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

Section 1. Section 58-70a-201 is amended to read:

58-70a-201. Board.

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

   (a) four licensed physicians[;];

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

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

   (iii) one of whom has completed a residency program for anesthesiologist and is
   supervising or has supervised an anesthesiologist assistant licensed under Chapter 83,
   Anesthesiologist Assistant Licensing Act;

   (b) one physician assistant;

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

   (d) one anesthesiologist assistant licensed under Chapter 83, Anesthesiologist Assistant
   Licensing Act; and

   [rd] (e) one person from the general public.

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

(3) (a) The duties and responsibilities of the board are:
in accordance with Sections 58-1-202 [and] 58-1-203[
}, and
58-83-201; and
(i) to function as the board for individuals licensed under Chapter 83, Anesthesiologist
Assistant Licensing Act.

(b) The board shall designate one of its members on a permanent or rotating basis to:
[(a)] (i) assist the division in reviewing complaints concerning the unlawful or
unprofessional conduct of a licensee; and
[(b)] (ii) advise the division in its investigation of these complaints.

4 (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 serves
as a presiding officer in an adjudicative proceeding concerning the complaint. The board
member may be disqualified:

(a) on [his] the member's own motion, due to actual or perceived bias or lack of
objectivity; or
(b) upon challenge for cause raised on the record by any party to the adjudicative
proceeding.

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

CHAPTER 83. ANESTHESIOLOGIST ASSISTANT LICENSING ACT


58-83-101. Title.
This chapter is known as the "Anesthesiologist Assistant Licensing Act."

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

In addition to the definitions in Section 58-1-102, as used in this chapter:
(1) "Anesthesiologist assistant" means an allied health graduate of an accredited
anesthesiologist's assistant program.
(2) "Board" means the Physician Assistant Licensing Board created in Section
58-70a-201.
(3) (a) "Practice of anesthesiologist assistant":
(i) includes anesthesia services appropriately delegated by an anesthesiologist in
accordance with the standards and ethics of the anesthesiologist's medical practice; and
shall be established by administrative rule adopted by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

(i) under the supervision of a physician who:

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

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

(ii) when the supervising physician is:

(A) actively practicing as an anesthesiologist;

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

(C) supervising no more than:

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

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

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

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

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

**Part 2. Board**

58-83-201. Board.

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

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

**Part 3. Licensing**

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

(1) Beginning January 1, 2011, 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 58-83-302 is enacted to read:


(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 63J-1-504;

(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 58-83-303 is enacted to read:


(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 8. Section 58-83-401 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 58-83-501 is enacted to read:

Part 5. Unlawful and Unprofessional Conduct


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

(1) 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; or

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

Section 10. Section 58-83-502 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.
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.

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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 businesses or local governments. Licensees will incur the costs of licensing and continuing education.