

**R156. Commerce, Occupational and Professional Licensing.**

**R156-70a. Physician Assistant Practice Act Rule.**

**R156-70a-101. Title.**

This rule is known as the "Physician Assistant Practice Act Rule."

**R156-70a-102. Definitions.**

In addition to the definitions in Title 58, Chapter 1, Division of Occupational and Professional Licensing Act, and Title 58, Chapter 70a, Physician Assistant Practice Act, the following rule definitions supplement the statutory definitions:

- (1) "ACCME" means the Accreditation Council for Continuing Medical Education.
- (2) "CAQ" means a Certification for Added Qualification issued by the NCCPA.
- (3) "CME" means continuing medical education.
- (4) "NCCPA" means the National Commission on Certification of Physician Assistants.
- (5) "PANCE" means the NCCPA's Physician Assistant National Certifying Examination.
- (6) "PANRE" means the NCCPA's Physician Assistant National Recertifying Examination.

**R156-70a-103. Authority - Purpose.**

This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 70a, Physician Assistant Practice Act.

**R156-70a-104. Organization - Relationship to Rule R156-1.**

The organization of this rule and its relationship to Rule R156-1, General Rule of the Division of Occupational and Professional Licensing, is as described in Section R156-1-107.

**R156-70a-302. Qualification for Licensure - Examination Requirements.**

Under Subsection 58-70a-302(4), the examination requirement for licensure as a physician assistant is a passing score on:

- (1) the PANCE; or
- (2) the PANRE.

**R156-70a-303. Renewal Cycle - Procedures.**

(1) Under Subsection 58-1-308(1), the renewal date for the two-year renewal cycle for licensees under Title 58, Chapter 70a, Physician Assistant Practice Act, is established in Section R156-1-308a.

(2) Renewal procedures shall be in accordance with Sections R156-1-308b through R156-1-308l.

(3) Under Subsection 58-1-308(5)(a)(ii)(B), and subject to Subsection R156-1-308g(3)(b), an applicant whose license was active and in good standing at the time of expiration may apply for reinstatement between two years and five years after the date of expiration, as follows:

(a) submit a reinstatement application demonstrating compliance with the requirements and conditions of license renewal;

(b) pay the license renewal and reinstatement fees for the current licensure cycle;

(c) submit evidence that the applicant:

(i) has completed the qualified CME hours required for each preceding two-year licensure cycle in which the license was expired; or

(ii) has current NCCPA certification;

(d) for an applicant who seeks to practice in the mental health specialties outside of a collaborative agreement with a psychiatrist:

(i) submit evidence of a current CAQ in psychiatry; and

(ii) if required by the Division under Subsection 58-70a-501.2(5), collaborate for a specified duration with a physician who is board certified in psychiatry; and

(e) upon request:

(i) meet with the Board to evaluate the applicant's ability to safely and competently practice; and

(ii) comply with Division requirements as recommended by the Board, such as collaboration with or practice under the supervision of a physician or physician assistant for a specified duration.

**R156-70a-304. Continuing Education.**

(1) Under Subsection 58-70a-304(1)(b), the qualified CME requirements for a physician assistant are established in this section.

(2)(a) A physician assistant shall complete at least 40 CME hours during each two-year licensure cycle, that include:

(i) at least 34 CME hours in category 1 offerings as established by the ACCME;

(ii) under Subsection 58-70a-501.1(5), if the physician assistant specializes in mental health care, the CME required to maintain their CAQ in psychiatry; and

(iii) under Subsection 58-70a-303(4), if the physician assistant is a recommending medical provider, continuing education required under Section 26-61a-106.

(b) A licensee's documentation to the Division of current NCCPA certification shall fulfill the requirements of Subsections (2)(a)(i) or (ii).

(c) Under Section 58-13-3, a physician assistant may fulfill up to 15% of their CME requirement by providing volunteer services within the scope of their license at a qualified location. For every four documented hours of volunteer services, the licensee may earn one hour of CME credit.

(3) Approved providers for ACCME offerings include the following:

(a) approved programs sponsored by the American Academy of Physician Assistants (AAPA); or

(b) programs approved by other health-related continuing education approval organizations, if the education is:

(i) nationally recognized by a healthcare accredited agency; and

(ii) related to practice as a physician assistant.

(4) CME shall:

(a) be relevant to the licensee's professional practice;

(b) be prepared and presented by individuals who are qualified by education, training and experience to provide medical continuing education; and

(c) have a method of verification of attendance and completion.

(5) CME credit shall be recognized in accordance with ACCME accreditation).

(6) A licensee shall maintain documentation sufficient to prove compliance with this section, for two years after close of the two-year licensure cycle.

(7) The Division may defer or waive CME requirements under Section 58-1-308d.

### **R156-70a-501.2. Supervision Requirements for Engaging in the Practice of Mental Health Therapy While Completing Clinical Practice Hours.**

Under Subsections 58-70a-501.2(6)(b) and (c), a physician assistant specializing in mental health care who is in the process of completing supervised clinical practice hours under Subsection 58-70a-501.1(4)(d)(i) or (ii), or completing collaborative clinical practice hours under Subsection 58-70a-501.1(4)(d)(iii), may engage in the practice of mental health therapy in accordance with the following supervision standards:

(1) A supervisor shall be licensed in good standing in the jurisdiction in which the supervision occurs.

(2)(a) The duties of the supervisor to mentor and advocate for the appropriate and ethical treatment of patients shall be observed above any other interest or consideration within the supervisor relationship.

(b) The supervisor and supervisee shall maintain a relationship in which the supervisor is independent from the supervisee's control, and the supervisor's ability to supervise and direct the practice of the supervisee is not compromised.

(3) A supervisor shall:

(a) ensure that the supervisee complies with confidentiality requirements and meets the local standards of care in the provision of services while under supervision; and

(b) monitor the performance of the supervisee for compliance with applicable mental health statutes for appropriate and humane treatment of patients, and recognize a duty to report violations to the Division.

(4) The supervisor and supervisee shall submit appropriate documentation to the Division for work completed by the supervisee evidencing the performance of the supervisee during the period of supervision, including the supervisor's evaluation of the supervisee's competence to practice mental health therapy.

### **R156-70a-503. Unprofessional Conduct.**

Under Subsection 58-70a-102(10), "unprofessional conduct" includes:

(1) violating a federal or state law relating to controlled substances, including unprofessional conduct defined in Section R156-37-502;

(2) misrepresentation of the physician assistant's education, training, or qualifications to practice independently;

(3) failing to comply with:

(a) collaboration policies and procedures;

(b) a collaborative practice agreement; or

(c) a requirement of supervision while completing clinical psychotherapy practice hours;

(4) failing to comply with Section 58-37-19, regarding discussion with a patient or the patient's guardian before issuing an initial opiate prescription; or

(5) failing to practice within the physician assistant's skills and scope of competence, in accordance with Subsection 58-70a-102(2) and Sections 58-70a-501 and 58-70a-501.2.

**KEY: licensing, physician assistants**

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**Authorizing, and Implemented or Interpreted Law: 58-70a-101; 58-1-106(1)(a); 58-1-202(1)(a)**