HB 2674

Introduced by
Representatives Pingerelli: Biasucci, Diaz, Dunn, Griffin, Heap, Jones, Kolodin, Parker B, Seaman, Shah, Smith; Senators Bennett, Bolick, Borrelli, Farnsworth, Fernandez, Wadsack

AN ACT

AMENDING TITLE 32, CHAPTER 13, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7; RELATING TO THE ARIZONA MEDICAL BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 32, chapter 13, Arizona Revised Statutes, is amended by adding article 7, to read:

ARTICLE 7. ANESTHESIOLOGIST ASSISTANTS

32-1492. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "ANESTHESIOLOGIST" MEANS A PHYSICIAN WHO IS LICENSED PURSUANT TO THIS CHAPTER OR CHAPTER 17 OF THIS TITLE AND WHO HAS SUCCESSFULLY COMPLETED A TRAINING PROGRAM IN ANESTHESIOLOGY ACCREDITED BY THE ACCREDITATION COUNCIL FOR GRADUATE MEDICAL EDUCATION OR THE AMERICAN OSTEOPATHIC ASSOCIATION OR AN EQUIVALENT ORGANIZATION AS DETERMINED BY THE ARIZONA MEDICAL BOARD IN CONJUNCTION WITH THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY.

2. "ANESTHESIOLOGIST ASSISTANT" MEANS A PERSON WHO MEETS THE REQUIREMENTS OF SECTION 32-1492.02 AND WHO IS LICENSED BY THE BOARD TO ASSIST IN DEVELOPING AND IMPLEMENTING ANESTHESIA CARE PLANS FOR PATIENTS UNDER THE SUPERVISION OF AN ANESTHESIOLOGIST.

3. "ASSISTS" MEANS THE PERSONAL PERFORMANCE BY AN ANESTHESIOLOGIST ASSISTANT OF THOSE DUTIES AND RESPONSIBILITIES DELEGATED BY THE ANESTHESIOLOGIST ASSISTANT'S SUPERVISING ANESTHESIOLOGIST.

4. "CERTIFICATION EXAMINATION" MEANS THE INITIAL CERTIFYING EXAMINATION APPROVED BY THE BOARD FOR THE CERTIFICATION OF ANESTHESIOLOGIST ASSISTANTS, INCLUDING THE EXAMINATION ADMINISTERED BY THE NATIONAL COMMISSION FOR CERTIFICATION OF ANESTHESIOLOGIST ASSISTANTS OR ANOTHER NATIONAL ANESTHESIOLOGIST ASSISTANT CERTIFYING AGENCY THAT HAS BEEN REVIEWED AND APPROVED BY THE BOARD AND THAT IS CURRENTLY CERTIFIED.

5. "SUPERVISING ANESTHESIOLOGIST" MEANS AN ANESTHESIOLOGIST WHO HOLDS A CURRENT UNRESTRICTED LICENSE, WHO SUPERVISES AN ANESTHESIOLOGIST ASSISTANT AND WHO ASSUMES LEGAL RESPONSIBILITY FOR HEALTH CARE TASKS PERFORMED BY THE ANESTHESIOLOGIST ASSISTANT.

6. "SUPERVISION" MEANS THAT AN ANESTHESIOLOGIST DELEGATES, COORDINATES, DIRECTS OR CONSULTS WITH AN ANESTHESIOLOGIST ASSISTANT AND OVERSEES THE IMPLEMENTATION OF THE ANESTHESIOLOGIST'S INTENTIONS.

32-1492.01. Board; duties

A. THE BOARD SHALL REVIEW AND DETERMINE THE QUALIFICATIONS AND FITNESS OF ALL PERSONS APPLYING FOR A LICENSE TO PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT.

B. THE BOARD SHALL:

1. GRANT, DENY, REVOKE, SUSPEND, RESTRICT AND REINSTATE LICENSES UNDER THIS ARTICLE.

2. INVESTIGATE ALLEGATIONS THAT AN ANESTHESIOLOGIST ASSISTANT OR A SUPERVISING ANESTHESIOLOGIST HAS ENGAGED IN CONDUCT CONSTITUTING A GROUND FOR REVOCATION. IF THE SUPERVISING ANESTHESIOLOGIST IS LICENSED PURSUANT TO CHAPTER 17 OF THIS TITLE, THE ARIZONA MEDICAL BOARD SHALL TRANSFER THE COMPLAINT TO THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY FOR INVESTIGATION AND ADJUDICATION.
3. CONDUCT INFORMAL INTERVIEWS AND HEARINGS.
4. ADOPT RULES GOVERNING THE PRACTICE OF ANESTHESIOLOGIST ASSISTANTS.
5. RETAIN JURISDICTION OVER LICENSEES TO WHOM TEMPORARY OR FULL LICENSES ARE GRANTED PURSUANT TO THIS ARTICLE, REGARDLESS OF WHETHER THE LICENSE HAS EXPIRED, HAS LAPSED OR WAS RELINQUISHED DURING OR AFTER ANY ALLEGED OCCURRENCE OF CONDUCT.

