

Representative Julie Fisher proposes the following substitute bill:

ANESTHESIOLOGIST ASSISTANTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Julie Fisher

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;
- ▶ puts anesthesiologist assistants under supervision of the Physician Assistant Licensing Board;
- ▶ requires licensure;
- ▶ establishes qualifications for licensure;
- ▶ establishes terms for the license; and
- ▶ defines unlawful and unprofessional conduct.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 **58-70a-201**, as enacted by Laws of Utah 1997, Chapter 229

27 ENACTS:

28 **58-78-101**, Utah Code Annotated 1953

29 **58-78-102**, Utah Code Annotated 1953

30 **58-78-201**, Utah Code Annotated 1953

31 **58-78-301**, Utah Code Annotated 1953

32 **58-78-302**, Utah Code Annotated 1953

33 **58-78-303**, 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 **58-70a-201** is amended to read:

40 **58-70a-201. Board.**

41 (1) There is created the Physician Assistant Licensing Board, which consists of [~~seven~~]
42 eight members:

43 (a) four licensed physicians[;];

44 (i) at least two of whom are individuals who are supervising or who have supervised a
45 physician assistant[~~;~~~~and~~];

46 (ii) one of whom may be a member of a physician licensing board under Section
47 58-67-201 or 58-68-201; and

48 (iii) one of whom has completed a residency program for anesthesiologist and is
49 supervising or has supervised an anesthesia assistant licensed under Chapter 78, Anesthesia
50 Assistant Licensing Act;

51 (b) one physician assistant;

52 (c) one person who is involved in the administration of an approved physician assistant
53 education program within the state; [~~and~~]

54 (d) one anesthesia assistant licensed under Chapter 78, Anesthesia Assistant Licensing
55 Act; and

56 [~~(d)~~] (e) one person from the general public.

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

58 (3) The duties and responsibilities of the board are:

59 (a) in accordance with Sections 58-1-202 and 58-1-203~~[- In addition,];~~

60 (b) in accordance with Section 58-78-201, and this Subsection (3), function as the

61 board for individual's licensed under Chapter 78, Anesthesia Assistant Licensing Act; and

62 (c) the board shall designate one of its members on a permanent or rotating basis to:

63 [~~(a)~~] (i) assist the division in reviewing complaints concerning the unlawful or

64 unprofessional conduct of a licensee; and

65 [~~(b)~~] (ii) advise the division in its investigation of these complaints.

66 (4) A board member who has, under Subsection (3), reviewed a complaint or advised

67 in its investigation may be disqualified from participating with the board when the board serves

68 as a presiding officer in an adjudicative proceeding concerning the complaint. The board

69 member may be disqualified:

70 (a) on his own motion, due to actual or perceived bias or lack of objectivity; or

71 (b) upon challenge for cause raised on the record by any party to the adjudicative

72 proceeding.

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

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

75 **Part 1. General Provisions**

76 **58-78-101. Title.**

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

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

79 **58-78-102. Definitions.**

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

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

83 (2) "Board" means the Physician Assistant Licensing Board created in Section
84 58-70a-201.

85 (3) "Practice of anesthesiologist assistant":

86 (a) means:

87 (i) obtaining a comprehensive patient history and presenting the history to the

88 supervising anesthesiologist:

89 (ii) pretesting and calibrating anesthesia delivery systems;

90 (iii) monitoring, obtaining, and interpreting information from the anesthesia delivery
91 systems;

92 (iv) assisting the supervising anesthesiologist with the implementation of medically
93 accepted monitoring techniques;

94 (v) establishing basic and advanced airway interventions, including intubation of the
95 trachea and performing ventilatory support;

96 (vi) administering intermittent vasoactive drugs;

97 (vii) starting and adjusting vasoactive infusions;

98 (viii) administering anesthetic drugs, adjuvant drugs, and accessory drugs;

99 (ix) assisting the supervising anesthesiologist with the performance of epidural
100 anesthetic procedures;

101 (x) administering blood, blood products, and supportive fluids; and

102 (xi) other practices as defined by the division by administrative rule; and

103 (b) is limited to performing the practice of anesthesia assistant as described in

104 Subsection (3)(a):

105 (i) under the supervision of a physician:

106 (A) who is licensed under Chapter 67, Utah Medical Practice Act, or Chapter 69, Utah
107 Osteopathic Practice Act; and

108 (B) who has completed a residency program in anesthesiology; and

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

110 (A) actively engaged in clinical practice;

111 (B) immediately available on-site to provide supervision of the anesthesiologist
112 assistant; and

113 (C) supervising no more than four anesthesiologist assistants at any one time.

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

115 (5) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-78-502 and as
116 may be further defined by administrative rule adopted by the division in accordance with Title
117 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149

Part 2. Board

58-78-201. Board.

Anesthesiologist Assistants will be regulated by the Physician Assistant Licensing Board created in Section 58-70a-201.

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

Part 3. Licensing

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

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

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

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

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

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

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

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

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

(c) be of good moral character;

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

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

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

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

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

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

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

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

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

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

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

160 **58-78-401. Grounds for denial of license -- Disciplinary proceedings.**

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

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

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

167 **58-78-501. Unlawful conduct.**

168 "Unlawful conduct" includes, in addition to the definition in Section 58-1-501:

169 (1) using the title "anesthesiologist assistant" or any other title or designation tending
170 to indicate that the person is an anesthesiologist assistant unless that person has a current
171 license as an anesthesiologist assistant issued under this chapter; or

172 (2) engaging in the practice of anesthesia assistant without the supervision of an
173 anesthesiologist as required by Subsection 58-78-102(3)(b).

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

175 **58-78-502. Unprofessional conduct.**

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

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

180 (2) failing to refer a client to other competent professionals when the licensee is unable

181 or unwilling to adequately support or serve the client;
182 (3) failing to maintain the confidentiality of any information received from a client,
183 unless released by the client or otherwise authorized or required by law; and
184 (4) exploiting a client for personal advantage, profit, or interest.

H.B. 269 1st Sub. (Buff) - Anesthesiologist Assistants

Fiscal Note

2009 General Session
State of Utah

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 |
| Total | \$0 | \$0 | \$0 | \$0 | \$2,000 | \$2,000 |

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.