

LICENSING OF ANESTHESIOLOGIST ASSISTANTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen D. Clark

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates a new licensing chapter in the Division of Occupational and Professional Licensing for Anesthesiologist Assistants.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates a board;
- ▶ requires licensure;
- ▶ establishes qualifications for licensure;
- ▶ establishes terms for the license;
- ▶ establishes exemptions from licensure; and
- ▶ defines unlawful and unprofessional conduct.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

58-78-101, Utah Code Annotated 1953



- 28 **58-78-102**, Utah Code Annotated 1953
- 29 **58-78-201**, Utah Code Annotated 1953
- 30 **58-78-301**, Utah Code Annotated 1953
- 31 **58-78-302**, Utah Code Annotated 1953
- 32 **58-78-303**, Utah Code Annotated 1953
- 33 **58-78-304**, Utah Code Annotated 1953
- 34 **58-78-401**, Utah Code Annotated 1953
- 35 **58-78-501**, Utah Code Annotated 1953
- 36 **58-78-502**, Utah Code Annotated 1953

37

38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section **58-78-101** is enacted to read:

40 **CHAPTER 78. ANESTHESIOLOGIST ASSISTANT LICENSING ACT**

41 **Part 1. General Provisions**

42 **58-78-101. Title.**

43 This chapter is known as the "Anesthesiologist Assistant Licensing Act."

44 Section 2. Section **58-78-102** is enacted to read:

45 **58-78-102. Definitions.**

46 In addition to the definitions in Section 58-1-102, as used in this chapter:

47 (1) "Anesthesiologist Assistant" means a person licensed under this chapter to engage
48 in the practice of anesthesiologist assistant.

49 (2) "Board" means the Anesthesiologist Assistant Licensing Board created in Section
50 58-78-201.

51 (3) "Practice of anesthesiologist assistant" means:

52 (a) the provisions of anesthesiology services as defined by the division by
53 administrative rule;

54 (b) under the supervision of a physician:

55 (i) licensed under Chapter 67, Utah Medical Practice Act; and

56 (ii) specializing in anesthesia; and

57 (c) when the physician described under Subsection (3)(b) is:

58 (i) actively engaged in clinical practice; and

59 (ii) immediately available on-site to provide supervision of the anesthesiologist
60 assistant.

61 (4) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-78-501.

62 (5) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-78-502 and as
63 may be further defined by administrative rule adopted by the division in accordance with Title
64 63, Chapter 46a, Utah Administrative Rulemaking Act.

65 Section 3. Section **58-78-201** is enacted to read:

66 **Part 2. Board**

67 **58-78-201. Board.**

68 (1) There is created the Anesthesiologist Assistant Licensing Board consisting of four
69 persons licensed in accordance with this chapter and one member of the general public.

70 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

71 (3) The duties and responsibilities of the board shall be in accordance with Sections
72 58-1-202 and 58-1-203. In addition, the board may designate one of its members on a
73 permanent or rotating basis to:

74 (a) assist the division in reviewing complaints concerning the unlawful or
75 unprofessional conduct of a licensee; and

76 (b) advise the division in its investigation of these complaints.

77 (4) A board member who has, under Subsection (3), reviewed a complaint or advised
78 in its investigation may be disqualified from participating with the board when the board
79 member serves as a presiding officer of an administrative proceeding concerning the complaint.

80 Section 4. Section **58-78-301** is enacted to read:

81 **Part 3. Licensing**

82 **58-78-301. Licensure required -- Issuance of licenses -- Effect on insurers.**

83 (1) Beginning January 1, 2009, and except as provided in Sections 58-1-307 and
84 58-78-304, a license is required to engage in the practice of anesthesiologist assistant.

85 (2) The division shall issue to any person who qualifies under this chapter a license to
86 practice as an anesthesiologist assistant.

87 (3) Nothing in this chapter shall be construed to require payment from insurers for
88 anesthesiologist assistant services.

