

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 an allied health graduate of an accredited

82 anesthesiologist's assistant program.

83 (2) "Board" means the Physician Assistant Licensing Board created in Section

84 58-70a-201.

85 (3) (a) "Practice of anesthesiologist assistant" means:

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

87 supervising anesthesiologist;

88 (ii) pretesting and calibrating anesthesia delivery systems;
89 (iii) monitoring, obtaining, and interpreting information from the anesthesia delivery
90 systems;

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

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

95 (vi) administering intermittent vasoactive drugs;

96 (vii) starting and adjusting vasoactive infusions;

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

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

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

101 (xi) other practices as defined by the division by administrative rule.

102 (b) The practice of anesthesiologist assistant is limited to performing the practice of
103 anesthesiologist assistant as described in Subsection (3)(a):

104 (i) under the supervision of a physician, as defined in Subsection (4), who:

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

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

108 (C) except in emergency situations, has informed the patient that:

109 (I) the patient will receive anesthesia services under a team model that includes the use
110 of an anesthesiologist assistant;

111 (II) the physician may not be present in the operating room at all times, but will be
112 present in the operating suite; and

113 (III) the patient may elect:

114 (Aa) to have the anesthesiologist administer the anesthesia; or

115 (Bb) to request a referral to another physician; and

116 (ii) when the supervising physician:

117 (A) is actively engaged in clinical practice; and

118 (B) is supervising no more than two anesthesiologist assistants at any one time.

119 (c) The practice of anesthesiologist assistant does not include:

120 (i) prescribing any medication or controlled substance;

121 (ii) attempting to administer or administering anesthesia during the induction or

122 emergence phase without the personal participation of the supervising anesthesiologist.

123 (4) ~~H~~→ (a) ←~~H~~ "Supervision" means a supervising anesthesiologist:

124 ~~H~~→ [(a)] (i) ←~~H~~ is present at the operating suite; and

125 ~~H~~→ [(b)] (ii) ←~~H~~ is immediately available to provide supervision of the anesthesiologist

125a and to

126 provide anesthesia services to the patient in accordance with:

127 ~~H~~→ [(i)] (A) ←~~H~~ acceptable medical practice;

128 ~~H~~→ [(ii)] (B) ←~~H~~ the American Society of Anesthesiologists' guidelines for best practice of

129 anesthesia in a care team model; and

130 ~~H~~→ [(iii)] (C) ←~~H~~ any other requirements established by the board by administrative rule.

130a ~~H~~→ (b) **Supervision as defined in Subsections (4)(a) and (3)(b)(ii)(B) does not limit an**

130b **anesthesiologist from supervising certified registered nurse anesthetists and anesthesiology**

130c **residents at the same time as supervising an anesthesiologist assistant , ←~~H~~**

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

132 (6) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-78-502 and as

133 may be further defined by administrative rule adopted by the division in accordance with Title

134 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

136 **Part 2. Board**

137 **58-78-201. Board.**

138 Anesthesiologist Assistants will be regulated by the Physician Assistant Licensing

139 Board created in Section 58-70a-201.

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

141 **Part 3. Licensing**

142 **58-78-301. Licensure required -- Issuance of licenses -- Effect on insurers.**

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

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

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

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

150 **58-78-302. Qualifications for licensure -- Temporary license.**

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

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

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

155 (c) be of good moral character;

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

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

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

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

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

166 **58-78-303. Term of license -- Expiration -- Renewal.**

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

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

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

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

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

177 **58-78-401. Grounds for denial of license -- Disciplinary proceedings.**

178 Grounds for refusing to issue a license to an applicant, for refusing to renew the license
179 of a licensee, for revoking, suspending, restricting, or placing on probation the license of a
180 licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and

181 desist order shall be in accordance with Section 58-1-401.

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

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

184 **58-78-501. Unlawful conduct.**

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

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

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

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

192 **58-78-502. Unprofessional conduct.**

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

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

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

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

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

H.B. 269 2nd Sub. (Gray) - 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.