



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [Sub. H.B. 284 of the 129th G.A.](#) **Date:** December 11, 2012
Status: As Reported by Senate Health, Human Services & Aging **Sponsor:** Rep. Gonzales

Local Impact Statement Procedure Required: No

Contents: Modifies the laws governing physician assistants

State Fiscal Highlights

- The bill exempts from the educational requirements of a physician assistant certificate military personnel who practiced as a physician assistant for at least three consecutive years while on active duty in any of the armed forces of the United States or the National Guard of any state. There could be a minimal increase in administrative costs to the State Medical Board to process and issue new physician assistant certificates. Any increase in costs would be offset by an increase in certificate revenue. The current cost for a new physician assistant certificate is \$200.
- The State Medical Board could experience an overall increase or decrease in revenue depending on (1) the number of new "certificates to prescribe" that will be issued to physician assistants, and (2) the potential decrease in "provisional certificates to prescribe" that are issued. The Board would also experience a one-time increase in costs to adjust rules regarding physician assistants, which would likely be funded using existing resources.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

Detailed Fiscal Analysis

Education exemption for active-duty military service

The bill exempts from the educational requirements of a physician assistant certificate military personnel who practiced as a physician assistant for at least three consecutive years while on active duty in any of the armed forces of the United States or the National Guard of any state. In addition, physician assistants who qualify for this exemption and had prescribing authority while on active duty can receive the physician assistant prescribing authority certificate without a provisional period. There could be a minimal increase in administrative costs to the State Medical Board to process and issue new physician assistant certificates. Any increase in costs would be offset by an increase in certificate revenue. The current cost for a new physician assistant certificate is \$200.

Provisional period of physician-delegated prescriptive authority

The bill permits an individual who (a) has practiced in another state as a physician assistant or who was credentialed or employed as a physician assistant by the federal government and (b) held valid authority issued by the other state or the federal government to prescribe therapeutic devices and drugs, including at least some controlled substances, to obtain a certificate to prescribe without participating in a provisional period of physician-delegated prescriptive authority. This provision could result in a decrease in the number of provisional certificates to prescribe issued by the State Medical Board. In addition, if more physician assistants licensed by the federal government or other states establish practice in Ohio, the bill could result in an increase in the number of certificates to prescribe issued by the Board. The Board could experience an increase or decrease in revenue depending on if the number of new certificates to prescribe is greater than the decrease in provisional certificates to prescribe. The fee for both a provisional certificate to prescribe and a certificate to prescribe is \$100. At the end of FY 2010, there were 260 physician assistants with provisional certificates to prescribe and 702 physician assistants with a certificate to prescribe.

Scope of practice

The bill makes changes to the scope of practice for physician assistants. Under certain circumstances, the bill allows physician assistants to prescribe schedule II controlled substances, determine and pronounce an individual's death, provide certain additional services without special approval by the State Medical Board, and prescribe or refer a patient for physical or occupational therapy. As a result of these changes, the Board will have to amend its rules regarding physician assistants. Any costs associated with rulemaking would likely be funded with existing resources.

Liability protection for pharmacists

The bill provides a pharmacist is not liable for, or subject to, any of the following for relying on prescriptions issued by a physician assistant: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the State Board of Pharmacy. This provision would limit the liability of the state for pharmacists working at state agencies. In FY 2011, there were 36 pharmacists working for the state: Department of Mental Health (31), Department of Rehabilitation and Correction (3), and Department of Veterans Services (2).¹

Determination and pronouncement of death

The bill allows for a certified nurse practitioner or clinical nurse specialist to determine and pronounce an individual's death if the individual was receiving care at a nursing home, residential care facility, home for the aging, a county home or district home, or a residential facility licensed by the Department of Developmental Disabilities; or if the physician assistant is providing or supervising the individual's care through a licensed hospice care program or any other entity that provides palliative care. According to a spokesperson for the Department of Job and Family Services, there would be no increased costs to the Medicaid Program as a result of this provision.

HB0284SR / dp

¹ Data from the State of Ohio Payroll Projection System.