

APPENDIX I

Appendix I Table: MEDICAL PRACTICE ACTS THAT ADDRESS PHYSICIAN DELEGATION OF MEDICAL POWERS

Medical Practice Defined

ALABAMA:

Medical Practice Defined:

The "practice of medicine or osteopathy" means: (1) To diagnose, treat, correct, advise or prescribe for any human disease, ailment, injury, infirmity, deformity, pain or other condition, physical or mental, real or imaginary, by any means or instrumentality; (2) To maintain an office or place of business for the purpose of doing acts described in subdivision (1), whether for compensation or not; *Code of Ala. § 34-24-50 (2005) "Practice of medicine or osteopathy" defined*

ALASKA:

Medical Practice Defined:

(6) "practice of medicine" or "practice of osteopathy" means: (A) for a fee, donation or other consideration, to diagnose, treat, operate on, prescribe for, or administer to, any human ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other mental or physical condition; or to attempt to perform or represent that a person is authorized to perform any of the acts set out in this subparagraph. . . *Alaska Stat. § 08.64.380 (2006) Definitions*

ARIZONA:

Medical Practice Defined:

22. "Practice of medicine" means the diagnosis, the treatment or the correction of or the attempt or the holding of oneself out as being able to diagnose, treat or correct any and all human diseases, injuries, ailments, infirmities, deformities, physical or mental, real or imaginary, by any means, methods, devices or instrumentalities, except as the same may be among the acts or persons not affected by this chapter. The practice of medicine includes the practice of medicine alone or the practice of surgery alone, or both. *A.R.S. § 32-1401 (2005) Definitions*

ARKANSAS:

Medical Practice Defined:

(3) "Practice of medicine" means: (A) Holding out one's self to the public within this state as being able to diagnose, treat, prescribe for, palliate, or prevent any human disease, ailment, injury, deformity, or physician or mental condition, whether by the use of drugs, surgery, manipulation, electricity, or any physical, mechanical, or other means whatsoever; (B) Suggesting, recommending, prescribing, or administering any form of treatment, operation, or healing for the intended palliation, relief, or cure of any physical or mental disease, ailment, injury, condition, or defect of any person with the intention of receiving, either directly or indirectly, any fee, gift, or compensation whatsoever; (C) Maintaining an office or other place to meet persons for the purpose of examining or treating persons afflicted with disease, injury, or defect of body or mind; (D) Using the title "M.D.," "M.B.," "D.O.," "physician," "surgeon", or any other word or abbreviation to indicate or induce others to believe that one is engaged in the diagnosis or treatment of persons afflicted with disease, injury, or defect of body or mind, except as otherwise expressly permitted by the laws of this state relating to the practice of any limited field of the healing arts; or (E) Performing any kind of surgical operation upon a human being. *A.C.A. § 17-95-202 (2006) Definitions*

COLORADO:

Practice of Medicine

(1) For the purpose of this article, "practice of medicine" means: (a) Holding out one's self to the public within this state as being able to diagnose, treat, prescribe for, palliate, or prevent any human disease, ailment, pain, injury, deformity, or physical or mental condition, whether by the use of drugs, surgery, manipulation, electricity, telemedicine, the interpretation of tests, including primary diagnosis of pathology specimens, images, or photographs, or any physical, mechanical, or other means whatsoever; (b) Suggesting, recommending, prescribing, or administering any form of treatment, operation, or healing for the intended palliation, relief, or cure of any physical or mental disease, ailment, injury, condition, or defect of any person with the intention of receiving therefore, either directly or indirectly, any fee, gift, or compensation whatsoever; (c) The maintenance of an office or other place for the purpose of examining or treating persons afflicted with disease, injury, or defect of body or mind; (d) Using the title M.D., D.O., physician, surgeon, or any word or abbreviation to indicate or induce others to believe that one is licensed to practice medicine in this state and engaged in the diagnosis or treatment of persons afflicted with disease, injury, or defect of body or mind, except as otherwise expressly permitted by the laws of this state enacted relating to the practice of any limited field of the healing arts; (e) Performing any kind of surgical operation upon a human being; or (f) The practice of midwifery, except: (I) Services rendered by certified nurse-midwives properly licensed and practicing in accordance with the provisions of article 38 of this title; or (II) (A) Services rendered by a person properly registered as a direct-entry midwife and practicing in accordance with the provisions of article 37 of this title. (B) This subparagraph (II) is repealed, effective July 1, 2011. *C.R.S. 12-36-106 (2005) Practice of medicine defined – exemptions from licensing requirements - repeal*

