H.B. 109

ANESTHESIOLOGIST ASSISTANT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad L. Dee

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;
- defines unlawful and unprofessional conduct;
- requires the Division of Occupational and Professional Licensing to study and work with the Legislature's Health and Human Services Interim Committee to develop recommendations regarding certain patient consent and notice requirements.

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:
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 members:

(a) three licensed physicians, at least two of whom are individuals who are supervising or who have supervised a physician assistant;

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

(c) one person from 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 are:

(a) in accordance with Sections 58-1-202 and 58-1-203; In addition, the board shall:

(b) in accordance with Section 58-70b-201, and this Subsection (3), to function as the board for individual's licensed under Chapter 70b, Anesthesiologist Assistant Licensing Act;

and

(c) to 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) A board member who has, under Subsection (3)(c), 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 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 58-70b-101 is enacted to read:

CHAPTER 70b. ANESTHESIOLOGIST ASSISTANT LICENSING ACT


58-70b-101. Title.

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

Section 3. Section 58-70b-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 assistant program.

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

(3) (a) "Practice of anesthesiologist assistant" means assisting a supervising anesthesiologist with health care services delegated to the anesthesiologist assistant by the supervising anesthesiologist in accordance with the acceptable medical practice and the American Society of Anesthesiologists' guidance for best practice of anesthesia in a care team model.

(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, as defined in Subsection (4), 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 anesthesia; and

(ii) as may be further limited by administrative rule adopted by the division in
consultation with the board.

(4) "Supervision" means a supervising anesthesiologist is immediately available in physical proximity that allows the anesthesiologist to return and re-establish direct contact with the patient to meet the medical needs and address any urgent or emergent clinical problems.

(5) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-70b-501.

(6) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-70b-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 58-70b-201 is enacted to read:

Part 2. Board

58-70b-201. Board.

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

Section 5. Section 58-70b-301 is enacted to read:

Part 3. Licensing

58-70b-301. Licensure required -- Issuance of licenses -- Effect on insurers.

(1) Beginning January 1, 2014, 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 58-70b-302 is enacted to read:

58-70b-302. Qualifications for licensure -- Temporary license.

(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 63-38-3.2;

(c) be of good moral character;

(d) provide satisfactory documentation of having graduated from a program certified by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or its
successor organization;

(e) within 12 months of completing the training under Subsection (1)(d), pass the

certification exam offered by the National Commission for Certification of Anesthesiologist

Assistants (NCCAA); and

(f) be certified by the NCCAA at the time of the application and throughout the term of

the license.

(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 58-70b-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 58-70b-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 58-70b-501 is enacted to read:

Part 5. Unlawful and Unprofessional Conduct

58-70b-501. Unlawful 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 58-70b-102(3)(b).

Section 10. Section 58-70b-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.

Section 11. Division of Occupational and Professional Licensing Study.

The Division of Occupational and Professional Licensing shall consult the professional boards for health care providers licensed under Title 58, Chapters 31b, Nurse Practice Act, and 70b, Anesthesiologist Assistant Licensing Act, and physicians described in Section 58-70b-102(3), to work with the Legislative Health and Human Services Interim Committee to study and make a recommendation on or before November 15, 2015:

(1) that identify anesthesia procedures that:

(a) may be performed by an individual licensed under Title 58, Chapters 31b, Nurse Practice Act or 70b, Anesthesiologist Assistant Licensing Act; and

(b) involve significant risk to a patient; and

(2) recommend whether a patient should:

(a) be informed of the level of training of, or the type of license held by the provider who will perform the procedure; and

(b) be required to consent to the type of provider who will perform the procedure.