

*Physicians' Assistants*



JUN 13 1977

STATE OF KANSAS

## Office of the Attorney General

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Attorney General

June 1, 1977

ATTORNEY GENERAL OPINION NO. 77-186

Ms. Cecelia G. Waggoner  
President  
Kansas State Board of Nursing  
701 Jackson  
Topeka, Kansas

Re: Public Health--Healing Arts--Physicians' Assistants

Synopsis: (1) Physicians' Assistants as provided in K.S.A. 1976 Supp. 65-2896 may perform only those patient services falling within the guidance and direction of the responsible physician and that such physician must actually coordinate, direct and inspect continuously the actions of the P.A.

(2) Professional nurses are authorized to take or follow the orders and requests of P.A.s.

\* \* \*

Dear Ms. Waggoner:

You have requested the opinion of this office regarding questions which have been raised about the professional relationship between nurses licensed by your Board and physicians' assistants (P.A.s) registered by the Kansas Board of Healing Arts. Specifically you ask: (1) what professional medical services are P.A.s authorized to perform under the provisions of the Kansas Healing Arts Act K.S.A. 1976 Supp. 65-2801 *et seq.* and (2) are professional nurses (as defined by K.S.A. 1976 Supp. 65-1113(c)) authorized under the Kansas Nurse Practice Act, K.S.A. 1976 Supp. 65-1113, *et seq.* to "take or follow" the orders of P.A.s.

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The Kansas Legislature in 1973 authorized the registration of P.A.s in this state and in doing so defined thusly:

" . . . a skilled person qualified by academic training to provide patient services under the direction and supervision of a physician licensed to practice medicine and surgery who is responsible for the performance of that assistant." K.S.A. 1976 Supp. 65-2872.

And P.A.s are of course qualifiedly exempt from the definition of healing arts (as provided at K.S.A. 1976 Supp. 65-2802) by the express provisions of K.S.A. 1976 Supp. 65-2872 which in pertinent part provide:

"The practice of healing arts shall not be construed to include the following persons:

\* \* \*

(g) Persons whose professional services are performed under the supervision or by order of or referral from a practitioner who is licensed under this act."

By definition then the P.A. is limited to providing only those services which can and are performed under the direction and supervision of the responsible physician. Determining the full scope of the authority granted P.A.s therefor requires definition for the terms "direction" and "supervision." Neither word is specifically defined in the Healing Arts Act, and absent such provision we resort to the general rule for statutory construction in this jurisdiction that "words in common use are to be given their natural and ordinary meaning . . . ." *Roda v. Williams*, 195 Kan. 507, 511, 407 P.2d 471 (1965); 2A *Sutherland, Statutory Construction*, § 47.28 (4th ed. 1973). *Webster's New Third International Dictionary* (1966) defines: (1) "direction" as ". . . guidance or supervision of action, conduct or operation," and (2) "supervision" as ". . . the act, process, or occupation of supervising."

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which thus requires Webster's definition for "supervise: . . . to coordinate, direct and inspect continuously and at first hand the accomplishment of . . . ." Employing these definitions then it can be reasonably concluded the language of K.S.A. 1976 Supp. 64-2896 manifests a legislative intent to authorize a P.A. to perform those patient services which the responsible physician requires of the P.A., but that such services must fall within the direction or guidance of the physician and that the physician must actually coordinate, direct and inspect continuously the P.A.'s activities. We recognize the impossibility of attempting analysis for each and every possible situation in which a physician - P.A. relationship functions to determine its compliance with K.S.A. 1976 Supp. 65-2896, and for this reason emphasize that this interpretation should be employed as a general guideline and that each physician - P.A. relationship must ultimately be examined on a case by case basis to determine its statutory compliance.

The answer to your second question, whether a professional nurse is authorized to take or follow the orders of a P.A., perforce pivots upon the application of the above interpretation of the limited scope of the P.A.'s authority as defined by the legislature. Assuming that the orders or requests which the professional nurse receives are given by a P.A. functioning within the statutory parameters of his or her authority then it can be reasonably concluded that such orders are in essence those of the supervising physician, since the presumption is presented that the P.A. is carrying out the orders or requests of the physician. To this extent the orders or requests from the P.A. may properly be considered as those of the physician. Accordingly, the professional nurse is authorized to follow the orders or requests of P.A. and may consider them in the same manner as those of the licensed physician.

It has been recently suggested that professional nurses are not authorized to comply with the orders of P.A.s inasmuch as K.S.A. 1976 Supp. 65-1113(b) specifically delineates those individuals from whom orders may be taken. We are not so persuaded. K.S.A. 1976 Supp. 65-1113 (b) in part defines "practice of nursing" as

". . . the performance for compensation or gratuitously . . . of any act in the observation, care, and counsel of the ill, injured, or infirm, or in the maintenance of health or prevention of illness of others, or in

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the supervision and teaching of other personnel *or the administration of medications and treatments as prescribed by a person licensed to practice medicine and surgery or a person licensed to practice dentistry* . . . ." [Emphasis added.]

As pointed out, *supra*, the P.A. acts in behalf of the supervising physician and as such the administration of medications and treatments as prescribed by a P.A. can reasonably be considered as those of the physician since presumably the physician continuously is guiding, directing and coordinating the efforts of the P.A.

Again, it is important to note that the circumstances surrounding each P.A. order or P.A. - nurse work relationship must be considered by the nurse in determining whether the order can be considered under the above guidelines as falling within the scope of the P.A.s authority.

Yours very truly,



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