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Medical Practice Defined

DELAWARE:

Medical Practice Defined:

(9) "Practice of medicine" or "practice medicine" includes: a. Advertising, holding out to the public, or representing in any manner that one is authorized to practice medicine in this State; b. Offering or undertaking to prescribe, order, give, or administer any drug or medicine for the use of another person; c. Offering or undertaking to prevent or to diagnose, correct, and/or treat in any manner or by any means, methods, or devices a disease, illness, pain, wound, fracture, infirmity, defect, or abnormal physical or mental condition of another person, including the management of pregnancy and parturition; d. Offering or undertaking to perform a surgical operation upon another person; e. Rendering a written or otherwise documented medical opinion concerning the diagnosis or treatment of a person or the actual rendering of treatment to a person within the State by a physician located outside the State as a result of transmission of the person's medical data by electronic or other means from within the State to the physician or to the physician's agent; f. Rendering a determination of medical necessity or a decision affecting or modifying the diagnosis and/or treatment of a person; g. Using the designation Doctor, Doctor of Medicine, Doctor of Osteopathy, physician, surgeon, physician and surgeon, Dr., M.D., or D.O., or a similar designation, or any combination thereof, in the conduct of an occupation or profession pertaining to the prevention, diagnosis, or treatment of human disease or condition, unless the designation additionally contains the description of another branch of the healing arts for which one holds a valid license in the State. For the purposes of this chapter, in order that the full resources of the State are available for the protection of persons using the services of physicians, the act of the practice of medicine occurs where a person is located at the time a physician practices medicine upon the person. . . *24 Del. C. § 1702 (2005) Definitions*

DISTRICT OF COLUMBIA:

Medical Practice Defined:

(7) "Practice of medicine" means the application of scientific principles to prevent, diagnose, and treat physical and mental diseases, disorders, and conditions and to safeguard the life and health of any woman and infant through pregnancy and parturition. . . *D.C. Code § 3-1201.02 (2006) Definitions of health occupations [Formerly § 2-3301.2]*

FLORIDA:

Medical Practice Defined:

(3) "Practice of medicine" means the diagnosis, treatment, operation, or prescription for any human disease, injury, deformity, or other physical or mental condition . . . *Fla. Stat. § 458.305 (2005) Definitions*

GEORGIA:

Medical Practice Defined:

"To practice medicine" means to hold oneself out to the public as being engaged in the diagnosis or treatment of disease, defects, or injuries of human beings; or the suggestion, recommendation, or prescribing of any form of treatment for the intended palliation, relief, or cure of any physical, mental, or functional ailment or defect of any person with the intention of receiving therefore either directly or indirectly, any fee, gift, or compensation whatsoever; or the maintenance of an office for the reception, examination, and treatment of persons suffering from disease, defect, or injury of body or mind; or attaching the title "M.D.," "Oph.," "D.," "Dop.," "Surgeon," "Doctor," "D.O.," "Doctor of Osteopathy," either alone or in connection with other words, or any other words or abbreviations to one's name, indicating that such person is engaged in the treatment or diagnosis of disease, defects, or injuries to human beings, provided that the terms "doctors of medicine," "doctors of medicine licensed to practice in the state," and similar terms wherever used or appearing in this article or elsewhere shall mean and include only those persons who are licensed to practice medicine under this article. *§ 43-34-20. Definitions (3).*

Delegation Permitted:

Physician's assistants; 2) Certified nurse midwives; 3) Certified registered nurse anesthetists; 4) Certified nurse practitioners; 5) Clinical nurses specialist psychiatric or mental health may: 1) order medical treatments, and diagnostic studies, and 2) order controlled substances and dangerous drugs.

