

- Title: 50 State Legislative Action to Require On-site Physician Staffing in Emergency Departments
- Whereas
 - ACEP believes that all patients who present to emergency departments (EDs) deserve to have access to high-quality, patient-centered care delivered by emergency physician-led care teams;
 - ACEP defines an emergency physician as a physician who is certified (or eligible to be certified) by the American Board of Emergency Medicine (ABEM) or the American Osteopathic Board of Emergency Medicine (AOBEM) or an equivalent international certifying body recognized by ABEM or AOBEM in emergency medicine or pediatric emergency medicine, or who is eligible for active membership in the American College of Emergency Physicians;
 - ACEP has a policy statement, “Guidelines Regarding the Role of Physician Assistants and Advanced Practice Registered Nurses in the Emergency Department,” which was most recently approved in June 2023. The policy includes, “ACEP believes PAs and NPs should not perform independent, unsupervised care in the ED.”
 - Source:
<https://www.acep.org/patient-care/policy-statements/guidelines-regarding-the-role-of-physician-assistants-and-nurse-practitioners-in-the-emergency-department>
 - The majority of states allow nurse practitioners to have full practice independence;
 - <https://www.aanp.org/advocacy/state/state-practice-environment>
 - More states are granting physician assistants full practice independence;
 - Source:
<https://www.aapa.org/advocacy-central/state-advocacy/state-maps/pa-state-practice-environment/>
 - The current US Department of Health and Human Services does not require a physician to be present in every emergency department. The CMS requirement is the emergency department presence of “a doctor of medicine or osteopathy, a physician assistant, a nurse practitioner, or a clinical nurse specialist, with training or experience in emergency care.”
 - Source:
<https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-485/subpart-F/section-485.618>
 - The states of Indiana and Virginia, with their Colleges of Emergency Physicians chapters’ support, have successfully passed legislation that was subsequently signed by the states’ governors requiring on-site and on-duty physician coverage at all emergency departments in the state;
 - <https://iga.in.gov/legislative/2023/bills/senate/400/details>
 - <https://leg1.state.va.us/cgi-bin/legp504.exe?241+sum+SB392>

- 48 states do not require on-site and on-duty physician coverage at all emergency departments;
 - ACEP Council passed the following resolves in 2023:
 - “That ACEP work with state chapters to encourage and support legislation promoting the minimum requirement of on-site and on-duty physicians in all emergency departments; and be it further
 - That ACEP continue to promote that the gold standard for those physicians working in an emergency department is a board-certified/board-eligible emergency physician certified by the American Board of Emergency Medicine, American Osteopathic Board of Emergency Medicine, or certified by the American Board of Pediatrics in pediatric emergency medicine.”
 - Source:
https://webapps.acep.org/shoppingcart/printreport.aspx?vw=council&councilcode=SA23&resolutionnumber=42&fbclid=IwZXhobgNhZWoCMTAAAR2c3eErrWRNocivFbS_SUgh7no2cenJB32-AH1kiTBp06pOyRkrhXxD9VY_aem_AeMGM6Jwtd_-SM5T9kly_S4DsRoWzSPtP8Qpoa22TunNYqKc-MiSmpcGIwsKWtS7getbsCtB30pIImK8L4P6UZ5M
 - At the current pace of one state per year, it will take 48 more years to achieve the nationwide requirement for a physician to be present at all times in every emergency department.
- Resolved
 - That ACEP, in coordination with its chapters, introduce within the next 24 months at least one bill in the legislature of each of the 48 states that do not require physician presence at all times, with language similar to that of the bills passed by the legislatures of Indiana and Virginia, requiring every emergency department licensed by the state to have at least one licensed physician on duty and physically present at all times.