

1 **ANESTHESIOLOGIST ASSISTANTS**

2 2009 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Julie Fisher**

5 Senate Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ places supervision of anesthesiologist assistants under the Physician Licensing  
15 Board;
- 16 ▶ requires licensure;
- 17 ▶ establishes qualifications for licensure;
- 18 ▶ establishes terms for the license;
- 19 ▶ establishes exemptions from licensure; and
- 20 ▶ defines unlawful and unprofessional conduct.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **58-67-201**, as last amended by Laws of Utah 1997, Chapter 10



28 ENACTS:

29 **58-78-101**, Utah Code Annotated 1953

30 **58-78-102**, Utah Code Annotated 1953

31 **58-78-201**, Utah Code Annotated 1953

32 **58-78-301**, Utah Code Annotated 1953

33 **58-78-302**, Utah Code Annotated 1953

34 **58-78-303**, Utah Code Annotated 1953

35 **58-78-304**, Utah Code Annotated 1953

36 **58-78-401**, Utah Code Annotated 1953

37 **58-78-501**, Utah Code Annotated 1953

38 **58-78-502**, Utah Code Annotated 1953

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

41 Section 1. Section **58-67-201** is amended to read:

42 **58-67-201. Board.**

43 (1) There is created the Physicians Licensing Board consisting of:

44 (a) nine physicians and surgeons, one of whom is a specialist in anesthesia; and

45 (b) two members of the general public.

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

47 (3) (a) The duties and responsibilities of the board shall be in accordance with:

48 (i) Sections 58-1-202 and 58-1-203[-]; and

49 (ii) Section 58-78-201.

50 (b) The board may also designate one of its members on a permanent or rotating basis

51 to:

52 (i) assist the division in reviewing complaints concerning the unlawful or

53 unprofessional conduct of a licensee; and

54 (ii) advise the division in its investigation of these complaints.

55 (4) A board member who has, under Subsection (3), reviewed a complaint or advised  
56 in its investigation may be disqualified from participating with the board when the board serves  
57 as a presiding officer in an adjudicative proceeding concerning that complaint.

58 Section 2. Section **58-78-101** is enacted to read:

CHAPTER 78. ANESTHESIOLOGIST ASSISTANT LICENSING ACT

Part 1. General Provisions

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

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

Section 3. Section **58-78-102** is enacted to read:

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

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

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

(2) "Board" means the Physician Licensing Board created in Section 58-67-201.

(3) "Practice of anesthesiologist assistant" means:

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

(b) under the supervision of a physician:

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

(ii) specializing in anesthesia; and

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

(i) actively engaged in clinical practice; and

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

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

(5) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-78-502 and as may be further defined by administrative rule adopted by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 4. Section **58-78-201** is enacted to read:

**Part 2. Board**

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

(1) Anesthesiologist assistants shall be regulated by the division under the supervision of the Physician Licensing Board created in Section 58-67-201.

(2) The board may designate one of its members on a permanent or rotating basis to:

(a) assist the division in reviewing complaints concerning the unlawful or

90 unprofessional conduct of a licensee; and

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

92 (3) A board member who has, under Subsection (2), reviewed a complaint or advised  
93 in its investigation may be disqualified from participating with the board when the board  
94 member serves as a presiding officer of an administrative proceeding concerning the complaint.

95 Section 5. Section **58-78-301** is enacted to read:

96 **Part 3. Licensing**

97 **58-78-301. Licensure required -- Issuance of licenses -- Effect on insurers.**

98 (1) Beginning January 1, 2010, and except as provided in Sections 58-1-307 and  
99 58-78-304, a license is required to engage in the practice of anesthesiologist assistant.

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

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

104 Section 6. Section **58-78-302** is enacted to read:

105 **58-78-302. Qualifications for licensure -- Temporary license.**

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

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

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

110 (c) be of good moral character;

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

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

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

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

119 Section 7. Section **58-78-303** is enacted to read:

120 **58-78-303. Term of license -- Expiration -- Renewal.**

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

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

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

129 Section 8. Section **58-78-304** is enacted to read:

130 **58-78-304. Exemptions from licensure.**

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

134 (1) an individual licensed as a physician and surgeon or osteopathic physician and  
135 surgeon under Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic  
136 Medical Practice Act; and

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

139 Section 9. Section **58-78-401** is enacted to read:

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

141 **58-78-401. Grounds for denial of license -- Disciplinary proceedings.**

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

146 Section 10. Section **58-78-501** is enacted to read:

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

148 **58-78-501. Unlawful conduct.**

149 "Unlawful conduct" includes, in addition to the definition in Section 58-1-501, using  
150 the title "anesthesiologist assistant" or any other title or designation tending to indicate that the  
151 person is an anesthesiologist assistant unless that person has a current license as an

152 anesthesiologist assistant issued under this chapter.

153 Section 11. Section **58-78-502** is enacted to read:

154 **58-78-502. Unprofessional conduct.**

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

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

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

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

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

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**Legislative Review Note**  
**as of 1-12-09 7:04 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 269 - Anesthesiologist Assistants**

**Fiscal Note**

2009 General Session  
State of Utah

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**State Impact**

Enactment of this bill would generate additional revenue to the General Fund of \$2,000 in FY 2010 and \$2,000 in FY 2011. Commerce Service Fund spending affects the annual transfer to the General Fund.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund	\$0	\$0	\$0	\$0	\$2,000	\$2,000
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,000</b>	<b>\$2,000</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for businesses and local governments. Individuals may be impacted by the change in statute.