Physician's assistants and 2) Nurses may: 1) order dangerous drugs, medical treatments, diagnostic studies, and 2) dispense dangerous drugs in 4 settings: 1) Department of Public Health, 2) County board of health, 3) any facility established under the US Public Health Service, and 4) Hospital-affiliated outpatient clinic for the medically disadvantaged. *§ 43-34-26.1 Delegation of authority to nurse or physician's assistant.*

HAWAII:

Medical Practice Defined:

For the purposes of this chapter the practice of medicine includes the use of drugs and medicines, water, electricity, hypnotism, or any means or method, or any agent, either tangible or intangible, for the treatment of disease in the human subject; provided that when a duly licensed physician pronounces a person affected with any disease hopeless and beyond recovery and gives a written certificate to

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that effect to the person affected or the person’s attendant nothing herein shall forbid any person from giving or furnishing any remedial agent or measure when so requested by or on behalf of the affected person. *HRS § 453-1 (2005) Practice of medicine defined.*

IDAHO:

Medical Practice Defined:

(1) The “practice of medicine” means: (a) To investigate, diagnose, treat, correct, or prescribe for any human disease, ailment, injury, infirmity, deformity, or other condition, physical or mental, by any means or instrumentality, or (b) To apply principles or techniques of medical science in the prevention of any of the conditions listed in subsection (a) of this section, or (c) To offer, undertake, attempt to do or hold oneself out as able to do any of the acts described in subsections (a) and (b) of this section . . . *Idaho Code § 54-1803 (2006)*

Definitions

INDIANA:

Medical Practice Defined:

As used in this article: (a) "Practice of medicine or osteopathic medicine" means any one (1) or a combination of the following: (1) Holding oneself out to the public as being engaged in: (A) the diagnosis, treatment, correction, or prevention of any disease, ailment, defect, injury, infirmity, deformity, pain, or other condition of human beings; (B) the suggestion, recommendation, or prescription or administration of any form of treatment, without limitation; (C) the performing of any kind of surgical operation upon a human being, including tattooing, except for tattooing (as defined in IC 35-42-2-7), in which human tissue is cut, burned, or vaporized by the use of any mechanical means, laser, or ionizing radiation, or the penetration of the skin or body orifice by any means, for the intended palliation, relief, or cure; or (D) the prevention of any physical, mental, or functional ailment or defect of any person. (2) The maintenance of an office or a place of business for the reception, examination, or treatment of persons suffering from disease, ailment, defect, injury, infirmity, deformity, pain, or other conditions of body or mind. (3) Attaching the designation "doctor of medicine", "M.D.", "doctor of osteopathy", "D.O.", "osteopathic medical physician", "physician", "surgeon", or "physician and surgeon", either alone or in connection with other words, or any other words or abbreviations to a name, indicating or inducing others to believe that the person is engaged in the practice of medicine or osteopathic medicine (as defined in this section). (4) Providing diagnostic or treatment services to a person in Indiana when the diagnostic or treatment services: (A) are transmitted through electronic communications; and (B) are on a regular, routine, and non-episodic basis or under an oral or written agreement to regularly provide medical services. *Burns Ind. Code Ann. § 25-22.5-1-1.1 (2005) Definitions*

IOWA:

Medical Practice Defined:

“The practice of medicine and surgery” shall mean holding one’s self out as being able to diagnose, treat, operate or prescribe for any human disease, pain, injury, deformity or physical or mental condition and who shall either offer or undertake, by any means or methods, to diagnose, treat, operate or prescribe for any human disease, pain, injury, deformity or physical or mental condition. This rule shall not apply to licensed podiatrists, chiropractors, physical therapists, nurses, dentists, optometrists, acupuncturists, pharmacists, and other licensed health professionals who are exclusively engaged in the practice of their respective professions. *653 IAC 1.1(17A, 147) (2005) Definitions.*

LOUISIANA:

Medical Practice Defined:

As used in this Part the following words and phrases shall have the meanings ascribed to them: (1) “The practice of medicine”, whether allopathic or osteopathic, means the holding out of one’s self to the public as being engaged in the business of, or the actual engagement in, the diagnosing, treating, curing, or relieving of any bodily or mental disease, condition, infirmity, deformity, defect, ailment, or injury in any human being, other than himself, whether by the use of any drug, instrument or force, whether physical or psychic, or of what other nature, or any other agency or means; or the examining, either gratuitously or for compensation, of any person or material from any person for such purpose whether such drug, instrument, force, or other agency or means is applied to or used by the patient or by another person; or the attending of a woman in childbirth without the aid of a licensed physician or midwife. *La. R.S. 37:1262 (2005) Definition*

