

The Senate Committee on Health and Human Services offered the following substitute to SB 111:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to enact the "Anesthesiologist Assistant Act"; to provide for an
3 anesthesiologist assistant to be appointed in an advisory capacity to the Georgia Composite
4 Medical Board; to provide for definitions; to provide for powers and duties of the Georgia
5 Composite Medical Board as they relate to anesthesiologist assistants; to provide for
6 licensure rules and requirements; to define the scope of practice for anesthesiologist
7 assistants; to provide for regulation of the profession; to provide for rules and requirements
8 for licensure reinstatement; to provide for penalties for unauthorized practice; to provide for
9 practice during emergencies; to provide for related matters; to repeal conflicting laws; and
10 for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**
13 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
14 is amended in Chapter 34, relating to physicians, acupuncture, physician assistants, cancer
15 and glaucoma treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics
16 practice, by revising subsection (e) of Code Section 43-34-2, relating to creation of board,

17 members, physician assistants advisory committee, review of qualifications, and required
18 training, as follows:

19 "(e)(1) The board shall appoint a Physician Assistants Advisory Committee composed
20 of four physicians, at least two of whom shall be members of the board, and four licensed
21 physician assistants, who shall each serve for terms of office of two years and until their
22 successors are appointed and qualified. The committee shall review matters to come
23 before the board which relate to physician assistants, including, but not limited to,
24 applicants for physician assistant licensure and relicensure and education requirements
25 therefor, and proposed board regulations concerning physician assistants. The committee
26 shall periodically make recommendations to the board regarding matters reviewed. Each
27 member of the advisory committee shall be entitled to the same expense allowances,
28 mileage allowances, and reimbursement as members of the board as provided for in this
29 chapter.

30 (2) The committee shall appoint a physician assistant in an advisory capacity to the
31 board. The advisory person shall serve at the pleasure of the committee as an ex officio
32 adviser to the board in all matters relating to physician assistants and shall share in the
33 privileges and benefits of the board without a vote.

34 (3) The committee shall appoint an anesthesiologist assistant in an advisory capacity to
35 the board. The advisory person shall serve at the pleasure of the committee as an ex
36 officio adviser to the board in all matters relating to anesthesiologist assistants and shall
37 share in the privileges and benefits of the board without a vote."

38 **SECTION 3.**

39 Said title is further amended in said chapter by enacting a new article to read as follows:

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"ARTICLE 1341 43-34-320.42 This article shall be known and may be cited as the 'Anesthesiologist Assistant Act.'43 43-34-321.44 As used in this article, the term:45 (1) 'Alternate supervising anesthesiologist' means an anesthesiologist to whom a board
46 approved supervising anesthesiologist has delegated the responsibility of supervising an
47 anesthesiologist assistant and who agrees to supervise the anesthesiologist assistant for
48 the supervising anesthesiologist and who is on record with the board.49 (2) 'Anesthesiologist' means a physician licensed pursuant to this chapter who has
50 completed a residency in anesthesiology approved by the American Board of
51 Anesthesiology or the American Osteopathic Board of Anesthesiology.52 (3) 'Anesthesiologist assistant' means a person who has met the requirements of Code
53 Section 43-34-323 and is licensed to practice medicine under the supervision of an
54 anesthesiologist.55 (4) 'Certification examination' means the initial certifying examination approved by the
56 board for the certification of anesthesiologist assistants, which may include the
57 examination administered by the National Commission for the Certification of
58 Anesthesiologist Assistants or other national anesthesiologist assistant certifying agency
59 that has been reviewed and approved by the board.60 (5) 'Immediately available' means that a supervising anesthesiologist is immediately
61 available if he or she is in physical proximity that allows the anesthesiologist to
62 reestablish direct contact with the patient to meet medical needs and any urgent or
63 emergent clinical problems. These responsibilities may also be met through coordination
64 among anesthesiologists of the same group or department.

65 (6) 'Job description' means a document, signed by the supervising anesthesiologist and
66 the anesthesiologist assistant whom the supervising anesthesiologist is supervising, in
67 which the supervising anesthesiologist delegates to that anesthesiologist assistant
68 authority to perform certain medical acts and which describes the professional
69 background and specialty of the supervising anesthesiologist; describes the qualifications,
70 including related experience of the anesthesiologist assistant; and includes a general
71 description of how the anesthesiologist assistant will be utilized in the practice. A job
72 description shall not be required to contain every activity the anesthesiologist deems the
73 anesthesiologist assistant qualified to perform but shall confine the activities of the
74 anesthesiologist assistant to those in the scope of practice of the supervising
75 anesthesiologist.

