

1 (Accessed April 19, 2021)

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3 **Pennsylvania Statutes Title 63 P.S.**
4 **Professions and Occupations (State**
5 **Licensed) § 422.17. Delegation of duties to**
6 **health care practitioner or technician**

7 Current as of January 01, 2019 | Updated by [FindLaw Staff](#)

8 **Search Pennsylvania Statutes**

9 **(a) General rule.**--A medical doctor may delegate to a health care practitioner or
10 technician the performance of a medical service if:

11 (1) The delegation is consistent with the standards of acceptable medical practice
12 embraced by the medical doctor community in this Commonwealth.

13 (2) The delegation is not prohibited by regulations promulgated by the board.

14 (3) The delegation is not prohibited by statutes or regulations relating to other licensed
15 health care practitioners.

16 **(b) Regulations.**--The board may promulgate regulations which establish criteria
17 pursuant to which a medical doctor may delegate the performance of medical services,
18 preclude a medical doctor from delegating the performance of certain types of medical
19 services or otherwise limit the ability of a medical doctor to delegate medical services.

20 **(c) Responsibility.**--A medical doctor shall be responsible for the medical services
21 delegated to the health care practitioner or technician in accordance with subsections
22 (a) and (b). A medical doctor's responsibility for the medical service delegated to the
23 health care practitioner or technician is not limited by any provisions of this section.

24 **49 Pennsylvania Code--Regulations**

25 **§ 18.402. Delegation.**

26 (a) A medical doctor may delegate to a health care practitioner or technician the performance of
27 a medical service if the following conditions are met:

28 (1) The delegation is consistent with the standards of acceptable medical practice embraced by
29 the medical doctor community in this Commonwealth. Standards of acceptable medical practice
30 may be discerned from current peer reviewed medical literature and texts, teaching facility
31 practices and instruction, the practice of expert practitioners in the field and the commonly
32 accepted practice of practitioners in the field.

33 (2) The delegation is not prohibited by the statutes or regulations relating to other health care
34 practitioners.

35 (3) The medical doctor has knowledge that the delegatee has education, training, experience
36 and continued competency to safely perform the medical service being delegated.

37 (4) The medical doctor has determined that the delegation to a health care practitioner or
38 technician does not create an undue risk to the particular patient being treated.

39 (5) The nature of the service and the delegation of the service has been explained to the patient
40 and the patient does not object to the performance by the health care practitioner or technician.
41 Unless otherwise required by law, the explanation may be oral and may be given by the
42 physician or the physician's designee.

43 (6) The medical doctor assumes the responsibility for the delegated medical service, including
44 the performance of the service, and is available to the delegatee as appropriate to the difficulty of
45 the procedure, the skill of the delegatee and risk level to the particular patient.

46 (b) A medical doctor may not delegate the performance of a medical service if performance of
47 the medical service or if recognition of the complications or risks associated with the delegated
48 medical service requires knowledge and skill not ordinarily possessed by nonphysicians.

49 (c) A medical doctor may not delegate a medical service which the medical doctor is not
50 trained, qualified and competent to perform.

51 (d) A medical doctor is responsible for the medical services delegated to the health care
52 practitioner or technician.

53 (e) A medical doctor may approve a standing protocol delegating medical acts to another health
54 care practitioner who encounters a medical emergency that requires medical services for
55 stabilization until the medical doctor or emergency medical services personnel are available to
56 attend to the patient.

57 (f) This section does not prohibit a health care practitioner who is licensed or certified by a
58 Commonwealth agency from practicing within the scope of that license or certificate or as
59 otherwise authorized by law. For example, this section is not intended to restrict the practice of
60 certified registered nurse anesthetists, nurse midwives, certified registered nurse practitioners,
61 physician assistants, or other individuals practicing under the authority of specific statutes or
62 regulations.