

1 ANESTHESIOLOGIST ASSISTANT LICENSING ACT

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Michael K. McKell

5 House Sponsor: Mike Schultz

7 LONG TITLE

8 General Description:

9 This bill creates a license for anesthesiologist assistants.

10 Highlighted Provisions:

11 This bill:

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

18 Money Appropriated in this Bill:

19 None

20 Other Special Clauses:

21 None

22 Utah Code Sections Affected:

23 AMENDS:

24 **58-67-201**, as last amended by Laws of Utah 1997, Chapter 10

25 ENACTS:

26 **58-70b-101**, Utah Code Annotated 1953

27 **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 standards" means standards established by the division through rule
71 that:

72 (a) prohibit an anesthesiologist from supervising more than four anesthesiologist
73 assistants at any one time; and

74 (b) comply with the rules and regulations for anesthesia service reimbursement created
75 by the Centers for Medicare and Medicaid Services to the extent that the rules and regulations
76 do not conflict with state law.

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

78 **58-70b-102. Rulemaking.**

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

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

82 **Part 2. Board**

83 **58-70b-201. Board.**

84 The board shall regulate anesthesiologist assistants.

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

Part 3. Licensing

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

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

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

(b) the practice of assisting an anesthesiologist requires compliance with supervision standards.

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

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

58-70b-302. Qualifications for licensure.

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

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

(2) pay a fee determined by the division under Section 63J-1-504;

(3) provide satisfactory documentation of having graduated from a program certified by the Commission on Accreditation of Allied Health Education Programs the commission's successor organization;

(4) within 12 months of completing the training under Subsection (3), pass the certification exam offered by the National Commission for Certification of Anesthesiologist Assistants; and

(5) have the certification described in Subsection (4) at the time of the application and maintain the certification throughout the term of the license.

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

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

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

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

(2) Each licensee shall, at the time of applying for renewal, demonstrate compliance

114 with continuing education requirements established through rule by the division in
115 collaboration with the board.

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

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

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

120 **58-70b-401. Unlawful conduct.**

121 (1) An individual commits unlawful conduct by:

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

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

127 (2) An anesthesiologist assistant commits unlawful conduct by engaging in the practice
128 of assisting an anesthesiologist without complying with supervision standards.

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

130 **58-70b-402. Unprofessional conduct.**

131 An anesthesiologist assistant commits unprofessional conduct by:

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

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

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

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