

Requested by Representative DIEHL

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2584**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the  
2 line and delete line 3 and insert “677.085, 677.095, 677.495, 677.510, 677.511 and  
3 677.515; and prescribing an effective date.”.

4 Delete lines 5 through 30 and delete page 2 and insert:

5 **“SECTION 1.** ORS 677.085 is amended to read:

6 “677.085. A person is practicing medicine if the person does one or more  
7 of the following:

8 “(1) Advertise, hold out to the public or represent in any manner that the  
9 person is authorized to practice medicine in this state.

10 “(2) For compensation directly or indirectly received or to be received,  
11 offer or undertake to prescribe, give or administer any drug or medicine for  
12 the use of any other person.

13 “(3) Offer or undertake to perform any surgical operation upon any per-  
14 son.

15 “(4) Offer or undertake to diagnose, cure or treat in any manner, or by  
16 any means, methods, devices or instrumentalities, any disease, illness, pain,  
17 wound, fracture, infirmity, deformity, defect or abnormal physical or mental  
18 condition of any person.

19 “(5) Except as provided in ORS 677.060, append the letters ‘M.D.,’ [*or*]  
20 ‘D.O.’ **or ‘P.A.’** to the **person’s** name [*of the person*], or use the words  
21 ‘Doctor,’ ‘Physician,’ ‘Surgeon,’ **‘Physician Assistant,’** or any abbreviation

1 or combination thereof, or any letters or words of similar import in con-  
2 nection with the **person's** name [*of the person*], or any trade name in which  
3 the person is interested, in the conduct of any occupation or profession per-  
4 taining to the diagnosis or treatment of human diseases or conditions men-  
5 tioned in this section.

6 **“SECTION 2.** ORS 677.095 is amended to read:

7 “677.095. (1) A physician licensed to practice medicine or podiatry by the  
8 Oregon Medical Board has the duty to use that degree of care, skill and  
9 diligence that is used by ordinarily careful physicians in the same or similar  
10 circumstances in the community of the physician or a similar community.

11 **“(2) A physician assistant licensed to practice medicine by the board**  
12 **has the duty to use that degree of care, skill and diligence that is used**  
13 **by ordinarily careful physician assistants in the same or similar cir-**  
14 **cumstances in the community of the physician assistant or a similar**  
15 **community.**

16 “[2] (3) In any suit, action or arbitration seeking damages for profes-  
17 sional liability from a health care provider, [*no issue shall*] **an issue may**  
18 **not** be precluded on the basis of a default, stipulation, agreement or any  
19 other outcome at any stage of an investigation or an administrative pro-  
20 ceeding, including but not limited to a final order.

21 **“SECTION 3.** ORS 677.495, as amended by section 10, chapter 349, Oregon  
22 Laws 2021, is amended to read:

23 “677.495. As used in ORS 677.495 to 677.535, unless the context requires  
24 otherwise:

25 “(1) ‘Collaboration’ means, as indicated by the patient’s condition, com-  
26 munity standards of care and a physician assistant’s education, training and  
27 experience:

28 “(a) Consultation between the physician assistant and a physician or  
29 podiatric physician; or

30 “(b) Referral by the physician assistant to a physician or podiatric phy-

1 sician.

2 “(2) ‘Collaboration agreement’ means a written agreement that describes  
3 the manner in which the physician assistant collaborates with physicians or  
4 podiatric physicians, that does not assign supervisory responsibility to, or  
5 represent acceptance of legal responsibility by, a physician or podiatric  
6 physician for the care provided by the physician assistant and that is signed  
7 by the physician assistant and the physician, podiatric physician or physi-  
8 cian assistant’s employer.

9 “(3) ‘Employer’ means:

10 “(a) An entity that **employs a physician or podiatric physician and** is  
11 organized to deliver health care services in this state [*in accordance with*  
12 *ORS 58.375 or 58.376 and that employs a physician or podiatric physician;*]:

13 **“(A) In accordance with ORS 58.375 or 58.376; or**

14 **“(B) As defined by the Oregon Medical Board by rule;**

15 “(b) A group medical practice that is part of a health system; or

16 “(c) A physician or podiatric physician who employs a physician assistant.

17 “(4) ‘Physician’ means a physician licensed under ORS 677.100 to 677.228.

18 “(5) ‘Physician assistant’ means a person who is licensed in accordance  
19 with ORS 677.505 to 677.525.

20 “(6) ‘Podiatric physician’ means a podiatric physician and surgeon li-  
21 censed under ORS 677.805 to 677.840.

22 **“SECTION 4.** ORS 677.510, as amended by section 11a, chapter 349,  
23 Oregon Laws 2021, is amended to read:

24 “677.510. [(1) *A physician assistant is responsible for the care provided by*  
25 *the physician assistant if the physician assistant is acting as an employee.*]

26 “[2)] (1) A physician assistant shall engage in collaboration with the  
27 appropriate health care provider as indicated by the condition of the patient,  
28 the standard of care and the physician assistant’s education, experience and  
29 competence. The degree of collaboration must be determined at the physician  
30 assistant’s primary location of practice. The determination may include de-

1 cisions made by a physician, podiatric physician or employer with whom the  
2 physician assistant has entered into a collaboration agreement, or the group  
3 or hospital service and the credentialing and privileging systems of the  
4 physician assistant’s primary location of practice.

5 “[3)(a)] **(2)(a)** A physician assistant may not [*provide care*] **practice**  
6 **medicine** unless the physician assistant has entered into a collaboration  
7 agreement signed by a physician, podiatric physician or employer. The col-  
8 laboration agreement must include:

9 “(A) The physician assistant’s name, license number and primary location  
10 of practice;

11 “(B) A general description of the physician assistant’s process for collab-  
12 oration with physicians or podiatric physicians; **and**

13 “(C) If the physician assistant has fewer than 2,000 hours of post-graduate  
14 clinical experience, a plan for the minimum number of hours per month  
15 during which the physician assistant will collaborate, both in person and  
16 through technology, with a specified physician or podiatric physician[; *and*]

17 “[D) *The performance assessment and review process, as described in*  
18 *subsection (5) of this section*].