MASSACHUSETTS:

Medical Practice Defined:

The Practice of Medicine: the following conduct, the purpose or reasonably foreseeable effect of which is to encourage the reliance of another person upon an individual's knowledge or skill in the maintenance of human health by the prevention, alleviation, or cure of disease and involving or reasonably thought to involve an assumption of responsibility for the other person's physical or mental well being: diagnosis, treatment, use of instruments or other devices, or the prescription or administration of drugs for the relief of diseases or adverse physical or mental conditions. A person who holds himself out to the public as a "physician" or "surgeon," or with the initials "M.D." or "D.O." in connection with his name, and who also assumes responsibility for another person's physical or mental well being,

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is engaged in the practice of medicine. The practice of medicine does not mean conduct of the type described above lawfully engaged in by persons licensed by other boards of registration with authority to regulate such conduct; nor does it mean assistance rendered in emergency situations by persons other than licensees. **2.01: Introductory Provisions Mass. Regs. Governing Practice of Medicine, 243 CMR 2.00.**

Delegation Permitted:

A skilled professional or non-professional assistant may perform services in a manner consistent with accepted medical standards and appropriate to the assistant’s skill. **243 CMR 2.07: General Provisions Governing the Practice of Medicine.**

MICHIGAN:

Medical Practice Defined:

. . . (d) “Practice of medicine” means the diagnosis, treatment, prevention, cure, or relieving of a human disease, ailment, defect, complaint, or other physical or mental condition, by attendance, advice, device, diagnostic test, or other means, or offering, undertaking, attempting to do, or holding oneself out as able to do, any of these acts. . . **MCLS § 333.17001 (2005) Medicine; definitions**

MISSISSIPPI:

Medical Practice Defined:

The practice of medicine shall mean to suggest, recommend, prescribe, or direct for the use of any person, any drug, medicine, appliance, or other agency, whether material or not material, for the cure, relief, or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound or fracture or other bodily injury or deformity, or the practice of obstetrics or midwifery, after having received, or with the intent of receiving therefore, either directly or indirectly, any bonus, gift, profit or compensation; provided, that nothing in this section shall apply to females engaged solely in the practice of midwifery. **Miss. Code Ann. § 73-25-33 (2005) Practice of medicine defined**

MONTANA:

Medical Practice Defined:

(8) “Practice of medicine” means the diagnosis, treatment, or correction of or the attempt to or the holding of oneself out to be able to diagnose, treat, or correct human conditions, ailments, diseases, injuries, or infirmities, whether physical or mental, by any means, methods, devices, or instrumentalities. If a person who does not possess a license to practice medicine in this state under this chapter and who is not exempt from the licensing requirements of this chapter performs acts constituting the practice of medicine, the person is practicing medicine in violation of this chapter. **Mont. Code Anno., § 37-3-102 (2005) Definitions**

NEBRASKA:

Medical Practice Defined:

For the purpose of the Uniform Licensing Law, and except as otherwise provided by law, the following classes of persons shall be deemed to be engaged in the practice of medicine and surgery: (1) Persons who publicly profess to be physicians, surgeons, or obstetricians, or publicly profess to assume the duties incident to the practice of medicine, surgery, or obstetrics, or any of their branches; (2) persons who prescribe and furnish medicine for some illness, disease, ailment, injury, pain, deformity, or any physical or mental condition, or treat the same by surgery; (3) persons holding themselves out to the public as being qualified in the diagnosis or treatment of diseases, ailments, pain, deformity, or any physical or mental condition, or injuries of human beings; (4) persons who suggest, recommend, or prescribe any form of treatment for the intended palliation, relief, or cure of any physical or mental ailment of any person; (5) persons who maintain an office for the examination or treatment of persons afflicted with ailments, diseases, injuries, pain, deformity, or any physical or mental condition of human beings; (6) persons who attach to their name the title of M.D., surgeon, physician, physician and surgeon, or any word or abbreviation indicating that they are engaged in the treatment or diagnosis of ailments, diseases, injuries, pain, deformity, infirmity, or any physical or mental condition of human beings; and (7) persons who are physically located in another state but who, through the use of any medium, including an electronic medium, perform for compensation any service which constitutes the healing arts that would affect the diagnosis or treatment of an individual located in this state, unless he or she is providing consultation services to a physician and surgeon who is duly licensed in this state and is a treating physician of the individual. For purposes of this subdivision, consultation means the evaluation of the medical data of the patient as provided by the treating physician and rendering a recommendation to such treating physician as to the method of treatment or analysis of the data. **R.R.S. Neb. § 71-1,102 (2005) Practice of medicine and surgery, defined**

