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NOTICES

STATE BOARD OF OSTEOPATHIC MEDICINE

Physician Assistant Review Process

[52 Pa.B. 1097]
[Saturday, February 12, 2022]

The State Board of Osteopathic Medicine (Board) hereby provides notice of its physician assistant written agreement review process. This notice is published to comply with section 10(g) of the Osteopathic Medicine Practice Act (act) (63 P.S. § 271.10(g)) as amended by the act of October 7, 2021 (P.L. 412, No. 78) (Act 78 of 2021). Specifically, paragraph (g)(3) directs the Board to submit the review process for the written agreements under paragraph (g)(2) to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. Therefore, notice is hereby given that the written agreement review process used by the Board has been completed as follows and is published on the Board's publicly available web site at <https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/OsteopathicMedicine>.

Background and Purpose

Section 10(g) of the act, as amended, helps physician assistants work and practice with increased efficiency in this Commonwealth and encourages physician assistants to stay and practice in this Commonwealth after graduating from their education program. Specifically, paragraph (g)(2) allows a written agreement to be submitted to the Board for filing before engaging in practice and is effective upon submission, as opposed to waiting for the previously required approval by the Board prior to practice.

Under the language of paragraph (g)(2), the Board is responsible for conducting a full review of 10% of the written agreements submitted to the Board. That means that 90% of written agreements submitted to the Board are not fully reviewed; however, a cursory review is made of the 90% of the written agreements that are not subject to full review. This cursory review is made to ensure that both parties to the written agreement are actively licensed in the Commonwealth, that the physician assistant has complied with the malpractice insurance requirement and that the supervising physician is not responsible for more than six physician assistants. Written agreements are effective upon submission.

Description of the Written Agreement Review Process

As previously stated, under section 10(g)(2) of the act, a 10% review of all written agreement applications submitted to the Board or after the effective date of the act is required.

Consequently, 90% of written agreement applications received by the Board are not subject to full review. The written agreement review process for 90% of written agreement applications submitted to the Board is as follows:

1. Board staff checks to make sure that both parties to the written agreement, the physician and the physician assistant, have an active Pennsylvania license. If one or both parties do not have an

active Pennsylvania license, a discrepancy notice is issued by Board staff.

2. Board staff checks the number of physician assistants the supervising physician currently supervises to assure compliance with section 10(g)(4) of the act. If the supervising physician is responsible for more than six physician assistants and has not requested approval from the Board to supervise more than six physician assistants, Board staff will process the written agreement application and forward the written agreement on to the Department of State's Professional Compliance Office for further action, if appropriate. If the written agreement application is submitted with a request for the physician assistant to supervise more than six physician assistants, the request is placed on the Board's next agenda for review.

3. Board staff checks the certificate of insurance or letter of intention from the insurance company to ensure that the physician assistant meets the malpractice insurance requirement in section 10(g.3) of the act. If the proof of insurance provided with the written agreement application does not meet the malpractice insurance requirements, Board staff processes the written agreement application and forwards the written agreement to the Department of State's Professional Compliance Office for further action, if appropriate.

Under section 10(g)(2) of the act, 10% of written agreement applications received by the Board are subject to full review and are effective upon submission. The written agreement review process for 10% of written agreement applications submitted to the Board is as follows:

1. Board staff randomly reviews every tenth written agreement application.

2. Board staff checks to make sure that both parties to the agreement, the physician and the physician assistant, have an active Pennsylvania license. If one or both parties do not have an active Pennsylvania license, a discrepancy notice is issued by the Board.

3. Board staff checks the number of physician assistants the supervising physician currently supervises to assure compliance with section 10(g)(4) of the act. If the supervising physician is responsible for more than six physician assistants and has not requested approval from the Board to supervise more than six physician assistants, Board staff issues a discrepancy notice.

4. Board staff checks that the written agreement meets the following criteria, as required under section 10(g)(1) and (g.4) of the act:

a. The written agreement identifies and is signed by the primary supervising physician.

b. The written agreement describes the physician assistant's scope of practice.

c. The written agreement describes the nature and degree of supervision the primary supervising physician will provide to the physician assistant.

d. The written agreement is prepared and submitted by the primary supervising physician, physician assistant or a delegate of the supervising physician and physician assistant.

If the written agreement does not meet the requirements outlined in 4(a)—(d), Board staff sends a discrepancy notice to the supervising physician and physician assistant indicating that the written agreement application is subject to the 10% review. Within that discrepancy notice, Board staff provides the list of items that need to be remedied within the written agreement and a notification that the parties have 2 weeks to respond to the discrepancy notice. If the parties do not respond to the discrepancy notice within 2 weeks, the written agreement is void and the application status will be changed to expired. The physician assistant and supervising physician must then submit an entirely new written agreement. The new written agreement is effective upon submission and is subject to 10% review.

If a response to the discrepancy notice is received by the Board outside of the 2-week period, a second discrepancy notice will be sent to the parties indicating that the response is outside of the 2-week period and informing the parties that a new written agreement application must be submitted.

WILLIAM SWALLOW, DO,
Chairperson

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