

HOUSE BILL No. 2046

By Committee on Health and Human Services

1-12

1 AN ACT enacting the anesthesiologist assistant licensure act; providing
2 for powers, duties and functions of the state board of healing arts
3 thereunder; establishing an anesthesiologist assistant council.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. This act shall be known and may be cited as the
7 anesthesiologist assistant licensure act.

8 Sec. 2. The following words and phrases when used in the
9 anesthesiologist assistant licensure act shall have the meanings
10 respectively ascribed to them in this section:

11 (a) "Board" means the state board of healing arts.

12 (b) "Direction and supervision" means the guidance, direction and
13 coordination of activities of an anesthesiologist assistant by such
14 anesthesiologist assistant's supervising or designated anesthesiologist,
15 whether written or verbal, whether immediate or by prior arrangement, in
16 accordance with standards established by the board by rules and
17 regulations, which standards shall be designed to ensure adequate direction
18 and supervision by the responsible or designated physician of the
19 anesthesiologist assistant.

20 (c) "Physician" means any person licensed by the state board of
21 healing arts to practice medicine and surgery.

22 (d) "Anesthesiologist" means a physician who has completed a
23 residence in anesthesiology approved by the American board of
24 anesthesiology or the osteopathic board of anesthesiology;

25 (e) "Anesthesiologist assistant" means a person who is licensed in
26 accordance with the provisions of this act and who provides patient
27 services under the direction and supervision of a responsible physician.

28 (f) "Supervising anesthesiologist" means an anesthesiologist who has
29 accepted continuous and ultimate responsibility for the medical services
30 rendered and actions of the anesthesiologist assistant while performing
31 under the direction and supervision of the responsible anesthesiologist.

32 (g) "Designated anesthesiologist" means an anesthesiologist
33 designated by the responsible anesthesiologist to ensure direction and
34 supervision of the anesthesiologist assistant.

35 (h) "Licensee," for purposes of the anesthesiologist assistant licensure
36 act, means all persons issued a license or temporary license pursuant to the

1 anesthesiologist assistant licensure act.

2 (i) "License," for purposes of the anesthesiologist assistant licensure
3 act, means any license or temporary license granted under the
4 anesthesiologist assistant licensure act.

5 Sec. 3. (a) As a condition of engaging in active practice as an
6 anesthesiologist assistant, each licensed anesthesiologist assistant shall file
7 a request to engage in active practice signed by the anesthesiologist
8 assistant and the physician who will be responsible for the anesthesiologist
9 assistant. The request shall contain such information as required by rules
10 and regulations adopted by the board. The board shall maintain a list of the
11 names of anesthesiologist assistants who may engage in active practice in
12 this state.

13 (b) All licenses, except temporary licenses, shall expire on the date of
14 expiration established by rules and regulations of the state board of healing
15 arts and may be renewed as required by the board. The request for renewal
16 shall be on a form provided by the state board of healing arts and shall be
17 accompanied by the renewal fee established pursuant to this section, which
18 shall be paid not later than the expiration date of the license.

19 (c) At least 30 days before the expiration of the license of an
20 anesthesiologist assistant, except a temporary license, the state board of
21 healing arts shall notify the licensee of the expiration by mail addressed to
22 the licensee's last mailing address as noted upon the office records of the
23 board. If the licensee fails to pay the renewal fee by the date of expiration
24 of the license, the licensee shall be given a second notice that the licensee's
25 license has expired and the license may be renewed only if the renewal fee
26 and the late renewal fee are received by the state board of healing arts
27 within the 30-day period following the date of expiration and that, if both
28 fees are not received within the 30-day period, the license shall be deemed
29 canceled by operation of law without further proceedings for failure to
30 renew and shall be reissued only after the license has been reinstated under
31 subsection (d).

32 (d) Any license canceled for failure to renew as herein provided may
33 be reinstated upon recommendation of the state board of healing arts and
34 upon payment of the reinstatement fee and upon submitting evidence of
35 satisfactory completion of any applicable continuing education
36 requirements established by the board. The board shall adopt rules and
37 regulations establishing appropriate continuing education requirements for
38 reinstatement of licenses canceled for failure to renew.

39 (e) There is hereby created the designation of inactive license. The
40 board is authorized to issue an inactive license to any licensee who makes
41 written application for such license on a form provided by the board and
42 remits the fee for an inactive license established pursuant to subsection (g)
43 of this section. The board may issue an inactive license only to a person

1 who meets all the requirements for a license to practice as an
2 anesthesiologist assistant and who does not engage in active practice as an
3 anesthesiologist assistant in the state of Kansas. An inactive license shall
4 not entitle the holder to engage in active practice. The provisions of
5 subsections (c) and (d) of this section relating to expiration, renewal and
6 reinstatement of a license shall be applicable to an inactive license issued
7 under this subsection. Each inactive licensee may apply to engage in active
8 practice by presenting a request required by subsection (a). The request
9 shall be accompanied by the fee established pursuant to subsection (g).

