

Physician Associates (Regulation) Bill

CONTENTS

- 1 Regulation of physician associates
- 2 Register of physician associates
- 3 Code of conduct and licences to practise
- 4 Offence of pretending to be a physician associate
- 5 Qualifications and training
- 6 Report on the regulation and responsibilities of physician associates
- 7 Rules
- 8 Short title, commencement and extent

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TO

Make provision for the regulation of physician associates; to make physician associate a protected title; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Regulation of physician associates

- (1) Physician associates are regulated by the General Medical Council (“the regulator”).
- (2) The duties of the regulator with regards to physician associates are to—
 - (a) keep a register of physician associates; 5
 - (b) grant licences to practise as physician associates;
 - (c) maintain a code of practice for physician associates;
 - (d) monitor compliance with that code of practice;
 - (e) prepare guidance on the role of physician associate;
 - (f) oversee the training, qualifications and associated examinations required to be registered and remain registered as a physician associate; and 10
 - (g) promote the role of physician associate and encourage appropriately qualified persons to enter that profession.

2 Register of physician associates 15

- (1) The registrar of the regulator (“the registrar”) must keep a register of physician associates (“the register”) containing—
 - (a) the names of those registered,
 - (b) the qualifications they are entitled to have registered under this Act, and 20
 - (c) whether they have a licence to practise.
- (2) The regulator must in rules provide for—
 - (a) the qualifications required to be entered on the register;

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- (b) other criteria used to determine whether a person is entered on the register;
 - (c) the registration process;
 - (d) any further information to be held on the register;
 - (e) the duration of a registration; 5
 - (f) renewal of a registration;
 - (g) the criteria used to determine whether a registration is renewed;
 - (h) arrangements for the removal of names from the register; and
 - (i) the arrangements for appealing a registration decision.
- (3) The regulator may make rules with respect to the charging of fees in connection with registration. 10
 - (4) The registrar must publish the register from time to time (electronically or otherwise) containing the information in subsection (1) on a date specified by the registrar at the time of publication.
 - (5) On the date this section comes into force, only those persons registered on the Physician Associates Managed Voluntary Register held by the Faculty of Physician Associates at the Royal College of Physicians shall be on the register. 15
- 3 Code of conduct and licences to practise**
- (1) The regulator must, within six months of this section coming into force, lay before Parliament a code of conduct for physician associates. 20
 - (2) The regulator is the licensing authority for physician associates and must make provision in rules for licences to practise as physician associates.
 - (3) Those rules may include provision, with reference to the code, for —
 - (a) the granting of a licence to practise;
 - (b) the circumstances in which a person shall be refused a licence to practise; 25
 - (c) the circumstances in which a licence to practise shall be temporarily withdrawn;
 - (d) the circumstances in which a licence to practise shall be permanently withdrawn; 30
 - (e) recertification of a physician associate of a prescribed description whenever the regulator sees fit to do so, either as a condition of the practitioner's continuing to hold a licence to practise or of the practitioner's licence to practise being restored;
 - (f) the restoration of a licence to practise; 35
 - (g) the requirements of the regulator should it refuse or withdraw a licence to practise;
 - (h) the process for handling a complaint against a physician associate who holds a licence to practice;
 - (i) the process of appeal of a decision to refuse or withdraw a licence to practise; and 40
 - (j) requirements for the disclosure of information regarding licences to practise.
 - (4) The regulator may publish guidance for physician associates on the code of conduct and licences to practise. 45

4 Offence of pretending to be a physician associate

- (1) A person who wilfully and falsely pretends to be or takes or uses the name or title of physician associate or any name, title, addition or description implying that he or she is registered or has a licence to practise under any provision of this Act, or that he or she is recognised by law as physician associate, is guilty of an offence. 5
- (2) A person guilty of that offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

5 Qualifications and training

- (1) The registrar may maintain lists of – 10
 - (a) bodies approved by the regulator to issue qualifications related to physician associates;
 - (b) qualifications approved by the regulator related to physician associates;
 - (c) courses provided by those bodies and approved by the regulator related to attaining such qualifications; and 15
 - (d) examinations approved by the regulator for the purposes of granting such qualifications.
- (2) The registrar may publish the lists from time to time.
- (3) The regulator may in rules determine – 20
 - (a) the extent of the knowledge and skill to be required for the granting of each approved qualification;
 - (b) the standard of proficiency to be required from candidates at approved examinations to secure the maintenance of that standard;
 - (c) the content of approved courses; and 25
 - (d) the content of approved examinations.
- (4) The regulator may in rules provide for –
 - (a) training and continuous professional development for physician associates; and
 - (b) requirements to remain a qualified physician associate, including examinations to demonstrate continued proficiency. 30

6 Report on the regulation and responsibilities of physician associates

- (1) The Professional Standards Authority for Health and Social Care (“the PSA”) must report on the regulation and responsibilities of physician associates.
- (2) The report must include assessments of – 35
 - (a) the costs and benefits of physician associates being regulated by the regulator;
 - (b) whether it is in the public interest for physician associates to have the right to prescribe medicinal products and, if so, the steps to be taken to enable them to do so; and 40
 - (c) whether it is in the public interest for physician associates to be permitted to request ionising radiation procedures.

- (3) In compiling the report the PSA must consult the Faculty of Physician Associates at the Royal College of Physicians, the regulator and others as it deems appropriate.
- (4) The report must be laid before Parliament within six months of the passing of this Act. 5

7 Rules

- (1) Before making rules under this Act the regulator must consult the Faculty of Physician Associates at the Royal College of Physicians and other bodies or persons as appear to the regulator requisite to be consulted.
- (2) Rules made under this Act do not come into force until approved by order of the Privy Council. 10
- (3) The Privy Council may approve such rules—
 (a) as submitted to them; or
 (b) subject to such modifications as appear to them to be requisite.
- (4) Were the Privy Council propose to approve rules under this paragraph subject to modifications, they must— 15
 (a) notify the General Council of the modifications they propose to make; and
 (b) consider any observations which the General Council may make on the proposed modifications. 20
- (5) Any power of the Privy Council to make orders under the provisions of this Act is exercisable by statutory instrument.
- (6) Any statutory instrument containing an order of the Privy Council under any provision of this Act is subject to annulment in pursuance of a resolution of either House of Parliament. 25

8 Short title, commencement and extent

- (1) This Act may be cited as the Physician Associates (Regulation) Act 2018.
- (2) The provisions of section 6 and this section come into force on the day this Act is passed.
- (3) The other provisions of this Act come into force on such day as may be appointed by regulations made by the Secretary of State. 30
- (4) The power to make regulations under subsection (3) is exercisable by statutory instrument.
- (5) The Secretary of State may not make any regulations under subsection (3) until the report in section 6 has been laid before Parliament. 35
- (6) This Act extends to England and Wales, Scotland and Northern Ireland.

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To make provision for the regulation of physician associates; to make physician associate a protected title; and for connected purposes.

Presented by Anne Marie Morris.

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to be Printed, 19 July 2017.*

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