19 “(b) The physician assistant, or physician, podiatric physician or employer  
20 with whom the physician assistant has entered into the collaboration agree-  
21 ment, is responsible for tracking the hours described in paragraph (a) of this  
22 subsection.

23 “[4)] **(3)** The collaboration agreement must be kept on file at the physi-  
24 cian assistant’s primary location of practice and made available to the  
25 Oregon Medical Board upon request.

26 “[5)] **(4)** Performance assessments and reviews of a physician assistant  
27 may be completed by the physician assistant’s employer in accordance with  
28 a performance assessment and review process established by the employer.

29 “[6)] **(5)** A physician assistant shall submit to the board every 36 months  
30 documentation of completion of:

1 “(a) A one-hour pain management education program approved by the  
2 board and developed based on recommendations of the Pain Management  
3 Commission; or

4 “(b) An equivalent pain management education program, as determined  
5 by the board.

6 **“SECTION 5.** ORS 677.511 is amended to read:

7 “677.511. (1)(a) A physician assistant may register with the Oregon Med-  
8 ical Board for authority to dispense prescription drugs.

9 “(b) Notwithstanding paragraph (a) of this subsection, and except as per-  
10 mitted under ORS 677.515 [(4)] (5), a physician assistant may not dispense  
11 controlled substances classified in Schedule I or II under the federal Con-  
12 trolled Substances Act, 21 U.S.C. 811 and 812, as modified under ORS 475.035.

13 “(2) A registration under this section must include any information re-  
14 quired by the board by rule.

15 “(3) Prescription drugs dispensed by a physician assistant must be per-  
16 sonally dispensed by the physician assistant, except that nonjudgmental dis-  
17 pensing functions may be delegated to staff assistants when the accuracy and  
18 completeness of the prescription is verified by the physician assistant.

19 “(4) The physician assistant shall maintain records of the receipt and  
20 distribution of prescription drugs. The records must be readily accessible for  
21 inspection by the board upon request of the board.

22 “(5) The physician assistant shall ensure that a prescription drug dis-  
23 pensed by the physician assistant is labeled in compliance with the require-  
24 ments of ORS 677.089 (3).

25 “(6) The board has disciplinary authority regarding a physician assistant  
26 who has prescription drug dispensing authority.

27 **“SECTION 6.** ORS 677.515, as amended by section 12, chapter 349, Oregon  
28 Laws 2021, is amended to read:

29 “677.515. (1) A physician assistant may [provide] **practice medicine by**  
30 **providing** any medical service, including prescribing and administering

1 controlled substances in Schedules II through V under the federal Controlled  
2 Substances Act:

3 “(a) That is within the scope of practice of the physician assistant; and

4 “(b) For which the physician assistant has obtained informed consent as  
5 provided in ORS 677.097, if informed consent is required.

6 “(2) This chapter does not prohibit a student enrolled in a program for  
7 educating physician assistants approved by the Oregon Medical Board from  
8 rendering medical services if the services are rendered in the course of the  
9 program.

10 “(3) The degree of autonomous judgment that a physician assistant may  
11 exercise shall be determined at the physician assistant’s primary location of  
12 practice by the community standards of care and the physician assistant’s  
13 education, training and experience.

14 “(4) **A physician assistant’s scope of practice is based on the physi-  
15 cian assistant’s education, training and experience.**

16 “[4] (5) The board may not limit the privilege of administering, dis-  
17 pensing and prescribing prescription drugs to population groups federally  
18 designated as underserved, or to geographic areas of the state that are  
19 federally designated health professional shortage areas, federally designated  
20 medically underserved areas or areas designated as medically disadvantaged  
21 and in need of primary health care providers by the Director of the Oregon  
22 Health Authority or the Office of Rural Health. All prescriptions written  
23 pursuant to this subsection must bear the name, office address and telephone  
24 number of the physician assistant who writes the prescription.

25 “[5] (6) This chapter does not require or prohibit a physician assistant  
26 from practicing in a hospital licensed pursuant to ORS 441.015 to 441.087.

27 “[6] (7) Prescriptions for medications prescribed by a physician assistant  
28 in accordance with this section and ORS 475.005, 677.010, 677.500, 677.511 and  
29 677.535 and dispensed by a licensed pharmacist may be filled by the  
30 pharmacist according to the terms of the prescription, and the filling of such

1 a prescription does not constitute evidence of negligence on the part of the  
2 pharmacist if the prescription was dispensed within the reasonable and pru-  
3 dent practice of pharmacy.

4 **“SECTION 7. (1) The amendments to ORS 677.085, 677.095, 677.495,**  
5 **677.510, 677.511 and 677.515 by sections 1 to 6 of this 2023 Act become**  
6 **operative on January 1, 2024.**

7 **“(2) The Oregon Medical Board may take any action before the op-**  
8 **erative date specified in subsection (1) of this section that is necessary**  
9 **to enable the board to exercise, on and after the operative date speci-**  
10 **fied in subsection (1) of this section, all of the duties, functions and**  
11 **powers conferred on the board by the amendments to ORS 677.085,**  
12 **677.095, 677.495, 677.510, 677.511 and 677.515 by sections 1 to 6 of this 2023**  
13 **Act.**

14 **“SECTION 8. This 2023 Act takes effect on the 91st day after the**  
15 **date on which the 2023 regular session of the Eighty-second Legislative**  
16 **Assembly adjourns sine die.”**

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