

HOUSE BILL NO. HB0148

Anesthesiologist assistants.

Sponsored by: Representative(s) Clem, Barlow, Hallinan, Sommers, Stith and Sweeney and Senator(s) Bouchard and Pappas

A BILL

for

1 AN ACT relating to professions and occupations; providing  
2 for the licensing of anesthesiologist assistants and  
3 specifying scope of practice; creating and amending  
4 definitions; creating an advisory committee to the board of  
5 medicine; requiring rulemaking; and providing for an  
6 effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 33-26-801 through 33-26-811 are  
11 created to read:

12

13

ARTICLE 8

14

ANESTHESIOLOGISTS ASSISTANTS

15

1           **33-26-801. Definitions.**

2

3           (a) As used in this article:

4

5                   (i) "Anesthesiologist" means a physician who has  
6 completed a residency in anesthesiology approved by the  
7 American Board of Anesthesiology, the American Osteopathic  
8 Board of Anesthesiology or its predecessor or successor  
9 organization and is licensed under article 3 of this  
10 chapter;

11

12                   (ii) "Anesthesiologist assistant" means any  
13 person licensed under this article who:

14

15                           (A) Graduates from an anesthesiologist  
16 assistant education program approved by CAAHEP or its  
17 predecessor or successor agency;

18

19                           (B) Satisfactorily completes a  
20 certification examination administered by NCCAA or other  
21 national anesthesiologist assistant certifying agency that  
22 has been reviewed and approved by the board, and is  
23 currently certified; and

1

2 (C) Is approved by the board to assist in  
3 the practice of medicine under the supervision of an  
4 anesthesiologist or group of anesthesiologists approved by  
5 the board to supervise the person.

6

7 (iii) "Assists" means the anesthesiologist  
8 assistant may personally perform those duties and  
9 responsibilities delegated to the anesthesiologist  
10 assistant by the supervising anesthesiologist with the  
11 supervising anesthesiologist being physically present in  
12 the same facility;

13

14 (iv) "Back-up anesthesiologist" means an  
15 anesthesiologist designated by the supervising  
16 anesthesiologist to ensure supervision of the  
17 anesthesiologist assistant in the supervising  
18 anesthesiologist's absence. A back-up anesthesiologist is  
19 subject to the same requirements imposed upon the  
20 supervising anesthesiologist if the back-up  
21 anesthesiologist is acting as a supervising  
22 anesthesiologist;

23

1           (v) "Certification examination" means the  
2 initial certifying examination approved by the board for  
3 the certification of anesthesiologist assistants including  
4 the examination administered by NCCAA or other national  
5 anesthesiologist assistant certifying agency that has been  
6 reviewed and approved by the board;

7

8           (vi) "License" means a license to practice as an  
9 anesthesiologist assistant in this state;

10

11           (vii) "NCCAA" means the national commission on  
12 the certification of anesthesiologist assistants;

13

14           (viii) "On-site" means within the facility where  
15 anesthesia services may be needed including the operating  
16 room suites, intensive care unit, emergency room, obstetric  
17 suite, endoscopy suite, radiology suite, cardiac services  
18 suite and recovery room;

19

20           (ix) "Supervising anesthesiologist" means an  
21 anesthesiologist approved by the board to supervise an  
22 anesthesiologist assistant and:

23

1                   (A) Who uses and agrees to be responsible  
2 for the medical acts of an anesthesiologist assistant; or

3

4                   (B) A back-up anesthesiologist when acting  
5 in the absence of the supervising anesthesiologist.

6

7                   (x) "Supervision" means the ready, on-site  
8 availability of the supervising anesthesiologist for  
9 consultation and direction of the activities of the  
10 anesthesiologist assistant.

11

12                   **33-26-802. Scope of W.S. 33-26-801 through 33-26-811.**

13

14                   (a) This article does not apply to persons enrolled  
15 in an anesthesiologist assistant program.

