for each delinquent year or part thereof;
- (5) Physician assistant application for graduate or temporary licensure fee, ten dollars (\$10.00); and
- (6) Physician assistant one-time extension graduate licensure fee, forty dollars (\$40.00).

(c) The board may appoint a physician assistant advisory committee to assist in the administration of this chapter.

HISTORY: Acts 1999, No. 851, § 17.

17-105-118. Regulation by Arkansas State Medical Board.

The Arkansas State Medical Board shall administer the provisions of this chapter under such procedures as it considers advisable and may adopt rules that are reasonable and necessary to implement the provisions of this chapter. Further, it is the intent of the General Assembly that the board on behalf of the General Assembly shall make rules clarifying any ambiguities or related matters concerning this chapter, which may not have been specifically addressed.

HISTORY: Acts 1999, No. 851, § 18.

17-105-119. "Good Samaritan" provision.

Physician assistants shall be subject to the "Good Samaritan" provisions embodied in § 17-95-101.

HISTORY: Acts 1999, No. 851, § 19.

17-105-120. Retired physician assistants.

(a) Retired physician assistants may practice their medical services under the supervision of a licensed physician and shall be subject to the same provisions as a retired physician or surgeon would be pursuant to § 17-95-106.

(b) Retired physician assistants practicing under this provision must continue to be licensed by the Arkansas State Medical Board and must practice their medical skills only under the supervision of a licensed physician.

HISTORY: Acts 1999, No. 851, § 20.

17-105-121. Physician assistant employment -- Uniform Classification Plan.

(a) The Office of Personnel Management of the Division of Administrative Services of the Department of Finance and Administration shall establish and maintain a position classification of physician assistant. The initial position classification shall mirror the Veterans Health Administration Directive 10-95-020 of March 3, 1995, and the United States Department of Veterans Affairs regulation as embodied in:

- (1) MP-5, Part II, Chapter 2, Change 2, Appendix H; and
- (2) MP-5, Part II, Chapter 5, Change 5.

(b) Modifications or changes in the future to the state position classification of physician assistant shall only be made based upon the concurrence of the Physician Assistant Advisory Committee.

HISTORY: Acts 1999, No. 851, § 21.

17-105-122. Physician assistant patient care orders.

(a) Patient care orders generated by a physician assistant shall be construed as having the same medical, health, and legal force and effect as if the orders were generated by their supervising physician, provided that the supervising physician's name is identified in the patient care order.

(b) The orders shall be complied with and carried out as if the orders had been issued by the physician assistant's supervising physician.

HISTORY: Acts 1999, No. 851, § 22.

17-105-123. Medical malpractice -- Professional and legal liability for actions.

Physician assistants shall be covered under the provisions regarding medical malpractice and legal liability as such applies to their supervising physician as embodied in §§ 16-114-201 -- 16-114-203 and 16-114-205 -- 16-114-209.

HISTORY: Acts 1999, No. 851, § 23.