

MICHIGAN UPDATES LAWS GOVERNING THE PRACTICE OF PHYSICIAN ASSISTANTS

On December 21, 2016, Michigan Governor Rick Snyder signed **Public Act No. 379 of 2016** that updates provisions of the Michigan Public Health Code (the "Code") related to the practice of physician assistants ("PAs"). The updated law now allows a PA to practice without the supervision of a delegating physician or podiatrist by entering into a practice agreement with a participating physician or podiatrist and practicing under the terms of that agreement.

Under the updated provisions, a "participating physician" is either a physician, a physician designated by a group of physicians to represent that group or a physician designated by a health facility or agency to represent that health facility or agency. The practice agreement between the participating physician and the PA needs to include all of the following items.

1. A process between the PA and the participating physician for communication, availability and decision-making when providing medical treatment to a patient. This process should use the knowledge and skills of both the PA and the participating physician, taking into consideration their respective education, training and experience.
2. A protocol for designating an alternative physician who is able to consult in situations when the participating physician is not available.
3. A provision allowing the PA or participating physician to terminate the practice agreement by providing written notice at least 30 days before the date of termination.
4. The duties and responsibilities of the PA and participating physician.
5. A provision requiring that the participating physician verify the PA's credentials.
6. The signatures of both the PA and the participating physician.


The participating agreement should not include any duty or responsibility of the PA or participating physician that the PA or participating physician is not qualified to perform by education, training or experience and that is not within the scope of the license held by the PA or participating physician. Additionally, the failure to practice in accordance with the terms of a practice agreement is now included among the grounds for disciplinary action against a licensee, and sanctions may be imposed.


The updates to the law also include:

- Removal of language prohibiting a physician from delegating ultimate responsibility for quality of medical care services to a PA;
- Removal of the ratio restriction that previously limited the number of PAs a physician could supervise. Instead, the number of PAs in a practice agreement with a participating physician or podiatrist and the number of individuals to whom a physician has delegated the authority to perform acts, tasks or functions would be subject to the terms of the practice agreement;
- Authorization of the Board of Medicine, the Board of Osteopathic Medicine and Surgery and the Board of Podiatric Medicine and Surgery, as applicable: (i) to prohibit or otherwise restrict medical care services within a practice agreement, under certain circumstances; and (ii) to prohibit a physician, podiatrist or PA from entering into a practice agreement for any of the grounds for disciplinary action under the Code; and
- Recognition of PAs within the definition of "prescriber" for the purposes of pharmacy practice and drug control and authorization of the Department of Licensing and Regulatory Affairs to promulgate rules regarding the prescription of drugs by a PA, including defining the drugs or classes of drugs that a PA may not prescribe.

The updated provisions are set to take effect on March 22, 2017. Hall Render will continue to provide timely updates on this matter.

If you have questions or would like additional information about this topic, please contact:

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