76 (7) 'Supervising anesthesiologist' means the anesthesiologist who has the primary
77 responsibility for supervising the practice of an anesthesiologist assistant pursuant to that
78 anesthesiologist assistant's job description.

79 (8) 'Supervision' means the availability of an anesthesiologist to delegate, coordinate,
80 direct, and consult on the implementation of his or her intentions.

81 43-34-322.

82 (a) The board shall review and determine the qualifications and fitness of all persons
83 applying for a license to practice as an anesthesiologist assistant.

84 (b) The board shall:

85 (1) Grant, deny, revoke, and reinstate licenses;

86 (2) Investigate allegations regarding improper conduct by anesthesiologist assistants that
87 would be grounds for revocation of licensure;

88 (3) Conduct informal interviews and hearings;

89 (4) Adopt rules governing the practice of anesthesiologist assistants; and

90 (5) Retain jurisdiction over all licensees who receive temporary or full licenses under this
91 article, regardless of whether the license has expired or lapsed, or was relinquished during
92 or after any alleged occurrence of conduct.

93 43-34-323.

94 (a) A person shall not practice in this state as an anesthesiologist assistant or use the title
95 or otherwise represent that the person is a licensed anesthesiologist assistant or use the
96 credentials 'A.A.', 'C.A.A.', or anesthetist without having a license granted by the board
97 pursuant to this article.

98 (b) The board may grant an anesthesiologist assistant license to an applicant who:

99 (1) Graduated from an anesthesiologist assistant program accredited by the Commission
100 on Accreditation of Allied Health Education Programs or its predecessor or successor
101 organization;

102 (2) Successfully completed a certification examination and that is or was certified as of
103 July 1, 2023, or was licensed in this state as a physician assistant in anesthesiology as of
104 July 1, 2023;

105 (3) Completes an application form prescribed by the board; and

106 (4) Pays the required application fees as prescribed by the board in its rules.

107 (c) A license issued pursuant to this article, other than a temporary license, shall be valid
108 for a period of two years. A licensee shall renew the license every other year by
109 completing and submitting to the board a renewal application form as prescribed by the
110 board and the prescribed renewal fee before the current license expires. The board shall
111 provide renewal notices to licensees at least one month before the expiration date.

112 (d) The board may reinstate a lapsed license if the applicant pays a reinstatement fee as
113 prescribed by the board in rule and meets the requirements for initial licensure.

114 (e) Any person who has not successfully completed a certification examination may be
115 issued a temporary license by the board if such person:

- 116 (1) Completes a temporary license application;
117 (2) Pays the required temporary license fee as prescribed by the board in rule; and
118 (3) Has successfully graduated from a program accredited by the Commission on
119 Accreditation of Allied Health Education Programs, or another board approved program
120 for educating and training anesthesiologist assistants.

121 Such person shall take the next available certification examination after receiving a
122 temporary license. A temporary license shall not be issued for a period of more than
123 90 days and is subject to any other requirements the board adopts by rule.

124 43-34-324.

125 (a) This Code section shall not apply to persons who are enrolled in an anesthesiologist
126 assistant education program approved by the board.

127 (b) An anesthesiologist assistant may practice medicine only under the supervision of an
128 anesthesiologist. The anesthesiologist assistant may perform only those duties and
129 responsibilities delegated to the anesthesiologist assistant by the supervising
130 anesthesiologist pursuant to a job description.

131 (c) The supervising anesthesiologist or an alternate supervising anesthesiologist shall be
132 allowed to supervise anesthesiologist assistants in a manner consistent with federal rules
133 or regulations for reimbursement for anesthesia services.

134 (d) The supervising anesthesiologist or an alternate supervising anesthesiologist shall be
135 immediately available to the anesthesiologist assistant such that the supervising
136 anesthesiologist or an alternate supervising anesthesiologist is able to intervene if needed
137 in the delivery of medical care.

138 (e) An anesthesiologist assistant's practice may not exceed his or her education, training,
139 or the scope of practice of the supervising anesthesiologist or an alternate supervising
140 anesthesiologist.

