An Act to Support Physician-Led Team Based Health Care

Be it enacted by the People of the State of ____________, represented in the General
Assembly:

Section 1. Title. This act shall be known as and may be cited as the Team Based Health Care
Act.

Section 2. Purpose. The Legislature hereby finds and declares that:

A. The ongoing success of integrated health care systems can be attributed to the
physician leadership within organizational and administrative aspects of their respective health
care system.

B. Increased use of physician-led health care teams has the potential to offset
completely the increase in demand for physician services while improving access to care, thereby
averting a primary care physician shortage.

C. According to survey data, a vast majority of patients believe that patients with one
or more chronic conditions benefit when a physician leads the primary health care team.

D. Four out of five patients prefer a physician to have primary responsibility for
leading and coordinating their health care.

Section 3. Definitions.

A. “Patient care team” means a multidisciplinary team of health care providers actively
functioning as a unit with the management and leadership of one or more patient care team
physicians for the purposes of providing and delivering health care to a patient or group of
patients.

B. “Patient care team physician” means a physician who is actively licensed to practice
medicine in the State of _______________, who regularly practice medicine in the State of
______________, and who provides management and leadership in the care of all patients as
part of a patient care team.

C. “Collaboration” means the communication and decision-making process among
members of a physician-led patient care team related to the treatment and care of a patient and
includes (i) communication of data and information about the treatment and care of a patient,
including exchange of clinical observations and assessments; and (ii) development of an
appropriate plan of care, including decisions regarding the health care provided, accessing and
assessment of appropriate additional resources or expertise, and arrangement of appropriate
referrals, testing, or studies.

D. “Consultation” means a process whereby a nurse practitioner seeks the advice or
opinion of a physician or another health care practitioner.

E. “Nurse practitioner” means an advanced practice registered nurse who is jointly
licensed by the __________ Board of Nursing pursuant to § __________.

Section 4. Requirements – Licensure and practice of nurse practitioners.

A. A nurse practitioner shall only practice as part of a physician-led patient care team.

Each member of a physician-led patient care team shall have specific responsibilities related to
the care of the patient or patients and shall provide health care services within the scope of his
usual professional activities. Nurse practitioners practicing as part of a physician-led patient care
team shall maintain appropriate collaboration and consultation, as evidenced in a written or
electronic practice agreement, with at least one patient care team physician. Nurse practitioners
who are certified registered nurse anesthetists shall practice under the supervision of a licensed
doctor of medicine, osteopathy, podiatry, or dentistry. Collaboration and consultation among
nurse practitioners and patient care team physicians may be provided through telemedicine as
described in Section __________. Practice of patient care teams in all settings shall include the
periodic review of patient charts or electronic health records and may include visits to the site
where health care is delivered in the manner and at the frequency determined by the physician-
led patient care team.

B. Physicians on physician-led patient care teams may require that a nurse practitioner be
covered by a professional liability insurance policy with limits equal to the current limitation on
damages set forth in Section __________. Service on a patient care team by a physician-led
patient care team member shall not, by the existence of such service alone, establish or create
liability for the actions or inactions of other team members.

C. Physicians shall not serve as a physician-led patient care team physician on a patient
care team at any one time to more than ___ nurse practitioners.

D. The nurse practitioner shall disclose to the patient at the initial encounter that he or she
is a licensed nurse practitioner. Any member of a physician-led patient care team shall disclose,
upon request of a patient or his legal representative, the name of the physician-led patient care
team physician and information regarding how to contact the patient care team physician.

E. The Board of Medicine and the Board of Nursing shall jointly promulgate regulations
specifying collaboration and consultation among physicians and nurse practitioners working as
part of physician-led patient care teams that shall include the development of, and periodic
review and revision of, a written or electronic practice agreement; guidelines for availability and
ongoing communications that define consultation among the collaborating parties and the
patient; and periodic joint evaluation of the services delivered. Practice agreements shall include
a provision for appropriate physician input wherever needed, such as in complex clinical cases and patient emergencies and for referrals. Evidence of a practice agreement shall be maintained by a nurse practitioner and provided to the Boards upon request. For nurse practitioners providing care to patients within a hospital or health care system, the practice agreement may be included as part of documents delineating the nurse practitioner's clinical privileges or the electronic or written delineation of duties and responsibilities in collaboration and consultation with a patient care team physician.

**Section 5. Prescriptive Authority**

A. In accordance with the provisions of this section and pursuant to the requirements of Section __________, a licensed nurse practitioner shall have the authority to prescribe Schedule __ through Schedule __ controlled substances and devices as set forth in Section __________. Nurse practitioners shall have such prescriptive authority upon the provision to the Board of Medicine and the Board of Nursing of such evidence as they may jointly require that the nurse practitioner has entered into and is, at the time of writing a prescription, a party to a written or electronic practice agreement with a physician-led patient care team physician that clearly states the prescriptive practices of the nurse practitioner. Such written or electronic practice agreements shall include the controlled substances the nurse practitioner is or is not authorized to prescribe and may restrict such prescriptive authority as described in the practice agreement. Evidence of a practice agreement shall be maintained by a nurse practitioner pursuant to Section ______________. Practice agreements authorizing a nurse practitioner to prescribe controlled substances or devices pursuant to this section shall either be signed by the patient care team physician who is practicing as part of a patient care team with the nurse practitioner or shall clearly state the name of the patient care team physician who has entered into the practice agreement with the nurse practitioner.
B. It shall be unlawful for a nurse practitioner to prescribe controlled substances or devices pursuant to this section unless such prescription is authorized by the written or electronic practice agreement.

C. The Board of Nursing and the Board of Medicine shall promulgate such regulations governing the prescriptive authority of nurse practitioners as are deemed reasonable and necessary to ensure an appropriate standard of care for patients. Regulations promulgated pursuant to this section shall include, at a minimum, such requirements as may be necessary to ensure continued nurse practitioner competency, which may include continuing education, testing, or any other requirement, and shall address the need to promote ethical practice, an appropriate standard of care, patient safety, the use of new pharmaceuticals, and appropriate communication with patients.

D. This section shall not limit the functions and procedures of certified registered nurse anesthetists or of any nurse practitioners which are otherwise authorized by law or regulation.

E. This section shall not prohibit a licensed nurse practitioner from administering controlled substances in compliance with the definition of “administer” in Section ___________ or from receiving and dispensing manufacturers’ professional samples of controlled substances in compliance with the provisions of this section.

Section 5. Effective. This Act shall become effective immediately upon being enacted into law.

Section 6. Severability. If any provision of this Act is held by a court to be invalid, such invalidity shall not affect the remaining provisions of this Act, and to this end the provisions of this Act are hereby declared severable.

Adopted DATE 2012