16

17                   (b) The anesthesiologist assistant may perform those  
18 duties and responsibilities delegated to the  
19 anesthesiologist assistant by the supervising  
20 anesthesiologist under the supervision of a supervising  
21 anesthesiologist. A supervising anesthesiologist may  
22 delegate duties to an anesthesiologist assistant within the  
23 scope of the supervising anesthesiologist's practice and

1 expertise and within the skills of the anesthesiologist  
2 assistant including the following:

3

4 (i) Perform preoperative anesthetic evaluations,  
5 postoperative anesthetic evaluations and patient progress  
6 notes, all to be cosigned by the supervising  
7 anesthesiologist within twenty-four (24) hours;

8

9 (ii) Order and perform preoperative  
10 consultations;

11

12 (iii) Order preoperative medications, including  
13 controlled substances, which may be administered prior to  
14 the co-signature by the supervising anesthesiologist;

15

16 (iv) Change or discontinue a medical treatment  
17 plan after consultation with the supervising physician;

18

19 (v) Obtain informed consent for anesthesia or  
20 related procedures;

21

1           (vi) Order the perioperative continuation of  
2 current medications, which may be administered prior to the  
3 co-signature by the supervising anesthesiologist;

4  
5           (vii) Calibrate anesthesia delivery systems and  
6 obtain and interpret information from the systems and  
7 monitors, in consultation with an anesthesiologist;

8  
9           (viii) Assist the supervising anesthesiologist  
10 with the implementation of medically accepted monitoring  
11 techniques;

12  
13           (ix) Perform basic and advanced airway  
14 interventions, including endotracheal intubation, laryngeal  
15 mask insertion, and other advanced airways techniques;

16  
17           (x) Establish peripheral intravenous lines,  
18 including subcutaneous lidocaine use;

19  
20           (xi) Establish radial and dorsalis pedis  
21 arterial lines and central lines;

22

1           (xii) Perform general anesthesia, including  
2 induction, maintenance and emergence;

3

4           (xiii) Perform procedures associated with  
5 general anesthesia, such as gastric intubation;

6

7           (xiv) Administer intermittent vasoactive drugs  
8 and start and titrate vasoactive infusions for the  
9 treatment of patient responses to anesthesia;

10

11           (xv) Perform epidural, spinal, and intravenous  
12 regional anesthesia;

13

14           (xvi) Maintain and manage established neuraxial  
15 and regional anesthesia;

16

17           (xvii) Perform monitored anesthesia care;

18

19           (xviii) Evaluate and manage patient controlled  
20 analgesia, epidural catheters and peripheral nerve  
21 catheters;

22

23           (xix) Obtain venous and arterial blood samples;



1

2           (xx) Perform, order and interpret appropriate  
3 preoperative, point of care, intraoperative, or  
4 postoperative diagnostic tests or procedures as authorized  
5 by the supervising anesthesiologist;

6

7           (xxi) Obtain and administer perioperative  
8 anesthesia and related pharmaceutical agents including  
9 intravenous fluids and blood products;

10

11           (xxii) Participate in management of the patient  
12 while in the preoperative suite and recovery area;

13

14           (xxiii) Order postoperative sedation, anxiolysis  
15 and analgesia that may be administered prior to the  
16 co-signature by the supervising anesthesiologist;

17

18           (xxiv) Order postoperative oxygen therapy,  
19 including initial ventilator therapy, which may be  
20 administered prior to the co-signature by the supervising  
21 anesthesiologist;

22

1           (xxv) Order post-operative respiratory therapy  
2 and medicines for the treatment of patient responses to  
3 anesthesia, which may be administered prior to the  
4 co-signature by the supervising anesthesiologist;

5

6           (xxvi) Provide assistance to a cardiopulmonary  
7 resuscitation team in response to a life-threatening  
8 situation;

9

10           (xxvii) Participate in administrative, research  
11 and clinical teaching activities as authorized by the  
12 supervising anesthesiologist;

13

14           (xxviii) Perform other tasks not prohibited by  
15 law under the supervision of a licensed anesthesiologist  
16 that an anesthesiologist assistant has been trained and is  
17 proficient to perform.

18

19           (c) Nothing in this article shall be construed to  
20 prevent an anesthesiologist assistant from having access to  
21 and being able to obtain drugs as directed by the  
22 supervising anesthesiologist.

23

1           (d) Nothing in this article shall be construed to  
2 conflict with or alter the provisions and requirements of  
3 W.S. 33-26-101 through 33-26-410 and 33-26-601 through  
4 33-26-703.

5

6           **33-26-803. Board powers and duties.**

7

8           (a) The board shall pass upon the qualifications and  
9 determine the fitness of all persons desiring to practice  
10 as anesthesiologist assistants.