141 (f) Nothing in this article shall prevent an anesthesiologist assistant from having access to
142 and being able to administer prescription drugs as directed by the supervising
143 anesthesiologist or an alternate supervising anesthesiologist.

144 43-34-325.

145 (a) A supervising anesthesiologist or an alternate supervising anesthesiologist may
146 delegate the authority contained in subsection (b) of this Code section to an
147 anesthesiologist assistant in accordance with a job description.

148 (b) A supervising anesthesiologist or an alternate supervising anesthesiologist may
149 delegate to an anesthesiologist assistant the authority to order controlled substances
150 selected from a formulary of such drugs established by the board and the authority to order
151 dangerous drugs, medical treatments, and diagnostic studies.

152 (c) An anesthesiologist assistant authorized by a supervising anesthesiologist to order
153 controlled substances pursuant to this Code section is authorized to register with the United
154 States Drug Enforcement Administration.

155 43-34-326.

156 The board shall have all authority to impose on an anesthesiologist assistant any sanction
157 authorized under Code Section 43-34-8 upon a finding of any conduct specified in Code
158 Section 43-34-8.

159 43-34-327.

160 (a) The board may issue a new license to an anesthesiologist assistant whose license was
161 previously revoked by the board if the applicant applies in writing to the board and
162 demonstrates to the board's satisfaction that the applicant is completely rehabilitated with
163 respect to the conduct that was the basis for the revocation. In making its decision, the
164 board shall determine:

165 (1) Whether the applicant has engaged in any conduct during the revocation period that
166 would constitute a basis for revocation pursuant to rules adopted by the board;

167 (2) If a criminal conviction was a basis of the revocation, whether the applicant's civil
168 rights have been fully restored pursuant to statute or judicial or executive order;

169 (3) Whether the applicant has made restitution to any aggrieved person as ordered by a
170 court of competent jurisdiction; and

171 (4) Whether the applicant demonstrates any other standard of rehabilitation the board
172 determines is appropriate.

173 (b) Except as provided in subsection (c) of this Code section, a person shall not apply for
174 license reinstatement until two years after the date of revocation.

175 (c) If a license revocation was based on a conviction of a felony or an offense involving
176 moral turpitude and that conviction has been reversed on appeal, the board shall reverse its
177 previous order to revoke the license, and the anesthesiologist assistant may apply for
178 reinstatement as soon as the court enters its reversal.

179 (d) An application for reinstatement shall comply with all initial licensure requirements
180 prescribed by this article and rules and regulations adopted by the board pursuant to this
181 article.

182 43-34-328.

183 Any person practicing as an anesthesiologist assistant or representing that he or she is an
184 anesthesiologist assistant without a license, or any person employing an unlicensed person
185 to practice as an anesthesiologist assistant, is guilty of a misdemeanor and upon conviction
186 shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not more
187 than one year, or both. Each violation constitutes a separate offense for which the penalty
188 in this Code section may be assessed.

189 43-34-329.

190 (a) Notwithstanding any provision of this article to the contrary, an anesthesiologist
191 assistant licensed pursuant to this article or licensed, certified, or otherwise authorized to
192 practice in any other state or federal jurisdiction and whose license, certification, or
193 authorization is in good standing who responds to a need for medical care created by
194 conditions which characterize those of a state of emergency or public health emergency
195 may render such care that the anesthesiologist assistant is able to provide with such
196 supervision as is available at the immediate scene or at the local site where such need for
197 medical care exists or at a relief site established as part of a state or local safety plan
198 established pursuant to Chapter 3 of Title 38. Such services shall be provided by an
199 anesthesiologist assistant in response to the request of an appropriate state or local official
200 implementing a state or local emergency management plan or program, and in accordance
201 with applicable guidelines established by such officials or plans. The authority granted by
202 this Code section shall last no longer than 48 hours or such time as the board may establish
203 under guidelines for supervision of the anesthesiologist assistant rendering medical care.
204 (b) For the purposes of this Code section, the term 'public health emergency' has the same
205 meaning as in paragraph (6) of Code Section 38-3-3, and the term 'state of emergency' has
206 the same meaning as in paragraph (7) of Code Section 38-3-3."

207

SECTION 4.

208 All laws and parts of laws in conflict with this Act are repealed.