10 (f) There is hereby created a designation of federally active license.
11 The board is authorized to issue a federally active license to any licensee
12 who makes a written application for such license on a form provided by
13 the board and remits the same fee required for a license established under
14 subsection (g). The board may issue a federally active license only to a
15 person who meets all the requirements for a license to practice as an
16 anesthesiologist assistant and who practices as an anesthesiologist assistant
17 solely in the course of employment or active duty in the United States
18 government or any of its departments, bureaus or agencies. The provisions
19 of subsections (c) and (d) relating to expiration, renewal and reinstatement
20 of a license shall be applicable to a federally active license issued under
21 this subsection. Each federally active licensee may apply to engage in
22 active practice by presenting a request required by subsection (a).

23 (g) The following fees shall be fixed by rules and regulations adopted
24 by the state board of healing arts and shall be collected by the board:

25 (1) For any license as an anesthesiologist assistant, the sum of not
26 more than \$200;

27 (2) for temporary licensure as an anesthesiologist assistant, the sum
28 of not more than \$30;

29 (3) for the renewal of a license to practice as an anesthesiologist
30 assistant or a federally active license, the sum of not more than \$150;

31 (4) for renewal of an inactive license, the sum of not more than \$150;

32 (5) for the late renewal of any license as an anesthesiologist assistant,
33 the sum of not more than \$250;

34 (6) for reinstatement of a license canceled for failure to renew, the
35 sum of not more than \$250;

36 (7) for a certified statement from the board that an anesthesiologist
37 assistant is licensed in this state, the sum of not more than \$30;

38 (8) for a copy of the licensure certificate of an anesthesiologist
39 assistant, the sum of not more than \$25; and

40 (9) for conversion of an inactive license to a license to actively
41 practice as an anesthesiologist assistant or a federally active license, the
42 sum of not more than \$150.

43 (h) The state board of healing arts shall remit all moneys received by

1 or for the board under the provisions of this act to the state treasurer and
2 such moneys shall be deposited in the state treasury, credited to the state
3 general fund and the healing arts fee fund and expended all in accordance
4 with K.S.A. 65-2855, and amendments thereto.

5 (i) The board may promulgate all necessary rules and regulations for
6 carrying out the provisions of this act.

7 Sec. 4. (a) No person shall be licensed as an anesthesiologist assistant
8 by the state board of healing arts unless such person has:

9 (1) Presented to the state board of healing arts proof that the applicant
10 has successfully completed a course of education and training approved by
11 the state board of healing arts for the education and training of an
12 anesthesiologist assistant, or presented to the state board of healing arts
13 proof that the applicant has acquired experience while serving in the armed
14 forces of the United States, which experience is equivalent to the
15 minimum experience requirements established by the state board of
16 healing arts;

17 (2) passed an examination approved by the state board of healing arts
18 covering subjects incidental to the education and training of an
19 anesthesiologist assistant; and

20 (3) submitted to the state board of healing arts any other information
21 the state board of healing arts deems necessary to evaluate the applicant's
22 qualifications.

23 (b) The board may refuse to license a person as an anesthesiologist
24 assistant upon any of the grounds for which the board may revoke such
25 license.

26 (c) The state board of healing arts shall require every anesthesiologist
27 assistant to submit with the renewal application evidence of satisfactory
28 completion of a program of continuing education required by the state
29 board of healing arts. The state board of healing arts by duly adopted rules
30 and regulations shall establish the requirements for such program of
31 continuing education as soon as possible after the effective date of this act.
32 In establishing such requirements the state board of healing arts shall
33 consider any existing programs of continuing education currently being
34 offered to anesthesiologist assistants.

35 Sec. 5. A licensee's license may be revoked, suspended or limited, or
36 the licensee may be publicly or privately censured, or an application for a
37 license or for reinstatement of a license may be denied upon a finding of
38 the existence of any of the following grounds:

39 (a) The licensee has committed an act of unprofessional conduct as
40 defined by rules and regulations adopted by the board;

41 (b) the licensee has obtained a license by means of fraud,
42 misrepresentation or concealment of material facts;

