

ANESTHESIOLOGIST ASSISTANT

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel R. Liljenquist

House 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.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:



- 28 **58-84-101**, Utah Code Annotated 1953
- 29 **58-84-102**, Utah Code Annotated 1953
- 30 **58-84-201**, Utah Code Annotated 1953
- 31 **58-84-301**, Utah Code Annotated 1953
- 32 **58-84-302**, Utah Code Annotated 1953
- 33 **58-84-303**, Utah Code Annotated 1953
- 34 **58-84-401**, Utah Code Annotated 1953
- 35 **58-84-501**, Utah Code Annotated 1953
- 36 **58-84-502**, 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) three 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 has completed a residency program for anesthesiologist and is
47 supervising or has supervised an anesthesiologist assistant licensed under Chapter 84,
48 Anesthesiologist Assistant Licensing Act;

49 (b) three physician assistants, one of whom is involved in the administration of an
50 approved physician assistant education program within the state; [~~and~~]

51 (c) one anesthesiologist assistant licensed under Chapter 84, Anesthesiologist Assistant
52 Licensing Act; and

53 [~~(e)~~] (d) one person from the general public.

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

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

56 (i) in accordance with Sections 58-1-202 [~~and~~], 58-1-203[~~. In addition, the~~], and
57 58-84-201; and

58 (ii) to function as the board for individuals licensed under Chapter 84, Anesthesiologist

59 Assistant Licensing Act.

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

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

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

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

68 (a) on the member's own motion, due to actual or perceived bias or lack of objectivity;

69 or

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

72 Section 2. Section **58-84-101** is enacted to read:

73 **CHAPTER 84. ANESTHESIOLOGIST ASSISTANT LICENSING ACT**

74 **Part 1. General Provisions**

75 **58-84-101. Title.**

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

77 Section 3. Section **58-84-102** is enacted to read:

78 **58-84-102. Definitions.**

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

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

82 (2) "Board" means the Physician Assistant Licensing Board created in Section
83 58-70a-201.

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

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

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

89 (b) The practice of anesthesiologist assistant is limited to performing the practice of

90 anesthesiologist assistant as described in Subsection (3)(a):

91 (i) under the supervision of a physician as described in Subsection (3)(c);

92 (ii) in facilities located in urban counties as defined by the division by administrative
93 rule; and

94 (iii) when the anesthesiologist assistant informs the patient that the services will be
95 performed by an anesthesiologist assistant.

96 (c) Supervision by a physician under Subsection (3)(b) means the physician is:

97 (i) licensed under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah

98 Osteopathic Medical Practice Act;

99 (ii) has completed a residency program in anesthesiology;

100 (iii) actively practicing as an anesthesiologist;

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

103 (v) supervising no more than:

104 (A) three anesthesiologist assistants at any one time; or

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

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

109 (5) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-83-502 and as
110 may be further defined by administrative rule adopted by the division in accordance with Title
111 63G, Chapter 3, Utah Administrative Rulemaking Act.

112 Section 4. Section **58-84-201** is enacted to read:

113 **Part 2. Board**

114 **58-84-201. Board.**

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

117 Section 5. Section **58-84-301** is enacted to read:

118 **Part 3. Licensing**

119 **58-84-301. Licensure required -- Issuance of licenses -- Effect on insurers.**

120 (1) Beginning January 1, 2012, and except as provided in Section 58-1-307, a license is

121 required to engage in the practice of anesthesiologist assistant.

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

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

126 Section 6. Section **58-84-302** is enacted to read:

127 **58-84-302. Qualifications for licensure -- Temporary license.**

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

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

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

132 (c) be of good moral character;

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

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

138 (f) have worked for two years as an anaesthesiologist assistant in another state; and

139 (g) complete other requirements as specified by the division by administrative rule.

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

143 Section 7. Section **58-84-303** is enacted to read:

144 **58-84-303. Term of license -- Expiration -- Renewal.**

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

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

151 (3) Each license automatically expires on the expiration date shown on the license

152 unless the licensee renews it in accordance with Section 58-1-308.

153 Section 8. Section **58-84-401** is enacted to read:

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

155 **58-84-401. Grounds for denial of license -- Disciplinary proceedings.**

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

160 Section 9. Section **58-84-501** is enacted to read:

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

162 **58-84-501. Unlawful conduct.**

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

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

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

169 Section 10. Section **58-84-502** is enacted to read:

170 **58-84-502. Unprofessional conduct.**

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

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

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

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

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

Legislative Review Note
as of 2-14-11 10:05 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 311

SHORT TITLE: **Anesthesiologist Assistant**

SPONSOR: **Liljenquist, D.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this legislation will result in revenue of \$500 in FY 2012 and \$1,300 in odd-numbered years thereafter. Ongoing Commerce Department expenses associated with the new licensure are estimated at \$400 with one-time expenses of \$6,300 in FY 2012. Commerce Service Fund revenue and expenditures affect the annual transfer to the General Fund. As such, this bill will result in decrease in the transfers to the General Fund of \$6,200 in FY 2012 and an increase of \$900 in FY 2013.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue:			
General Fund	\$0	(\$6,200)	\$900
Commerce Service Fund	\$0	\$500	\$500
Total Revenue	\$0	(\$5,700)	\$1,400
Expenditure:			
Commerce Service Fund	\$0	\$400	\$400
Commerce Service, One-time	\$0	\$6,300	\$0
Total Expenditure	\$0	\$6,700	\$400
Net Impact, All Funds (Rev.-Exp.)	\$0	(\$12,400)	\$1,000
Net Impact, General/Education Funds	\$0	(\$6,200)	\$900

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this legislation would require an estimated three licensees to pay the \$180 application fee in FY 2012. An additional three applicants are expected after the first year, together with the renewals. Renewal fees of \$123 will be paid during odd-numbered years. In addition, licensees would be required to pay for the continuing education as required in the bill.