STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR

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Order Waiving Physician Assistant Supervision Requirements

On March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the impacts of COVID-19 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare to respond to an increasing number of individuals requiring medical care and hospitalization as a result of a broader spread of COVID-19.

Pursuant to the Governor's Executive Order N-39-20, during the State of Emergency, the Director of the California Department of Consumer Affairs may waive any statutory or regulatory professional licensing or scope of practice requirements pertaining to individuals licensed pursuant to Division 2 of the Business and Professions Code, including physician assistants.

Business and Professions Code section 3502 provides that a physician assistant may perform medical services under the following conditions:

1. The services are rendered under the supervision of a licensed physician and surgeon who is not subject to a disciplinary condition imposed by the Medical Board of California or the Osteopathic Medical Board of California that prohibits supervision or employment of a physician assistant;

2. The services are rendered pursuant to a practice agreement that meets the requirements of Business and Professions Code section 3502.3;

3. The physician assistant is competent to perform the services; and,

4. The physician assistant's education, training, and experience prepared the physician assistant to render the services.

In addition, Business and Professions Code section 3516, subdivision (b) limits to four the number of physician assistants that physicians and surgeons may supervise at any one time.

Pursuant to the Governor's Executive Order, the Director waives Business and Professions Code section 3516, subdivision (b), which prohibits a physician and surgeon from supervising more than four physician assistants at any one time.

Additionally, to the extent that (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, the Director waives the following statutory and regulatory requirements that a practice agreement or written delegation of services agreement exist for a physician assistant to perform medical services:

- Business and Professions Code sections 3501, subdivisions (f)(1)(A) and (k), 3502, subdivision (a)(2), and 3502.3; and,

- California Code of Regulations, title 16, sections 1399.540, subdivisions (a) and (b), 1399.541, and 1399.545, subdivisions (d) and (e).

Similarly, to the extent that (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, the Director waives Business and Professions Code section 3502.1 to the limited extent that it requires a practice agreement to furnish or order a drug or device, subject to the condition that a physician assistant may only furnish or order a schedule II or III controlled substance in accordance with a patient-specific order approved by the treating or supervising physician and surgeon.

Nothing in this order affects the requirements of Business and Professions Code section 3502, subdivisions (a)(1), (3), and (4) that physician assistants must render services under the supervision of a licensed physician and surgeon, must be competent to perform the medical services, and must have the education, training, and experience necessary to render the medical services.

This order is effective immediately but may be amended as circumstances require.

This order terminates 60 days from the date of the order, unless further extended.

Dated: April 14, 2020

Signature on File

Kimberly Kirchmeyer
Director