

1 ANESTHESIOLOGIST ASSISTANT AMENDMENTS

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Brad L. Dee

5 Senate Sponsor: \_\_\_\_\_

6  
7 LONG TITLE

8 General Description:

9 This bill creates a new licensing chapter in the Division of Occupational and  
10 Professional Licensing for Anesthesiologist Assistants.

11 Highlighted Provisions:

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ puts anesthesiologist assistants under supervision of the Physician Assistant  
15 Licensing Board;

- 16 ▶ requires licensure;
- 17 ▶ establishes qualifications for licensure;
- 18 ▶ establishes terms for the license; ~~H→~~ [and] ~~←H~~
- 19 ▶ defines unlawful and unprofessional conduct ~~H→~~ [-] ; and

19a ▶ requires the Division of Occupational and Professional Licensing to study and work  
 19b with the Legislature's Health and Human Services Interim Committee to develop  
 19c recommendations regarding certain patient consent and notice requirements. ~~←H~~

20 Money Appropriated in this Bill:

21 None

22 Other Special Clauses:

23 None

24 Utah Code Sections Affected:

25 AMENDS:

26 58-70a-201, as last amended by Laws of Utah 2010, Chapter 37

27 ENACTS:



- 28 **58-70b-101**, Utah Code Annotated 1953
- 29 **58-70b-102**, Utah Code Annotated 1953
- 30 **58-70b-201**, Utah Code Annotated 1953
- 31 **58-70b-301**, Utah Code Annotated 1953
- 32 **58-70b-302**, Utah Code Annotated 1953
- 33 **58-70b-303**, Utah Code Annotated 1953
- 34 **58-70b-401**, Utah Code Annotated 1953
- 35 **58-70b-501**, Utah Code Annotated 1953
- 36 **58-70b-502**, Utah Code Annotated 1953

36a **Ĥ→ Uncodified Material Affected:**  
 36b **ENACTS UNCODIFIED MATERIAL ←Ĥ**

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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 members:

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

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

47 (c) one person from the general public.

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

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

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

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

54 (c) to designate one of its members on a permanent or rotating basis to:

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

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

58 (4) A board member who has, under Subsection (3)(c), reviewed a complaint or

59 advised in its investigation may be disqualified from participating with the board when the  
60 board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

61 The board member may be disqualified:

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

63 or

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

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

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

68 **Part 1. General Provisions**

69 **58-70b-101. Title.**

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

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

72 **58-70b-102. Definitions.**

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

74 (1) "Anesthesiologist assistant" means an allied health graduate of an accredited  
75 anesthesiologist assistant program.

76 (2) "Board" means the Physician Assistant Licensing Board created in Section  
77 58-70a-201.

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

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

85 (i) under the supervision of a physician, as defined in Subsection (4), who:

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

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

89 (ii) as may be further limited by administrative rule adopted by the division in

90 consultation with the board.

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

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

95 (6) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-70b-502 and as  
96 may be further defined by administrative rule adopted by the division in accordance with Title  
97 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

99 **Part 2. Board**

100 **58-70b-201. Board.**

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

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

104 **Part 3. Licensing**

105 **58-70b-301. Licensure required -- Issuance of licenses -- Effect on insurers.**

106 (1) Beginning January 1, 2014, and except as provided in Section 58-1-307, a license is  
107 required to engage in the practice of anesthesiologist assistant.

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

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

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

113 **58-70b-302. Qualifications for licensure -- Temporary license.**

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

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

117 (b) pay a fee determined by the department under Section 63-38-3.2;

118 (c) be of good moral character;

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

121 successor organization;

122 (e) within 12 months of completing the training under Subsection (1)(d), pass the  
123 certification exam offered by the National Commission for Certification of Anesthesiologist  
124 Assistants (NCCAA); and

125 (f) be certified by the NCCAA at the time of the application and throughout the term of  
126 the license.

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

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

131 **58-70b-303. Term of license -- Expiration -- Renewal.**

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

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

138 (3) Each license automatically expires on the expiration date shown on the license  
139 unless the licensee renews it in accordance with Section 58-1-308.

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

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

142 **58-70b-401. Grounds for denial of license -- Disciplinary proceedings.**

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

147 Section 9. Section **58-70b-501** is enacted to read:

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

149 **58-70b-501. Unlawful conduct.**

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

151 (1) using the title "anesthesiologist assistant" or any other title or designation tending to

152 indicate that the person is an anesthesiologist assistant unless that person has a current license  
153 as an anesthesiologist assistant issued under this chapter; or

154 (2) engaging in the practice of anesthesiologist assistant without the supervision of an  
155 anesthesiologist as required by Subsection 58-70b-102(3)(b).

156 Section 10. Section **58-70b-502** is enacted to read:

157 **58-70b-502. Unprofessional conduct.**

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

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

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

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

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

166a **Ĥ→ Section 11. Division of Occupational and Professional Licensing Study.**

166b **The Division of Occupational and Professional Licensing shall consult the professional**  
166c **boards for health care providers licensed under Title 58, Chapters 31b, Nurse Practice Act,**  
166d **and 70b, Anesthesiologist Assistant Licensing Act , and physicians described in**  
166e **Section 58-70b-102(3), to work with the Legislative Health and Human Services Interim**  
166f **Committee to study and make a recommendation on or before November 15, 2015:**

166g **(1) that identify anesthesia procedures that:**

166h **(a) may be performed by an individual licensed under Title 58, Chapters 31b, Nurse**  
166i **Practice Act or 70b, Anesthesiologist Assistant Licensing Act; and**

166j **(b) involve significant risk to a patient; and**

166k **(2) recommend whether a patient should:**

166l **(a) be informed of the level of training of, or the type of license held by the provider**  
166m **who will perform the procedure; and**

166n **(b) be required to consent to the type of provider who will perform the procedure. ←Ĥ**