



Executive Office

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MEMORANDUM

DATE	April 14, 2020
TO	Physician Assistants Physicians and Surgeons
FROM	Kimberly Kirchmeyer, Director
SUBJECT	Guidance on Physician Assistant Supervision Requirements Waiver Under DCA Waiver DCA-20-04

This guidance pertains to Governor Gavin Newsom's Executive Order N-39-20 issued on March 30, 2020, which gives the director of the Department of Consumer Affairs (DCA) authority to issue waivers of certain laws and regulations pertaining to licensees of DCA's Healing Arts boards. Exercising the authority under the order, the DCA director issued a waiver on April 14 waiving restrictions on physician assistants' (PA) supervision.

Background

COVID-19 is a respiratory illness caused by a novel virus that has been spreading worldwide. Community-acquired cases have now been confirmed in California. We are gaining more understanding of COVID-19's epidemiology, clinical course, immunogenicity and other factors, and the situation is changing daily. It has become clear that the response to this pandemic will continue for many weeks, if not months. On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency as a result of the COVID-19 pandemic.

Context

PAs are required to have a written agreement with a physician which outlines the medical services the PA is permitted to provide within their training and competency. During disasters and emergencies where situations on the ground evolve and change rapidly, these written agreements cannot be quickly and repeatedly executed and revised. This complicates and impedes where and how PAs can practice and prevents PAs, despite their competence to perform varied medical services, from stepping in urgently where they are needed most.

The waiver order **only applies** if (1) a physician assistant moves to a practice site or organized health care system to assist with the COVID-19 response, but does not have a practice agreement in place with any authorized physician of the site or system; **or** (2) as a result of the COVID-19 response, no supervising physician with whom a physician assistant has an enforceable practice agreement is available to supervise the physician assistant.

Specifically, the waiver does the following:

- Waives the 4-to-1 ratio on physician to physician assistant supervision for all physician assistants and physicians in California.
- Keeps in place the current law that all physician assistants must be supervised by licensed physicians, must be competent to perform the services they provide, and must be educated, trained and experienced to perform services.
- Waives the requirement that there must be a practice agreement or delegation of services agreement in place between the physician assistant and the supervising physician that governs the physician assistant's day-to-day practice in the two circumstances described above.
- Changes the requirements for how physician assistants can order and furnish drugs. Under current law, physician assistants can order and furnish drugs pursuant to the terms of their practice agreement or, for schedule II and III controlled substances, pursuant to a patient-specific order approved by the treating or supervising physician. Physician assistants subject to this order need not have a practice agreement in place to order or furnish drugs or devices, except that there must be a patient-specific order from the treating or supervising physician to order and furnish schedule II or III controlled substances.
- For physician assistants who do not change their worksites or get new supervisors, the order keeps in place the requirement that there must be a practice agreement between the physician assistant and the supervising physician. For these physician assistants, there is also no change to how they can order and dispense drugs.