NEVADA:

Medical Practice Defined:

“Practice of medicine” means: 1. To diagnose, treat, correct, prevent or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality. 2. To apply principles or techniques of medical science in the diagnosis or the prevention of any such conditions. 3. To perform any of the acts described in subsections 1 and 2 by

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using equipment that transfers information concerning the medical condition of the patient electronically, telephonically or by fiber optics. 4. To offer, undertake, attempt to do or hold oneself out as able to do any of the acts described in subsections 1 and 2. *Nev. Rev. Stat. Ann. § 630.020 (2005) "Practice of medicine" defined*

NEW MEXICO:

Medical Practice Defined:

. . . J. "the practice of medicine" consists of: (1) advertising, holding out to the public or representing in any manner that one is authorized to practice medicine in this state; (2) offering or undertaking to administer, dispense or prescribe a drug or medicine for the use of another person, except as authorized pursuant to a professional or occupational licensing statute set forth in Chapter 61 NMSA 1978; (3) offering or undertaking to give or administer, dispense or prescribe a drug or medicine for the use of another person, except as directed by a licensed physician; (4) offering or undertaking to perform an operation or procedure upon a person; (5) offering or undertaking to diagnose, correct or treat in any manner or by any means, methods, devices or instrumentalities any disease, illness, pain, wound, fracture, infirmity, deformity, defect or abnormal physical or mental condition of a person; (6) offering medical peer review, utilization review or diagnostic service of any kind that directly influences patient care, except as authorized pursuant to a professional or occupational licensing statute set forth in Chapter 61 NMSA 1978; or (7) acting as the representative or agent of a person in doing any of the things listed in this subsection. . . **N.M. Stat. Ann. § 61-6-6 (2006) Definitions. (Repealed effective July 1, 2010.)**

NEW YORK:

Medical Practice Defined:

The practice of the profession of medicine is defined as diagnosing, treating, operating or prescribing for any human disease, pain, injury, deformity or physical condition. *NY CLS Educ § 6521 (2005) § 6521. Definition of practice of medicine*

Delegation Permitted:

6. A licensed physician may prescribe and order a non-patient specific regimen to a registered professional nurse . . . consistent with the public health law, for: (a) administering immunizations. *NY CLS Educ § 6527 (2005) § 6527. Special provisions*

NORTH DAKOTA:

Medical Practice Defined:

. . . 3. "Practice of medicine" includes the practice of medicine, surgery, and obstetrics. The following persons must be regarded as practicing medicine: a. One who holds out to the public as being engaged within this state in the diagnosis or treatment of diseases or injuries of human beings. b. One who suggests, recommends, or prescribes any form of treatment for the intended relief or cure of any physical or mental ailment of any person, with the intention of receiving, directly or indirectly, any fee, gift, or compensation. c. One who maintains an office for the examination or treatment of persons afflicted with disease or injury of the body or mind. d. One who attaches the title M.D., surgeon, doctor, D.O., osteopathic physician and surgeon, or any other similar word or words or abbreviation to the person's name, indicating that the person is engaged in the treatment or diagnosis of the diseases or injuries of human beings must be held to be engaged in the practice of medicine. *N.D. Cent. Code, § 43-17-01 (2005) Definitions*

OHIO:

Medical Practice Defined:

