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

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

CHAPTER 78. ANESTHESIOLOGIST ASSISTANT LICENSING ACT


58-78-101. Title.

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

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


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 Anesthesiologist Assistant Licensing Board created in Section 58-78-201.

(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 63, Chapter 46a, Utah Administrative Rulemaking Act.

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

**Part 2. Board**

58-78-201. Board.

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

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

(3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203. In addition, 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 unprofessional conduct of a licensee; and

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

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

Section 4. 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, 2009, and except as provided in Sections 58-1-307 and 58-78-304, 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 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 anesthesiologist assistant under this chapter shall:
92 (a) submit an application in a form prescribed by the division;
93 (b) pay a fee determined by the department under Section 63-38-3.2;
94 (c) be of good moral character;
95 (d) provide satisfactory documentation of having earned certification from the National Commission of Certified Anesthesiologist Assistants (NCCAA) or its successor organization;
96 (e) within 12 months of completing the training under Subsection (1)(d), pass the certification exam offered by the NCCAA; and
97 (f) complete other requirements as specified by the division by administrative rule.
98 (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 6. Section **58-78-303** is enacted to read:

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

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

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

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

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

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

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

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

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

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

Part 4. License Denial and Discipline


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

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

Part 5. Unlawful and Unprofessional Conduct

58-78-501. Unlawful conduct.

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

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


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

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

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

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

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

H.B. 477 - Licensing of Anesthesiologist Assistants

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.

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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 local governments or businesses. Individuals may benefit from the ability to gain licensure in this area.

2/28/2008, 11:11:00 AM, Lead Analyst: Schoenfeld, J.D.

Office of the Legislative Fiscal Analyst