11

12           (b) The board shall:

13

14                   (i) Grant, renew, refuse to grant or renew,  
15 suspend, restrict, revoke and reinstate licenses;

16

17                   (ii) Investigate allegations that an  
18 anesthesiologist assistant or supervising anesthesiologist  
19 has engaged in conduct constituting a ground for revocation  
20 in W.S. 33-26-402 or 33-26-808(c);

21

22                   (iii) Conduct informal interviews and contested  
23 cases;

1

2 (iv) Promulgate rules governing the licensure  
3 and practice of anesthesiologist assistants;

4

5 (v) Appoint members to serve on an advisory  
6 committee to the board of medicine. At least two (2) of  
7 the members shall be anesthesiologist assistants and two  
8 (2) members shall be anesthesiologists. The committee  
9 members are responsible to and shall serve at the board's  
10 pleasure. The advisory committee shall review and make  
11 recommendations to the board regarding all matters relating  
12 to anesthesiologist assistants that come before the board,  
13 including:

14

15 (A) Applications for licensure, renewals or  
16 reinstatements;

17

18 (B) Education standards;

19

20 (C) Scope of practice;

21

22 (D) Licensure requirements;

23

1 (E) Continuing medical education.

2

3 (vi) Retain jurisdiction over only those  
4 licensees to whom temporary or full licenses were granted,  
5 regardless of whether the license expired, lapsed or was  
6 relinquished during or after the alleged occurrence of  
7 conduct proscribed in W.S. 33-26-402 by the licensee or  
8 after the board receives a court order pursuant to W.S.  
9 33-26-808(c) for the licensee;

10

11 (vii) Pass upon the qualifications and ability  
12 of physicians desiring to serve as a supervising  
13 anesthesiologist or back-up anesthesiologist including the  
14 compatibility of the supervising anesthesiologist's or  
15 back-up anesthesiologist's specialty and scope of practice  
16 with that of the anesthesiologist assistant to be  
17 supervised.

18

19 **33-26-804. License required; application;**  
20 **qualifications; consideration of applications.**

21

22 (a) No person shall practice as an anesthesiologist  
23 assistant or represent that he is a "certified

1 anesthesiologist assistant", "licensed anesthesiologist  
2 assistant", "anesthesiologist assistant", "C.A.A." or  
3 "A.A." without a license granted by the board.

4

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

7

8 (i) Has graduated from an anesthesiologist  
9 assistant program accredited by CAAHEP or its predecessor  
10 or successor organization;

11

12 (ii) Has satisfactorily completed a  
13 certification examination administered by NCCAA or other  
14 national certifying agency that has been reviewed and  
15 approved by the board and is currently certified;

16

17 (iii) Completes an application on a form  
18 approved by the board; and

19

20 (iv) Pays the fees set forth in W.S. 33-26-807.

21

22 (c) The board may issue a temporary license to any  
23 person who successfully completes a CAAHEP or other board

1 approved program for the education and training of an  
2 anesthesiologist assistant but has not yet passed a  
3 certification examination. To allow the opportunity to  
4 take the next available certification examination, any  
5 temporary license issued pursuant to this subsection shall  
6 be issued for a period not to exceed one (1) year and under  
7 conditions as the board determines pursuant to W.S.  
8 33-26-805.

9

10 (d) The board shall promulgate rules governing the  
11 board's consideration of applications by an  
12 anesthesiologist to supervise anesthesiologist assistants.  
13 Any application shall include at a minimum:

14

15 (i) The qualifications of the anesthesiologist  
16 assistant to be employed, including experience;

17

18 (ii) The professional background of the  
19 anesthesiologist;

20

21 (iii) A description by the anesthesiologist of  
22 that anesthesiologist's practice and the way in which the

1 anesthesiologist assistant will be utilized, including  
2 method of supervision.

3

4 (e) The board, with the concurrence of the advisory  
5 committee, shall approve an application by an  
6 anesthesiologist to supervise anesthesiologist assistants  
7 if the board is satisfied that each proposed  
8 anesthesiologist assistant is fully qualified to assist in  
9 the practice of medicine under the responsible supervision  
10 of a licensed anesthesiologist and that the supervising  
11 anesthesiologist is compatible in specialty scope and is  
12 responsible and qualified to supervise an anesthesiologist  
13 assistant. The board shall provide by rule for requirements  
14 and limitations on the practice by and supervision of  
15 anesthesiologist assistants including the number of  
16 anesthesiologist assistants who may be supervised  
17 concurrently, but the board shall not allow an  
18 anesthesiologist to supervise more than four (4)  
19 anesthesiologist assistants at any time.