(A) A person shall be regarded as practicing medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, within the meaning of this chapter, who does any of the following: (1) Uses the words or letters, "Dr.," "Doctor," "M.D.," "physician," "D.O.," "D.P.M.," or any other title in connection with the person's name in any way that represents the person as engaged in the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, in any of its branches; (2) Advertises, solicits, or represents in any way that the person is practicing medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, in any of its branches; (3) In person or, regardless of the person's location, through the use of any communication, including oral, written, or electronic communication, does any of the following: (a) Examines or diagnoses for compensation of any kind, direct or indirect; (b) Prescribes, advises, recommends, administers, or dispenses for compensation of any kind, direct or indirect, a drug or medicine, appliance, mold or cast, application, operation, or treatment, of whatever nature, for the cure or relief of a wound, fracture or bodily injury, infirmity, or disease. (B) The treatment of human ills through prayer alone by a practitioner of the Christian Science church, in accordance with the tenets and creed of such church, shall not be regarded as the practice of medicine, provided that sanitary and public health laws shall be complied with, no practices shall be used that may be dangerous or detrimental to life or health, and no person shall be denied the benefits of accepted medical and surgical practices. (C) The use of words, letters, or titles in any connection or under any circumstances as to induce the belief that the person who uses them is engaged in the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, in any of its branches, is prima-facie evidence of the intent of such person to represent the person as engaged in the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and

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surgery, in any of its branches. *ORC Ann. 4731.34 (2006) Unauthorized practice of medicine, surgery or podiatry*

OKLAHOMA:

Medical Practice Defined:

A. Every person shall be regarded as practicing allopathic medicine within the meaning and provisions of this act, who shall append to his or her name the letters "M.D.", "Physician" or any other title, letters or designation which represent that such person is a physician, or who shall for a fee or any form of compensation diagnose and/or treat disease, injury or deformity of persons in this state by any allopathic legend drugs, surgery, manual, or mechanical treatment unless otherwise authorized by law. . . C. The definition of the practice of medicine and surgery shall include, but is not limited to: 1. Advertising, holding out to the public, or representing in any manner that one is authorized to practice medicine and surgery in this state; 2. Any offer or attempt to prescribe, order, give, or administer any drug or medicine and surgery for the use of any other person, except as otherwise authorized by law; 3.a. Any offer or attempt, except as otherwise authorized by law, to prevent, diagnose, correct, or treat in any manner or by any means, methods, devices, or instrumentalities except for manual manipulation any disease, illness, pain, wound, fracture, infirmity, defect or abnormal physical or mental condition of any person, including the management of pregnancy and parturition, except as otherwise authorized by law. . . *59 Okl. St. § 492 (2005) Designation of physicians - - Employment by hospitals - - Practice of medicine defined - - Services rendered by trained assistants - - Persons practicing nonallopathic healing*

OREGON:

Medical Practice Defined:

A person is practicing medicine if the person does one or more of the following: (1) Advertise, hold out to the public or represent in any manner that the person is authorized to practice medicine in this state. (2) For compensation directly or indirectly received or to be received, offer or undertake to prescribe, give or administer any drug or medicine for the use of any other person. (3) Offer or undertake to perform any surgical operation upon any person. (4) Offer or undertake to diagnose, cure or treat in any manner, or by any means, methods, devices or instrumentalities, any disease, illness, pain, wound, fracture, infirmity, deformity, defect or abnormal physical or mental condition of any person. (5) Except as provided in *ORS 677.060*, append the letters "M.D." or "D.O." to the name of the person, or use the words "Doctor," "Physician," "Surgeon," or any abbreviation or combination thereof, or any letters or words of similar import in connection with the name of the person, or any trade name in which the person is interested, in the conduct of any occupation or profession pertaining to the diagnosis or treatment of human diseases or conditions mentioned in this section. *ORS § 677.085 (2003). What constitutes practice of medicine.*

Delegation Permitted:

(1) Prescription drugs dispensed by a physician shall be personally dispensed by the physician. Nonjudgmental dispensing functions may be delegated to staff assistants when the accuracy and completeness of the prescription is verified by the physician. *ORS § 677.089 (2003) 677.089. Physicians dispensing prescription drugs to do so personally; records; required labeling information.*

PENNSYLVANIA:

Medical Practice Defined:

