



June 13, 2014

The Honorable Jay Nixon  
Office of the Governor  
P.O. Box 720  
Jefferson City, MO 65102

Re: SB 716 and SB 754, *Modifying Provisions Relating to Public Health*

Dear Governor Nixon,

On behalf of the more than 900 licensed physician assistants (PAs) in the state of Missouri, as well as the more than 95,000 PAs practicing in the United States, we are writing to request your attention to Senate Bills 716 and 754, which now await your signature.

As you are well aware, SB 716 and SB 754 both contain several positive public health initiatives, meant to improve the quality of healthcare provided to Missouri's seniors, young adults, and the uninsured. For this reason, we are extremely disappointed these bills contain language authorizing the Missouri Board of Healing Arts to license medical school graduates that have not completed a residency as "assistant physicians," practicing within the confines of a collaboration agreement with a physician, and restricted to providing primary care services in rural and underserved areas. We are asking you to use your administrative authority to ensure that this provision is not implemented.

Patients in rural and underserved areas, who are already at a geographic and often economic disadvantage, deserve the same quality of care as those who live in prosperous areas of the state. This includes receiving care from licensed health professionals who have completed the necessary education and training. It is unfortunate that the Missouri General Assembly—and the physician organizations that supported the provision—did not take into account the negative ramifications that may occur when proposing that physicians not yet fully trained provide medical care to the state's most vulnerable patients.

Healthcare consumers also deserve transparency from the health professionals who are providing their care. The language contained within SB 716 and SB 754 has the potential to confuse patients, health systems, payers and other providers. It is unclear whether assistant physicians, by virtue of not meeting the requirements for full licensure as a physician, should be able to call themselves physicians, which is permitted in the language passed within SB 716 and SB 754. Missouri Statutes, section 334.021(1) states:

*Where other statutes of this state use the terms "physician", "surgeon", "practitioner of medicine", "practitioner of osteopathy", "board of medical examiners", or "board of osteopathic registration and examination" or similar terms, they shall be construed to mean physicians and surgeons licensed under this chapter or the state board of registration for the healing arts in the state of Missouri.*

Senate bills 716 and 754 also direct the federal government to consider "assistant physicians" practicing in Rural Health Clinics to be "physician assistants" for the purpose of Centers for Medicare and Medicaid (CMS) regulations.

This provision appears to be in violation of Missouri Statutes, section 334.70, which protects the title of physician assistant:

*“No person shall hold himself or herself out to the public by any title or description including the words licensed physician assistant or physician assistant as defined in section 334.735 unless the person is duly licensed pursuant to the provisions of sections 334.735 to 334.749, if a certifying entity has been recognized by the department.”*

The end result of this language is that medical school graduates who have not met the qualifications for licensure as physicians shall be licensed as “assistant physicians” who will be permitted to call themselves “physicians”--but for the purposes of reimbursement shall be considered an entirely separate profession. This is neither logical nor transparent, and it is unclear how this will be enforced in a manner that will protect patients.

It is also unclear how the Missouri Board of Healing Arts or the Board of Pharmacy will determine whether an applicant for this professional license is qualified to practice medicine or prescribe safely, as the law permits applicants who have graduated from medical school within at least three years prior to apply for licensure. If the Board of Healing Arts’ and Board of Pharmacy’s main mission is to protect the public, licensing these individuals and authorizing them to prescribe puts board members and staff in a very precarious position if they are unable to determine whether they are able to practice medicine within the acceptable standard of care.

Organized medicine also objects to the concept of the assistant physician. On June 11, 2014, the House of Delegates for the American Medical Association (AMA) adopted the following policy as a direct response to the language passed within SB 716 and SB 754:

*RESOLVED, That our American Medical Association oppose special licensing pathways for physicians who are not currently enrolled in an Accreditation Council for Graduate Medical Education or American Osteopathic Association training program, or have not completed at least one year of accredited post-graduate U.S. medical education.*

One has to commend the Missouri General Assembly for their commitment to finding an innovative solution to the healthcare workforce shortage in the state. However, there are well-tested solutions that meet the same goal, such as increasing state funding for medical residency slots, providing incentives for the existing workforce to practice in rural and underserved areas, and decreasing barriers for other healthcare professionals to practice at the top of their education and training.

SB 716 and SB 754 contain many other positive public health initiatives, which we support as they improve the care we provide to our patients every day. For this reason it would violate our ethical commitment to patients to request your veto. However, we are concerned with the long-term negative consequences of implementing the assistant physician provisions, which is an unproven and potentially dangerous model of patient care. We would urge you to consider our concerns and use your executive authority to work with those departments, boards and commissions responsible for regulating this new profession to prevent its implementation.

Respectfully,



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President



Jennifer L. Dorn  
Executive Vice President and CEO