

ANESTHESIOLOGIST ASSISTANTS

2010 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:

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

ENACTS:



- 28 **58-83-101**, Utah Code Annotated 1953
- 29 **58-83-102**, Utah Code Annotated 1953
- 30 **58-83-201**, Utah Code Annotated 1953
- 31 **58-83-301**, Utah Code Annotated 1953
- 32 **58-83-302**, Utah Code Annotated 1953
- 33 **58-83-303**, Utah Code Annotated 1953
- 34 **58-83-401**, Utah Code Annotated 1953
- 35 **58-83-501**, Utah Code Annotated 1953
- 36 **58-83-502**, Utah Code Annotated 1953



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 anesthesiologist assistant licensed under Chapter 83,
50 Anesthesiologist 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 anesthesiologist assistant licensed under Chapter 83, Anesthesiologist Assistant
55 Licensing 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) (a) The duties and responsibilities of the board are;

59 (i) in accordance with Sections 58-1-202 [~~and~~], 58-1-203[~~-. In addition, the~~], and
60 58-83-201; and

61 (ii) to function as the board for individuals licensed under Chapter 83, Anesthesiologist
62 Assistant Licensing Act.

63 (b) The board shall designate one of its members on a permanent or rotating basis to:

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

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

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

71 (a) on [his] the member's own motion, due to actual or perceived bias or lack of
72 objectivity; or

73 (b) upon challenge for cause raised on the record by any party to the adjudicative
74 proceeding.

75 Section 2. Section **58-83-101** is enacted to read:

76 **CHAPTER 83. ANESTHESIOLOGIST ASSISTANT LICENSING ACT**

77 **Part 1. General Provisions**

78 **58-83-101. Title.**

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

80 Section 3. Section **58-83-102** is enacted to read:

81 **58-83-102. Definitions.**

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

83 (1) "Anesthesiologist assistant" means an allied health graduate of an accredited
84 anesthesiologist's assistant program.

85 (2) "Board" means the Physician Assistant Licensing Board created in Section
86 58-70a-201.

87 (3) (a) "Practice of anesthesiologist assistant":

88 (i) includes anesthesia services appropriately delegated by an anesthesiologist in
89 accordance with the standards and ethics of the anesthesiologist's medical practice; and

90 (ii) shall be established by administrative rule adopted by the division in accordance
91 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

94 (i) under the supervision of a physician who:

95 (A) is licensed under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah
96 Osteopathic Medical Practice Act; and

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

98 (ii) when the supervising physician is:

99 (A) actively practicing as an anesthesiologist;

100 (B) immediately available on site to provide supervision of the anesthesiologist
101 assistant; and

102 (C) supervising no more than:

103 (I) four anesthesiologist assistants at any one time; or

104 (II) the number of student anesthesiologist assistants designated by the board by
105 administrative rule, which shall be equal to the supervision requirements for student nurse
106 anesthetists.

107 (4) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-83-501.

108 (5) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-83-502 and as
109 may be further defined by administrative rule adopted by the division in accordance with Title
110 63G, Chapter 3, Utah Administrative Rulemaking Act.

111 Section 4. Section **58-83-201** is enacted to read:

Part 2. Board

58-83-201. Board.

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

116 Section 5. Section **58-83-301** is enacted to read:

Part 3. Licensing

58-83-301. Licensure required -- Issuance of licenses -- Effect on insurers.

119 (1) Beginning January 1, 2011, and except as provided in Section 58-1-307, a license is
120 required to engage in the practice of anesthesiologist assistant.

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

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

125 Section 6. Section **58-83-302** is enacted to read:

126 **58-83-302. Qualifications for licensure -- Temporary license.**

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

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

130 (b) pay a fee determined by the department under Section 63J-1-504;

131 (c) be of good moral character;

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

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

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

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

141 Section 7. Section **58-83-303** is enacted to read:

142 **58-83-303. Term of license -- Expiration -- Renewal.**

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

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

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

151 Section 8. Section **58-83-401** is enacted to read:

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

153 **58-83-401. Grounds for denial of license -- Disciplinary proceedings.**

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

158 Section 9. Section **58-83-501** is enacted to read:

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

160 **58-83-501. Unlawful conduct.**

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

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

165 (2) engaging in the practice of anesthesiologist assistant without the supervision of an
166 anesthesiologist as required by Subsection 58-83-102(3)(b).

167 Section 10. Section **58-83-502** is enacted to read:

168 **58-83-502. Unprofessional conduct.**

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

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

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

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

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

Legislative Review Note
as of 7-7-09 1:54 PM

Office of Legislative Research and General Counsel

H.B. 101 - Anesthesiologist Assistants

Fiscal Note

2010 General Session
State of Utah

State Impact

New license revenue, deposited into the Commerce Service Fund, is estimated at \$200 every other year. Additional appropriations of \$900 annually, also from the Commerce Service Fund, would be required. Revenue to, and appropriations from the Commerce Service Fund affect the annual transfer to the General Fund.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
General Fund	\$0	\$0	\$0	\$0	(\$700)	(\$900)
Commerce Service Fund	\$0	\$900	\$900	\$0	\$0	\$0
Total	\$0	\$900	\$900	\$0	(\$700)	(\$900)

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for businesses or local governments. Licensees will incur the costs of licensing and continuing education.