89 Section 5. Section **58-78-302** is enacted to read:

90 **58-78-302. Qualifications for licensure -- Temporary license.**

91 (1) Except as provided in Subsection (2), each applicant for licensure as an
92 anesthesiologist assistant under this chapter shall:

93 (a) submit an application in a form prescribed by the division;

94 (b) pay a fee determined by the department under Section 63-38-3.2;

95 (c) be of good moral character;

96 (d) provide satisfactory documentation of having earned certification from the National
97 Commission of Certified Anesthesiologist Assistants (NCCAA) or its successor organization;

98 (e) within 12 months of completing the training under Subsection (1)(d), pass the
99 certification exam offered by the NCCAA; and

100 (f) complete other requirements as specified by the division by administrative rule.

101 (2) The division may issue a temporary license, in accordance with Section 58-1-303
102 and any other conditions established by rule, to an applicant who meets all of the requirements
103 for licensure except the examination requirement of Subsection (1)(e).

104 Section 6. Section **58-78-303** is enacted to read:

105 **58-78-303. Term of license -- Expiration -- Renewal.**

106 (1) The division shall issue each license under this chapter in accordance with a
107 two-year renewal cycle established by rule. The division may by rule extend or shorten a
108 renewal cycle by as much as one year to stagger the renewal cycles it administers.

109 (2) Each licensee shall, at the time of applying for renewal, demonstrate compliance
110 with continuing education requirements established by rule by the division in collaboration
111 with the board.

112 (3) Each license automatically expires on the expiration date shown on the license
113 unless the licensee renews it in accordance with Section 58-1-308.

114 Section 7. Section **58-78-304** is enacted to read:

115 **58-78-304. Exemptions from licensure.**

116 In addition to the exemptions from licensure set forth in Section 58-1-307, the
117 following persons may engage in the practice of anesthesiologist assistant subject to the stated
118 circumstances and limitations without being licensed under this chapter:

119 (1) an individual licensed as a physician and surgeon or osteopathic physician and
120 surgeon under Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic

121 Medical Practice Act; and

122 (2) a commissioned physician or surgeon serving in the armed forces of the United
123 States or other federal agency.

124 Section 8. Section **58-78-401** is enacted to read:

125 **Part 4. License Denial and Discipline**

126 **58-78-401. Grounds for denial of license -- Disciplinary proceedings.**

127 Grounds for refusing to issue a license to an applicant, for refusing to renew the license
128 of a licensee, for revoking, suspending, restricting, or placing on probation the license of a
129 licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and
130 desist order shall be in accordance with Section 58-1-401.

131 Section 9. Section **58-78-501** is enacted to read:

132 **Part 5. Unlawful and Unprofessional Conduct**

133 **58-78-501. Unlawful conduct.**

134 "Unlawful conduct" includes, in addition to the definition in Section 58-1-501, using
135 the title "anesthesiologist assistant" or any other title or designation tending to indicate that the
136 person is an anesthesiologist assistant unless that person has a current license as an
137 anesthesiologist assistant issued under this chapter.

138 Section 10. Section **58-78-502** is enacted to read:

139 **58-78-502. Unprofessional conduct.**

140 "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501 and
141 as may be further defined by rule:

142 (1) engaging in any act or practice in a professional capacity which the licensee is not
143 competent to perform through training or experience;

144 (2) failing to refer a client to other competent professionals when the licensee is unable
145 or unwilling to adequately support or serve the client;

146 (3) failing to maintain the confidentiality of any information received from a client,
147 unless released by the client or otherwise authorized or required by law; and

148 (4) exploiting a client for personal advantage, profit, or interest.

Legislative Review Note
as of 2-18-08 10:33 AM

Office of Legislative Research and General Counsel

H.B. 477 - Licensing of Anesthesiologist Assistants

Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this bill will increase ongoing revenue to the Commerce Service Fund by \$2,700 beginning in FY 2009. It will require an ongoing appropriation from the Commerce Service Fund of \$2,400 starting in FY 2009. The \$300 difference between the revenue generated and the appropriation needed will increase the transfer to the General Fund.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
General Fund	\$0	\$0	\$0	\$0	\$300	\$300
Commerce Service Fund	\$0	\$2,400	\$2,400	\$0	\$2,400	\$2,400
Total	\$0	\$2,400	\$2,400	\$0	\$2,700	\$2,700

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments or businesses. Individuals may benefit from the ability to gain licensure in this area.
