SENATE, No. 3750

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 11, 2021

Sponsored by:
Senator SAMUEL D. THOMPSON
District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Allows certification of orthopedic assistants.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning the certification of orthopedic assistants, and amending and supplementing P.L.1991, c.378.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 14 of P.L.1991, c.378 (C.45:9-27.23) is amended to read as follows:

14. a. The committee may have the following powers and duties, as delegated by the board:

(1) to evaluate and pass upon the qualifications of candidates for licensure as physician assistants and certification as orthopedic assistants;

(2) to take disciplinary action, in accordance with P.L.1978, c.73 (C.45:1-14 et seq.), against a physician assistant or orthopedic assistant who violates any provision of this act or P.L. , c. (C.)(pending before the Legislature as this bill); and

(3) (Deleted by amendment, P.L.2015, c.224)

(4) subject to the requirements of section 16 of P.L.1991, c.378 (C.45:9-27.25), to adopt standards for and approve continuing education programs for physician assistants.

b. In addition to the powers and duties specified in subsection a. of this section, the committee may make recommendations to the board regarding any subjects pertinent to this act or to the practice of physician assistants and orthopedic assistants.

(cf: P.L.2015, c.224, s.9)

2. Section 17 of P.L.1991, c.378 (C.45:9-27.26) is amended to read as follows:

17. In consultation with the committee, the board shall, in addition to such other powers and duties as it may possess by law:

a. Administer and enforce the provisions of P.L.1991, c.378 (C.45:9-27.10 et seq.) and P.L. , c. (C.)(pending before the Legislature as this bill);

b. Adopt and promulgate rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of P.L.1991, c.378 (C.45:9-27.10 et seq.) and P.L. , c. (C.)(pending before the Legislature as this bill);

c. Establish professional standards for persons licensed under P.L.1991, c.378 (C.45:9-27.10 et seq.) as physician assistants or certified under P.L. , c. (C.)(pending before the Legislature as this bill) as orthopedic assistants;

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

d. Conduct hearings pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), except that the board shall have the right to administer oaths to witnesses, and shall have the power to issue subpoenas for the compulsory attendance of witnesses and the production of pertinent books, papers, or records;

e. Conduct proceedings before any board, agency, or court of competent jurisdiction for the enforcement of the provisions of P.L.1991, c.378 (C.45:9-27.10 et seq.) and P.L. , c. (C.)(pending before the legislature as this bill);

f. Evaluate and pass upon the qualifications of candidates for licensure as physician assistants or certification as orthopedic assistants;

g. (Deleted by amendment, P.L.2015, c.224)

h. (Deleted by amendment, P.L.2015, c.224)

i. Subject to the requirements of section 16 of P.L.1991, c.378 (C.45:9-27.25), establish standards for and approve continuing education programs for physician assistants; and

j. Have the enforcement powers provided pursuant to P.L.1978, c.73 (C.45:1-14 et seq.).

(cf: P.L.2015, c.224, s.10)

3. (New section) As used in P.L. , c. (C.)(pending before the Legislature as this bill):

"Committee" means the Physician Assistant Advisory Committee.

"NBCOPA" means the National Board for Certification of Orthopedic Physician Assistants.

"Orthopedic assistant" means a professional physician extender who has been approved by the committee for certification pursuant to section 5 of P.L. , c. (C.)(pending before the Legislature as this bill). The term "orthopedic assistant" may be used interchangeably to refer to individuals certified by the NBCOPA as either orthopedic physician's assistants or orthopedic assistants.

"Orthopedic physician" mean a physician licensed in New Jersey pursuant to Title 45 of the Revised Statutes and specializing in orthopedics.

"Supervision" means the oversight of an orthopedic assistant and the services an assistant provides by an orthopedic physician. Supervision shall be continuous but does not require the orthopedic physician to be in constant physical presence when services are performed by the orthopedic assistant.

4. (New section) To qualify for certification as an orthopedic assistant, an applicant shall:

a. complete the NBCOPA criteria necessary to sit for the certification examination;

b. pass the certification examination; and

c. complete an application in a manner and form prescribed by the committee and pay all applicable fees as required by the committee.

5. (New section) a. The certification by the committee of an individual as an orthopedic assistant shall be issued for a two-year period upon the payment of a fee prescribed by the committee, and shall be renewed upon filing a renewal application, which shall require a demonstration by the individual of compliance with the requirements of the NBCOPA to maintain certification as an orthopedic assistant, and payment of a renewal fee as determined by the committee.

b. No person shall practice as an orthopedic assistant or use the title of "orthopedic assistant" or the initials "OPA-C" or "OA-C" unless the person holds a valid certification as an orthopedic assistant issued by the committee.

6. (New section) a. An orthopedic assistant shall only perform services for which the individual received education, training and examination and while under the supervision of an orthopedic physician. Services an orthopedic assistant may perform include, but are not limited to:

1. recording and reporting of facts involving evaluation and treatment of a patient;

2. helping in education of a patient on care and plan of treatment;

3. a pre-admission evaluation of a patient prior to surgery;

4. taking progress notes of a patient;

5. assisting in setting orthopedic instrumentation and equipment during surgery;

6. aiding in positioning and draping of a patient;

7. first and second assist with all intra-operative procedures including tissue retraction and suturing of tissues;

8. removing sutures;

9. applying casts, splints, tractions, and other orthopedic devices and equipment; and

10. dictation of notes and discharge summaries.

b. The services to be provided by an orthopedic assistant shall be delineated in a form as established by the committee and shall require proof of malpractice insurance coverage from the orthopedic assistant or through the policy of the supervising orthopedic physician. The form shall be signed by the supervising orthopedic physician and the orthopedic assistant, and shall be filed with the committee. Changes to the delineation of services shall be reported to the committee within 45 days.

7. This act shall take effect on the first day of the sixth month next following the date of enactment.

STATEMENT

This bill amends current law by requiring the Physician Assistant Advisory Committee and State Board of Medical Examiners (the "board") to regulate individuals seeking certification from New Jersey as orthopedic assistants. Under the bill, "orthopedic assistant" is defined as a professional physician extender who has met the criteria set forth by the National Board for Certification of Orthopaedic Physician Assistants ("NBCOPA") to sit for the orthopedic assistance certification examination; passed the certification examination; is approved by the committee for certification; and maintains certification by complying with the rules in accordance with the bylaws of the NBCOPA. The term "orthopedic assistant" can be used interchangeably to refer to individuals certified by the NBCOPA, and subsequently the State, as either orthopedic physician's assistants or orthopedic assistants. An individual certified to practice as an orthopedic assistant may use the initials "OPA-C" or "OA-C."

The bill establishes the requirements an individual must meet to qualify for certification, grants the committee and board the authority to approve applications for certification, and prohibits an individual from holding themselves out or performing services as an orthopedic assistant without certification. Additionally, the certification granted under the bill is to be renewed every two years and at each renewal, an individual is to demonstrate compliance with the requirements of the NBCOPA to maintain certification as an orthopedic assistant.

An orthopedic assistant is to be supervised by an orthopedic physician licensed in New Jersey. The assistant and physician are to sign a form, as prescribed by the committee, that delineates the services the assistant is to perform and notification of malpractice coverage for the orthopedic assistant. The bill forbids an orthopedic assistant from performing services for which they were not educated, trained and examined. Any update to the delineation of services is to be filed with the committee within 45 days.