43 (c) the licensee has committed an act of professional incompetency as

- 1 defined by rules and regulations adopted by the board;
- 2 (d) the licensee has been convicted of a felony;
- 3 (e) the licensee has violated any provision of this act;
- 4 (f) the licensee has violated any lawful order or rule and regulation of
5 the board;
- 6 (g) the licensee has exceeded or has acted outside the scope of
7 authority given the anesthesiologist assistant by the responsible physician
8 or by this act;
- 9 (h) the licensee has assisted suicide in violation of K.S.A. 21-3406,
10 prior to its repeal, or K.S.A. 2016 Supp. 21-5407, and amendments
11 thereto, as established by any of the following:
- 12 (1) A copy of the record of criminal conviction or plea of guilty for a
13 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2016
14 Supp. 21-5407, and amendments thereto.
- 15 (2) A copy of the record of a judgment of contempt of court for
16 violating an injunction issued under K.S.A. 60-4404, and amendments
17 thereto.
- 18 (3) A copy of the record of a judgment assessing damages under
19 K.S.A. 60-4405, and amendments thereto.
- 20 Sec. 6. (a) It shall be unlawful for any person who is not licensed
21 under this act or whose license has been revoked or suspended to engage
22 in the practice as an anesthesiologist assistant as defined by this act.
- 23 (b) No person shall use any title, abbreviation, letters, figures, sign,
24 card or device to indicate that any person is a licensed anesthesiologist
25 assistant, nor shall any person represent oneself to be a licensed
26 anesthesiologist assistant, unless such person has been duly licensed as an
27 anesthesiologist assistant in accordance with the provisions of this act.
- 28 (c) The provisions of this act shall not be construed to include the
29 following persons:
- 30 (1) Persons rendering gratuitous services in the case of an emergency.
- 31 (2) Persons gratuitously administering ordinary household remedies.
- 32 (3) Individuals practicing religious beliefs that provide for reliance on
33 spiritual means alone for healing.
- 34 (4) Students, while performing professional services in an approved
35 anesthesiologist assistant education and training program, who, after
36 completing one year's study, treat diseases under the supervision of an
37 approved instructor.
- 38 (5) Students, upon the completion of an approved anesthesiologist
39 assistant education and training program, and who, as a part of their
40 academic requirements for a degree, serve a preceptorship not to exceed
41 90 days under the supervision of a licensed physician.
- 42 (6) Persons whose professional services are performed under the
43 direct and personal supervision or by order of a practitioner who is

1 licensed under the healing arts act.

2 (7) Other health care providers licensed, registered, certified or
3 otherwise credentialed by agencies of the state of Kansas.

4 (8) Anesthesiologist assistants in the United States army, navy, air
5 force, public health service, coast guard, other military service and under
6 other federal employment when acting in the line of duty in this state.

7 (d) Any person violating the provisions of this section shall be guilty
8 of a class B misdemeanor.

9 Sec. 7. (a) The state board of healing arts shall provide for the
10 temporary licensure of any anesthesiologist assistant who has made proper
11 application for licensure, has the required qualifications for licensure,
12 except for examination, and has paid the prescribed license fee. Such
13 temporary license shall authorize the person so licensed to provide patient
14 services within the limits of the temporary license.

15 (b) A temporary license is valid: (1) For one year from the date of
16 issuance; or (2) until the state board of healing arts makes a final
17 determination on the applicant's request for licensure. The state board of
18 healing arts may extend a temporary license, upon a majority vote of the
19 members of the board, for a period not to exceed one year.

20 Sec. 8. (a) The practice of an anesthesiologist assistant shall include
21 assisting the supervising or designated anesthesiologist in implementing an
22 anesthesia care plan for a patient. In providing assistance to the
23 supervising anesthesiologist, an anesthesiologist assistant shall have the
24 authority to:

25 (1) Obtain a comprehensive patient history, perform relevant
26 elements of a physical exam and present the history to the supervising
27 anesthesiologist;

28 (2) pretest and calibrate anesthesia delivery systems and obtain and
29 interpret information from the systems and monitors, in consultation with
30 an anesthesiologist;

31 (3) assist the supervising anesthesiologist with the implementation of
32 medically accepted monitoring techniques;

33 (4) establish basic and advanced airway interventions, including
34 intubation of the trachea and performing ventilator support;

35 (5) administer intermittent vasoactive drugs and start and adjust
36 vasoactive infusions;

37 (6) administer anesthetic drugs, adjuvant drugs, and accessory drugs;

38 (7) assist the supervising anesthesiologist with the performance of
39 epidural anesthetic procedures, spinal anesthetic procedures and other
40 regional anesthetic techniques;

41 (8) administer blood, blood products, and supportive fluids;

42 (9) provide assistance to the cardiopulmonary resuscitation team in
43 response to a life-threatening situation;

1 (10) participate in administrative, research, and clinical teaching
2 activities as authorized by the supervising anesthesiologist; and

3 (11) perform such other tasks as not prohibited by law under the
4 supervision of a licensed anesthesiologist that an anesthesiologist assistant
5 has been trained and is proficient to perform.

