

ANESTHESIOLOGIST ASSISTANT LICENSING ACT

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: Mike Schultz

LONG TITLE

General Description:

This bill creates a license for anesthesiologist assistants.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Physicians Licensing Board to regulate anesthesiologist assistants;
- ▶ establishes a license for anesthesiologist assistants;
- ▶ establishes qualifications for licensure;
- ▶ establishes terms for the license; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-67-201, as last amended by Laws of Utah 1997, Chapter 10

ENACTS:

58-70b-101, Utah Code Annotated 1953

58-70b-102, Utah Code Annotated 1953



- 28 [58-70b-201](#), Utah Code Annotated 1953
- 29 [58-70b-301](#), Utah Code Annotated 1953
- 30 [58-70b-302](#), Utah Code Annotated 1953
- 31 [58-70b-303](#), Utah Code Annotated 1953
- 32 [58-70b-401](#), Utah Code Annotated 1953
- 33 [58-70b-402](#), Utah Code Annotated 1953

34

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

36 Section 1. Section **58-67-201** is amended to read:

37 **58-67-201. Board.**

38 (1) There is created the Physicians Licensing Board consisting of nine physicians and
39 surgeons and two members of the general public.

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

41 ~~[(3) (a) The duties and responsibilities of the board shall be in accordance with~~
42 ~~Sections [58-1-202](#) and [58-1-203](#).]~~

43 (3) (a) In addition to any duty or responsibility described in Section [58-1-202](#) or
44 [58-1-203](#), the board shall regulate anesthesiologist assistants licensed under Chapter 70b,
45 Anesthesiologist Assistant Licensing Act.

46 (b) The board may also designate one of ~~[its]~~ the board's members on a permanent or
47 rotating basis to:

48 (i) assist the division in reviewing complaints concerning the unlawful or
49 unprofessional conduct of a licensee the board regulates; and

50 (ii) advise the division in ~~[its]~~ the division's investigation of these complaints.

51 (4) A board member who has, under Subsection (3), reviewed a complaint or advised
52 in ~~[its]~~ the complaint's investigation may be disqualified from participating with the board
53 when the board serves as a presiding officer in an adjudicative proceeding concerning that
54 complaint.

55 Section 2. Section **58-70b-101** is enacted to read:

56 **CHAPTER 70b. ANESTHESIOLOGIST ASSISTANT LICENSING ACT**

57 **Part 1. General Provisions**

58 **58-70b-101. Definitions.**

59 As used in this chapter:

60 (1) "Anesthesiologist" means an individual who:

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

63 (b) has completed a residency program in anesthesiology.

64 (2) "Anesthesiologist assistant" means an individual licensed under this chapter.

65 (3) "Board" means the Physicians Licensing Board created in Section [58-67-201](#).

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

70 (5) "Supervision ~~is~~ standards " means ~~that~~ ~~a supervising anesthesiologist is~~
70a ~~immediately available in~~

71 ~~physical proximity that allows the anesthesiologist to return and re-establish direct contact with~~
72 ~~the patient to meet the medical needs and address any urgent or emergent clinical problems.]~~

72a standards ~~are~~ ~~that~~ established by the division through rule ~~and~~ that:

72b ~~(a) prohibit an anesthesiologist from supervising more than four anesthesiologist assistants at~~

72b1 ~~any one time; and~~

72c ~~(b) comply with the rules and regulations for anesthesia service reimbursement created by the~~

72d ~~Centers for Medicare and Medicaid Services to the extent that the rules and regulations~~

72d1 ~~do not conflict with state law~~ .

73 Section 3. Section **58-70b-102** is enacted to read:

74 **58-70b-102. Rulemaking.**

75 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
76 division may make rules as authorized by this chapter.

77 Section 4. Section **58-70b-201** is enacted to read:

78 **Part 2. Board**

79 **58-70b-201. Board.**

80 The board shall regulate anesthesiologist assistants.

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

82 **Part 3. Licensing**

83 **58-70b-301. Licensure required -- Supervision -- Issuance of licenses.**

84 (1) Beginning January 1, 2023, and except as provided in Section [58-1-307](#):

85 (a) a license is required to engage in the practice of assisting an anesthesiologist; and

86 (b) the practice of assisting an anesthesiologist requires ~~that~~ ~~supervision~~ compliance with
86a supervision standards .

87 (2) The division shall issue to any individual who qualifies under this chapter a license
88 to practice as an anesthesiologist assistant.

89 Section 6. Section **58-70b-302** is enacted to read:

90 **58-70b-302. Qualifications for licensure -- Temporary license.**

91 ~~Each~~ ~~applicant for licensure as an~~
 92 ~~anesthesiologist assistant under this chapter shall:~~

93 ~~Each~~ ~~(1)~~ ~~submit an application on a form established by the division;~~

94 ~~Each~~ ~~(2)~~ ~~pay a fee determined by the division under Section [63J-1-504](#);~~

95 ~~Each~~ ~~(3)~~ ~~provide satisfactory documentation of having graduated from a program~~
 95a ~~certified by~~

96 ~~the Commission on Accreditation of Allied Health Education Programs the commission's~~
 97 ~~successor organization;~~

98 ~~Each~~ ~~(4)~~ ~~within 12 months of completing the training under Subsection~~

98a ~~(1)(e)~~ ~~(3)~~ ~~, pass the~~

99 ~~certification exam offered by the National Commission for Certification of Anesthesiologist~~

100 ~~Assistants; and~~

101 ~~Each~~ ~~(5)~~ ~~have the certification described in Subsection ~~Each~~ ~~(1)(d)~~ ~~(4)~~ ~~at the~~~~
 101a ~~time of the application~~

102 ~~and maintain the certification throughout the term of the license.~~

103 ~~Each~~ ~~(2)~~ ~~The division may issue a temporary license, in accordance with Section [58-1-303](#)~~
 104 ~~and any other conditions established by rule, to an applicant who meets all of the requirements~~
 105 ~~for licensure except the certification requirement of Subsection (1)(d) or (1)(e).]~~ ~~Each~~

106 Section 7. Section **58-70b-303** is enacted to read:

107 **58-70b-303. Term of license -- Expiration -- Renewal.**

108 (1) (a) The division shall issue each license under this chapter in accordance with a
 109 two-year renewal cycle established by rule.

110 (b) The division may by rule extend or shorten a renewal cycle by as much as one year
 111 to stagger the renewal cycles the division administers.

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

115 (3) Each license automatically expires on the expiration date shown on the license
 116 unless the licensee renews the license in accordance with Section [58-1-308](#).

117 Section 8. Section **58-70b-401** is enacted to read:

118 **Part 4. Unlawful and Unprofessional Conduct**

119 **58-70b-401. Unlawful conduct.**

120 (1) An individual commits unlawful conduct by:

121 (a) using the title "anesthesiologist assistant" or any other title or designation tending to
122 indicate that the individual is an anesthesiologist assistant unless that individual has a current
123 license as an anesthesiologist assistant issued under this chapter; or

124 (b) engaging in the practice of assisting an anesthesiologist without being an
125 anesthesiologist assistant.

126 (2) An anesthesiologist assistant commits unlawful conduct by engaging in the practice
127 of assisting an anesthesiologist without ~~Ŝ~~→ **[supervision] complying with supervision standards**

127a ←Ŝ .

Section 9. Section **58-70b-402** is enacted to read:

58-70b-402. Unprofessional conduct.

An anesthesiologist assistant commits unprofessional conduct by:

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

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

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

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