

1 ANESTHESIOLOGIST ASSISTANT AMENDMENTS

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Brad L. Dee

5 Senate Sponsor: _____

6
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 ▶ puts anesthesiologist assistants under supervision of the Physician Assistant
15 Licensing Board;

- 16 ▶ requires licensure;
- 17 ▶ establishes qualifications for licensure;
- 18 ▶ establishes terms for the license; ~~H~~→ [and] ←~~H~~
- 19 ▶ defines unlawful and unprofessional conduct ~~H~~→ [-] ; and

19a ▶ requires the Division of Occupational and Professional Licensing to study and work
 19b with the Legislature's Health and Human Services Interim Committee to develop
 19c recommendations regarding certain patient consent and notice requirements. ←~~H~~

20 Money Appropriated in this Bill:

21 None

22 Other Special Clauses:

23 None

24 Utah Code Sections Affected:

25 AMENDS:

26 58-70a-201, as last amended by Laws of Utah 2010, Chapter 37

27 ENACTS:



- 28 **58-70b-101**, Utah Code Annotated 1953
- 29 **58-70b-102**, Utah Code Annotated 1953
- 30 **58-70b-201**, Utah Code Annotated 1953
- 31 **58-70b-301**, Utah Code Annotated 1953
- 32 **58-70b-302**, Utah Code Annotated 1953
- 33 **58-70b-303**, Utah Code Annotated 1953
- 34 **58-70b-401**, Utah Code Annotated 1953
- 35 **58-70b-501**, Utah Code Annotated 1953
- 36 **58-70b-502**, Utah Code Annotated 1953

36a **Ĥ→ Uncodified Material Affected:**
 36b **ENACTS UNCODIFIED MATERIAL ←Ĥ**

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 members:

43 (a) three licensed physicians, at least two of whom are individuals who are supervising
 44 or who have supervised a physician assistant;

45 (b) three physician assistants, one of whom is involved in the administration of an
 46 approved physician assistant education program within the state; and

47 (c) one person from the general public.

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

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

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

51 (b) in accordance with Section 58-70b-201, and this Subsection (3), to function as the
 52 board for individual's licensed under Chapter 70b, Anesthesiologist Assistant Licensing Act;

53 and

54 (c) to designate one of its members on a permanent or rotating basis to:

55 ~~[(a)]~~ (i) assist the division in reviewing complaints concerning the unlawful or
 56 unprofessional conduct of a licensee; and

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

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

152 indicate that the person is an anesthesiologist assistant unless that person has a current license
153 as an anesthesiologist assistant issued under this chapter; or

154 (2) engaging in the practice of anesthesiologist assistant without the supervision of an
155 anesthesiologist as required by Subsection 58-70b-102(3)(b).

156 Section 10. Section **58-70b-502** is enacted to read:

157 **58-70b-502. Unprofessional conduct.**

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

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

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

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

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

166a **Ĥ→ Section 11. Division of Occupational and Professional Licensing Study.**

166b **The Division of Occupational and Professional Licensing shall consult the professional**
166c **boards for health care providers licensed under Title 58, Chapters 31b, Nurse Practice Act,**
166d **and 70b, Anesthesiologist Assistant Licensing Act , and physicians described in**
166e **Section 58-70b-102(3), to work with the Legislative Health and Human Services Interim**
166f **Committee to study and make a recommendation on or before November 15, 2015:**

166g **(1) that identify anesthesia procedures that:**

166h **(a) may be performed by an individual licensed under Title 58, Chapters 31b, Nurse**
166i **Practice Act or 70b, Anesthesiologist Assistant Licensing Act; and**

166j **(b) involve significant risk to a patient; and**

166k **(2) recommend whether a patient should:**

166l **(a) be informed of the level of training of, or the type of license held by the provider**
166m **who will perform the procedure; and**

166n **(b) be required to consent to the type of provider who will perform the procedure. ←Ĥ**