20

21 (f) The board may provide by rule for arrangements  
22 for other anesthesiologists to serve as back-up or on call  
23 anesthesiologists for multiple anesthesiologist assistants.



1

2           **33-26-805. Term of license; renewal; duplicates.**

3

4           (a) The board may grant a temporary license to  
5 practice as an anesthesiologist assistant to a person who:

6

7                   (i) Completes a temporary license application;

8

9                   (ii) Meets the requirements of W.S.  
10 33-26-804(b); and

11

12                   (iii) Pays the temporary license fee set forth  
13 in W.S. 33-26-807.

14

15           (b) A temporary license is valid until the next board  
16 meeting following the date of issuance. The board may  
17 extend the temporary license at its discretion upon a  
18 showing of good cause for a period not to exceed one (1)  
19 year from the original date of issuance of the temporary  
20 license.

21

22           **33-26-806. Term of license; renewal; duplicates.**

23

1           (a) All licenses other than temporary licenses expire  
2 annually on December 31. An anesthesiologist assistant may  
3 renew a license by completing and submitting a renewal  
4 application form published by the board and paying a  
5 renewal fee to the board prior to expiration of the current  
6 license.

7

8           (b) The board may reinstate a lapsed license if the  
9 applicant pays a reinstatement fee and meets the  
10 requirements for the granting of an initial license.

11

12           (c) An anesthesiologist assistant may apply to the  
13 board for a duplicate license if the anesthesiologist  
14 assistant's license is stolen, lost or destroyed. Upon  
15 proof of proper identification and submission of other  
16 information as the board may require, the board shall issue  
17 a duplicate license bearing on its face the word  
18 "DUPLICATE" and establish and require payment of  
19 appropriate charges for a duplicate license.

20

21           **33-26-807. License fees.**

22

1           (a) The board shall by rule set appropriate license  
2 application, renewal and reinstatement fees, examination  
3 fees and fees for information verification or document  
4 production and other services of the board under this  
5 chapter.

6

7           (b) Fees shall be deposited as provided in W.S.  
8 33-26-307(b).

9

10           **33-26-808. Suspension, restriction, revocation or**  
11 **nonrenewal of license.**

12

13           (a) The board may refuse to renew, and may revoke,  
14 suspend or restrict a license or take other disciplinary  
15 action, including the imposition of conditions or  
16 restrictions upon a license on one (1) or more of the  
17 grounds enumerated under W.S. 33-26-402(a)(i) through (x),  
18 (xii) and (xiv) through (xxxiv) except that for purposes of  
19 this section, "practice of medicine" or "practice  
20 medicine," as used in W.S. 33-26-402(a) means "practice as  
21 an anesthesiologist assistant."

22

1           (b) Upon a finding of ineligibility for licensure,  
2 refusal to grant, suspension, restriction, refusal to renew  
3 or revocation of a license under subsection (a) of this  
4 section, the board shall adopt and enter its written order  
5 and findings.

6  
7           (c) Upon receipt from the department of family  
8 services of a certified copy of an order from a court to  
9 withhold, suspend or otherwise restrict a license issued by  
10 the board, the board shall notify the party named in the  
11 court order of the withholding, suspension or restriction  
12 of the license in accordance with the terms of the court  
13 order. No appeal under the Wyoming Administrative Procedure  
14 Act shall be allowed for a license withheld, suspended or  
15 restricted under this subsection.

16

17           **33-26-809. Reinstatement.**

18

19           (a) Except as provided in subsection (b) of this  
20 section, any person whose license has been revoked,  
21 restricted or suspended under this chapter, voluntarily or  
22 by action of the board, may petition for reinstatement of  
23 the license or for removal of any restrictions or

1 conditions placed upon the license pursuant to W.S.  
2 33-26-808 not less than six (6) months after final judicial  
3 review of a board order revoking, restricting or suspending  
4 the petitioner's license or six (6) months after the date  
5 of the board order if there is no judicial review or six  
6 (6) months after the date of the board agreement to accept  
7 a relinquished, restricted or conditioned license. The  
8 petitioner shall submit a written petition to the board  
9 that, at a minimum, sets forth and provides information  
10 regarding the petitioner's fulfillment of all conditions or  
11 compliance with all restrictions imposed upon petitioner by  
12 any prior order of the board or success in correcting the  
13 conduct that formed the basis for revocation of the  
14 petitioner's license.