(a) A medical doctor may delegate to a health care practitioner or technician the performance of a medical service if the following conditions are met: . . .(6) The medical doctor assumes the responsibility for the delegated medical service, including the performance of the service, and is available to the delegatee as appropriate to the difficulty of the procedure, the skill of the delegatee and risk level to the particular patient. . . (e) A medical doctor may approve a standing protocol delegating medical acts to another health care practitioner who encounters a medical emergency that requires medical services for stabilization until the medical doctor or emergency medical services personnel are available to attend to the patient. (f) This section does not prohibit a health care practitioner who is licensed or certified by a Commonwealth agency from practicing within the scope of that license or certificate or as otherwise authorized by law. For example, this section is not intended to restrict the practice of certified registered nurse anesthetists, nurse midwives, certified registered nurse practitioners, physician assistants, or other individuals practicing under the authority of specific statutes or regulations. *49 Pa. Code § 18.402 (2005) Delegation*

RHODE ISLAND:

Medical Practice Defined:

(14) "Practice of medicine" includes the practice of allopathic and osteopathic medicine. Any person is regarded as practicing medicine within the meaning of this chapter who holds himself or herself out as being able to diagnose, treat, operate, or prescribe for any person ill or alleged to be ill with disease, pain, injury, deformity or abnormal physical or mental condition, or who either professes to heal, offer or undertake, by any means or method to diagnose, treat, operate, or prescribe for any person for disease, pain, injury, deformity or physical or mental condition. In addition, one who attaches the title, M.D., physician, surgeon, D.O., osteopathic physician and surgeon,

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or any other similar word or words or abbreviation to his or her name indicating that he or she is engaged in the treatment or diagnosis of the diseases, injuries or conditions of persons shall be held to be engaged in the practice of medicine. *R.I. Gen. Laws § 5-37-1 (2006) Definitions*

SOUTH CAROLINA:

Medical Practice Defined:

Any person shall be regarded as practicing medicine within the meaning of this article who (a) shall as a business treat, operate on or prescribe for any physical ailment of another, (b) shall engage in any branch or specialty of the healing art or (c) shall diagnose, cure, relieve in any degree or profess or attempt to diagnose, cure or relieve any human disease, ailment, defect, abnormality or complaint, whether of physical or mental origin, by attendance or advice, by prescribing, using or furnishing any drug, appliance, manipulation, adjustment or method or by any therapeutic agent whatsoever. *S.C. Code Ann. § 40-47-40 (2004) "Practice of medicine" defined*

TENNESSEE:

Medical Practice Defined:

(a) (1) Any person shall be regarded as practicing medicine, within the meaning of this chapter, who treats, or professes to diagnose, treat, operates on or prescribes for any physical ailment or any physical injury to or deformity of another. . . (b) Nothing in this chapter shall be so construed as to prohibit service rendered by a physician assistant, registered nurse or a licensed practical nurse if such service is rendered under the supervision, control and responsibility of a licensed physician, or to prohibit the provision of anesthesiology services in licensed health care facilities by a dentist licensed in the state of Tennessee who completed a residency program in anesthesiology at an accredited medical school in years 1963 through 1977. *Tenn. Code Ann. § 63-6-204 (2005) "Practice of medicine" defined*

TEXAS:

Medical Practice Defined:

"Practicing medicine" means the diagnosis, treatment, or offer to treat a mental or physical disease or disorder or a physical deformity or injury by any system or method, or the attempt to effect cures of those conditions, by a person who: (A) publicly professes to be a physician or surgeon; or (B) directly or indirectly charges money or other compensation for those services. *Tex. Occ. Code § 151.002 (2005) § 151.002. Definitions*

Delegation Permitted:

(a) A physician may delegate to a qualified and properly trained person acting under the physician's supervision any medical act that a reasonable and prudent physician would find within the scope of sound medical judgment to delegate if, in the opinion of the delegating physician: (1) the act: (A) can be properly and safely performed by the person to whom the medical act is delegated; (B) is performed in its customary manner; and (C) is not in violation of any other statute; and (2) the person to whom the delegation is made does not represent to the public that the person is authorized to practice medicine. *Tex. Occ. Code § 157.001 (2005) § 157.001. General Authority of Physician to Delegate*

(b) A physician may delegate to any qualified and properly trained person acting under the physician's supervision the act of administering or providing dangerous drugs in the physician's office, as ordered by the physician, that are used or required to meet the immediate needs of the physician's patients. . . .