6 (b) An anesthesiologist shall at all times accept and be responsible for
7 the oversight of the health care services rendered by the anesthesiologist
8 assistant.

9 (c) An anesthesiologist assistant shall practice only under the direct
10 supervision of an anesthesiologist who is physically present or
11 immediately available. A supervising anesthesiologist shall be allowed to
12 supervise up to four anesthesiologist assistants consistent with federal
13 rules or regulations for reimbursement for anesthesia services.

14 (d) Anesthesiologist assistants are prohibited from the following:

15 (1) Prescribing medications or controlled substances;

16 (2) administering any drugs, medicines, devices or therapies the
17 supervising anesthesiologist is not qualified or authorized to prescribe; and

18 (3) practicing or attempting to practice without the supervision of a
19 licensed anesthesiologist or in any location where the supervising
20 anesthesiologist is not immediately available for consultation, assistance
21 and intervention.

22 Sec. 9. (a) If a responsible physician temporarily leaves such
23 physician's customary location of practice, the responsible physician shall,
24 by prior arrangement, name a designated physician who shall provide
25 direction and supervision to the anesthesiologist assistant of such
26 responsible physician.

27 (b) An anesthesiologist assistant shall not perform professional
28 services unless the name, address and signature of each responsible
29 physician and the form required under this subsection have been provided
30 to the board. A responsible physician shall notify the board when
31 supervision and direction of the anesthesiologist assistant has terminated.
32 The board shall provide forms for identifying each designated physician
33 and for giving notice that direction and supervision has terminated. These
34 forms may direct that additional information be provided, including a copy
35 of any protocol, as required by rules and regulations adopted by the board.

36 Sec. 10. The board shall limit the number of anesthesiologist
37 assistants a responsible physician may supervise at any one time to the
38 equivalent of four full-time anesthesiologist assistants as approved in each
39 case by the board. Any limitation on the number of anesthesiologist
40 assistants in this section shall not apply to services performed in a medical
41 care facility, as defined in K.S.A. 65-425, and amendments thereto.

42 Sec. 11. (a) There is hereby established an anesthesiologist assistant
43 council to advise the board in carrying out the provisions of the

1 anesthesiologist assistant licensure act. The council shall consist of five
2 members, all citizens and residents of the state of Kansas, appointed as
3 follows: One member shall be an anesthesiologist appointed by the state
4 board of healing arts who is a responsible physician for an anesthesiologist
5 assistant; one member shall be the president of the state board of healing
6 arts or a person designated by the president; and three members shall be
7 licensed anesthesiologist assistants appointed by the governor. The
8 governor, insofar as possible, shall appoint persons from different
9 geographical areas and persons who represent various types of practice
10 settings. If a vacancy occurs on the council, the appointing authority of the
11 position that has become vacant shall appoint a person of like
12 qualifications to fill the vacant position for the unexpired term, if any. The
13 Kansas academy of anesthesiologist assistants shall recommend the names
14 of licensed anesthesiologist assistants to the governor in a number equal to
15 at least twice the positions or vacancies to be filled, and the governor may
16 appoint members to fill the positions or vacancies from the submitted list.
17 Members of the council appointed by the governor on and after the
18 effective date of this act shall be appointed for terms of three years and
19 until their successors are appointed and qualified, except that of the
20 members first appointed by the governor on or after the effective date of
21 this act, one shall be appointed for a term of one year, one shall be
22 appointed for a term of two years and one shall be appointed for a term of
23 three years, as designated by the governor. The member appointed by the
24 state board of healing arts shall serve at the pleasure of the state board of
25 healing arts. The member designated by the president of the state board of
26 healing arts shall serve at the pleasure of the president.

27 (b) Members of the council attending meetings of the council or
28 attending a subcommittee meeting thereof authorized by the council shall
29 be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto,
30 from the healing arts fee fund.

31 Sec. 12. (a) All administrative proceedings to revoke, suspend, limit
32 or deny a license, or to censure a licensee, shall be conducted in
33 accordance with the provisions of the Kansas administrative procedure act.

34 (b) When it appears to the board that any person is violating any of
35 the provisions of this act, the board may bring an action in the name of the
36 state of Kansas in a court of competent jurisdiction for an injunction
37 against such violation without regard to whether proceedings have been or
38 may be instituted before the board or whether criminal proceedings have
39 been or may be instituted.

40 Sec. 13. The state board of healing arts shall adopt rules and
41 regulations to limit the percentage of ownership when a licensed
42 anesthesiologist assistant forms a professional corporation pursuant to
43 K.S.A. 17-2706 et seq., and amendments thereto, in combination with

1 other professional services.

2 Sec. 14. This act shall take effect and be in force on and after January
3 8, 2018, and its publication in the statute book.