15

16 (b) If a license is suspended under W.S.  
17 33-26-808(c), the license may be reinstated without a  
18 hearing as provided in this section upon receipt from the  
19 department of family services of notice that the applicant  
20 has complied with the terms of the court order that  
21 resulted in the suspension or restriction of the license  
22 under W.S. 33-26-808(c).

23

1           (c) The burden of proof upon the petitioner at the  
2 hearing shall be to demonstrate by a preponderance of  
3 evidence that:

4

5           (i) Petitioner has corrected the conduct that  
6 formed the basis for the revocation of petitioner's license  
7 and that petitioner is able to safely, skillfully and  
8 competently resume practice as an anesthesiologist  
9 assistant; or

10

11           (ii) Petitioner has fulfilled all conditions or  
12 complied with all restrictions imposed upon petitioner by  
13 any prior order of the board, has otherwise corrected the  
14 conduct or condition that formed the basis for the  
15 restrictions or conditions placed on petitioner's license  
16 and that petitioner is able to safely, skillfully and  
17 competently practice as an anesthesiologist assistant.

18

19           (d) Upon receipt of a petition that contains the  
20 information required by subsection (a) of this section, the  
21 board shall set the matter for a contested case hearing in  
22 accordance with the Wyoming Administrative Procedure Act.

23

1           (e) After a hearing conducted pursuant to this  
2 section, the board shall issue specific findings of facts,  
3 conclusions of law and a final order:

4  
5           (i) Reinstating the license;

6  
7           (ii) Reinstating the license subject to  
8 restrictions or conditions;

9  
10          (iii) Removing or modifying the restrictions or  
11 conditions of the license; or

12  
13          (iv) Denying reinstatement of the license or  
14 removal of the restrictions or conditions on the license.

15  
16          (f) Any final order issued by the board shall be  
17 subject to judicial review as provided for by W.S.  
18 33-26-407.

19  
20          (g) If the board denies a reinstatement or removal of  
21 restrictions or conditions, future petitions for  
22 reinstatement or removal of restrictions or conditions may  
23 be submitted not less than one (1) year after the board's

1 final order denying reinstatement or removal of  
2 restrictions or conditions.

3

4 **33-26-810. Penalties.**

5

6 Any person practicing as an anesthesiologist assistant or  
7 representing that the person is an anesthesiologist  
8 assistant or any person employing an unlicensed person to  
9 practice as an anesthesiologist assistant without a license  
10 is guilty of a misdemeanor and upon conviction shall be  
11 punished by a fine of not more than one thousand dollars  
12 (\$1,000.00), imprisonment for not more than one (1) year,  
13 or both. Each violation constitutes a separate offense for  
14 which the penalty in this section may be assessed.

15

16 **33-26-811. Voluntary and mandatory revocation;  
17 restriction; suspension.**

18

19 (a) A licensee may request the board, in writing, to  
20 accept the voluntary relinquishment, restriction or  
21 suspension of the licensee's license. The board may but  
22 shall not be required to accept the relinquished license,  
23 grant the request for restriction or suspension, attach



1 conditions to the license or waive the commencement of any  
2 proceedings under this article. The board shall put in  
3 writing any agreement with the licensee. Removal of a  
4 voluntary relinquishment, restriction or suspension is  
5 subject to the procedure for reinstatement of a license  
6 pursuant to W.S. 33-26-809.

7

8 (b) Unless the board and the licensee have agreed to  
9 the relinquishment of or imposition of restrictions or  
10 conditions on a license, the board shall conduct a  
11 proceeding to suspend, restrict, refuse to renew or revoke  
12 a license pursuant to W.S. 33-26-808(a) as a contested case  
13 under the Wyoming Administrative Procedure Act.

14

15 (c) If the public health, safety or welfare requires  
16 emergency action the board may temporarily suspend the  
17 license of any licensee without a hearing pursuant to W.S.  
18 16-3-113(c).

19

20 **Section 2.** W.S. 33-26-102(a)(intro) and by creating  
21 new paragraphs (xxx) and (xxxi) is amended to read:

22

23 **33-26-102. Definitions.**

1

2 (a) Except as otherwise provided, as used in this  
3 chapter:

4

5 (xxx) "CAAHEP" means the commission on  
6 accreditation of allied health education programs;

7

8 (xxxi) "CAHEA" means the committee on allied  
9 health education and accreditation;

10

11 **Section 3.** W.S. 33-26-501(a)(viii) and (ix) is  
12 repealed.

13

14 **Section 4.** This act is effective July 1, 2020.

15

16

(END)