(c) A physician may also delegate to any qualified and properly trained person acting under the physician's supervision the act of administering or providing dangerous drugs through a facility licensed by the Texas State Board of Pharmacy, as ordered by the physician, that are used or required to meet the immediate needs of the physician's patients. . . .

(d) In the provision of services and the administration of therapy by public health departments, as officially prescribed by the Texas Department of Health for the prevention or treatment of specific communicable diseases or health conditions for which the Texas Department of Health is responsible for control under state law, a physician may delegate to any qualified and properly trained person acting under the physician's supervision the act of administering or providing dangerous drugs, as ordered by the physician, that are used or required to meet the needs of the patients. . . . An order for the prevention or treatment of a specific communicable disease or health condition for which the Texas Department of Health is responsible for control under state law may not be inconsistent with this chapter and may not be used to perform an act or duty that requires the exercise of independent medical judgment. (e) The administration or provision of the drugs may be delegated through a physician's order, a standing medical order, a standing delegation order, or another order defined by the board. *Tex. Occ. Code § 157.002 (2004) General Delegation of Administration and Provision of Dangerous Drugs*

continued

Appendix I Table: MEDICAL PRACTICE ACTS THAT ADDRESS PHYSICIAN DELEGATION OF MEDICAL POWERS

Medical Practice Defined

The authority to delegate medical acts to a properly qualified person as provided by this subchapter applies to emergency care provided by emergency medical personnel certified by the Texas Department of Health. *Tex. Occ. Code § 157.003 (2004) Emergency Care*

The board shall promote a physician's exercise of professional judgment to decide which medical acts may be safely delegated by not adopting rules containing, except as absolutely necessary, global prohibitions or restrictions on the delegation of medical acts. *Tex. Occ. Code § 157.006 (2005) § 157.006. Limitation on Board Rules Regarding Delegation*

WASHINGTON:

Medical Practice Defined:

A person is practicing medicine if he does one or more of the following: (1) Offers or undertakes to diagnose, cure, advise or prescribe for any human disease, ailment, injury, infirmity, deformity, pain or other condition, physical or mental, real or imaginary, by any means or instrumentality; (2) Administers or prescribes drugs or medicinal preparations to be used by any other person; (3) Severs or penetrates the tissues of human beings; (4) Uses on cards, books, papers, signs or other written or printed means of giving information to the public, in the conduct of any occupation or profession pertaining to the diagnosis or treatment of human disease or conditions the designation "doctor of medicine", "physician", "surgeon", "m.d." or any combination thereof unless such designation additionally contains the description of another branch of the healing arts for which a person has a license: PROVIDED HOWEVER, That a person licensed under this chapter shall not engage in the practice of chiropractic as defined in RCW 18.25.005. *Rev. Code Wash. (ARCW) § 18.71.011 (2005) Definition of practice of medicine -- Engaging in practice of chiropractic prohibited, when*

WEST VIRGINIA:

Medical Practice Defined:

(3) "Practice of medicine and surgery" means the diagnosis or treatment of, or operation or prescription for, any human disease, pain, injury, deformity or other physical or mental condition . . . *W. Va. Code § 30-3-4 (2006) Definitions*

WYOMING:

Medical Practice Defined:

(xi) "Practicing medicine" means any person who in any manner: . . . (B) Offers or undertakes to prevent, diagnose, correct or treat, in any manner, by any means, method or device, any human disease, illness, pain, wound, fracture, infirmity, defect or abnormal physical or mental condition, injury, deformity or ailment, including the management of pregnancy and parturition; or (C) Attaches the title of M.D., D.O., physician, surgeon, osteopathic physician or osteopathic surgeon, doctor, or any other words, letters or abbreviations or any combination thereof when used in the conduct of any occupation or profession pertaining to the prevention, diagnosis or treatment of human disease or condition unless the designation additionally contains the description of another branch of the healing arts for which one holds a valid license in this state; or . . . (E) Offers or undertakes to prescribe, order, give or administer drugs which can only be obtained by prescription according to law; or (F) Renders a determination of medical necessity or appropriateness of proposed treatment. *Wyo. Stat. § 33-26-102 (2005) Definitions*

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SOURCE: GWU/SPHHS Review of Standing Orders – Fall 2006