32-1492.02. Licensure; use of title; qualifications; renewal; reinstatement; temporary licensure

A. A PERSON MAY NOT PRACTICE IN THIS STATE AS AN ANESTHESIOLOGIST ASSISTANT OR USE THE TITLE OR REPRESENT THAT THE PERSON IS A CERTIFIED ANESTHESIOLOGIST ASSISTANT OR ANESTHESIOLOGIST ASSISTANT OR USE THE ABBREVIATION "C.A.A." OR "A.A." WITHOUT HAVING A LICENSE GRANTED BY THE BOARD PURSUANT TO THIS ARTICLE.

B. THE BOARD MAY GRANT AN ANESTHESIOLOGIST ASSISTANT LICENSE TO AN APPLICANT WHO MEETS ALL OF THE FOLLOWING:
   1. GRADUATED FROM AN ANESTHESIOLOGIST ASSISTANT PROGRAM ACCREDITED BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH EDUCATION PROGRAMS, OR ITS PREDECESSOR OR SUCCESSOR ORGANIZATION.
   2. SATISFACTORILY COMPLETED A CERTIFICATION EXAMINATION.
   3. COMPLETES AN APPLICATION FORM.
   4. PAYS THE REQUIRED APPLICATION AND LICENSURE FEES AS PRESCRIBED BY THE BOARD IN RULE.

C. A LICENSE ISSUED PURSUANT TO THIS ARTICLE, OTHER THAN A TEMPORARY LICENSE, IS VALID FOR A PERIOD OF TWO YEARS. A LICENSEE SHALL RENEW THE LICENSE EVERY OTHER YEAR ON OR BEFORE JANUARY 31 BY COMPLETING AND SUBMITTING TO THE BOARD A RENEWAL APPLICATION FORM AS PRESCRIBED BY THE BOARD AND THE PRESCRIBED RENEWAL FEE BEFORE THE CURRENT LICENSE EXPIRES. THE BOARD SHALL PROVIDE RENEWAL NOTICES TO LICENSEES AT LEAST ONE MONTH BEFORE THE EXPIRATION DATE.

D. THE BOARD MAY REINSTATE A LAPSED LICENSE IF THE APPLICANT PAYS A REINSTATEMENT FEE AS PRESCRIBED BY THE BOARD IN RULE AND MEETS THE REQUIREMENTS FOR INITIAL LICENSURE.

E. THE BOARD MAY ISSUE A TEMPORARY LICENSE TO ANY PERSON WHO:
   1. COMPLETES A TEMPORARY LICENSE APPLICATION.
   2. PAYS THE REQUIRED TEMPORARY LICENSE FEE AS PRESCRIBED BY THE BOARD IN RULE.
   3. SUCCESSFULLY COMPLETES A PROGRAM THAT IS APPROVED BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH EDUCATION PROGRAMS OR ANOTHER BOARD-APPROVED PROGRAM FOR EDUCATING AND TRAINING ANESTHESIOLOGIST ASSISTANTS EVEN IF THE PERSON HAS NOT PASSED A CERTIFICATION EXAMINATION. THE PERSON SHALL TAKE THE NEXT AVAILABLE CERTIFICATION EXAMINATION AFTER RECEIVING A TEMPORARY LICENSE. A TEMPORARY LICENSE MAY BE ISSUED FOR A PERIOD OF NOT MORE THAN ONE YEAR AND IS SUBJECT TO ANY OTHER REQUIREMENTS THE BOARD ADOPTS BY RULE.
32-1492.03. **Scope of practice**

A. THIS SECTION DOES NOT APPLY TO PERSONS WHO ARE ENROLLED IN AN ANESTHESIOLOGIST ASSISTANT EDUCATION PROGRAM APPROVED BY THE BOARD.

B. AN ANESTHESIOLOGIST ASSISTANT MAY ASSIST IN THE PRACTICE OF MEDICINE ONLY UNDER THE SUPERVISION OF AN ANESTHESIOLOGIST. THE ANESTHESIOLOGIST ASSISTANT MAY PERFORM ONLY THOSE DUTIES AND RESPONSIBILITIES DELEGATED TO THE ANESTHESIOLOGIST ASSISTANT BY THE SUPERVISING ANESTHESIOLOGIST.

C. THE SUPERVISING ANESTHESIOLOGIST SHALL BE ALLOWED TO SUPERVISE ANESTHESIOLOGIST ASSISTANTS IN A MANNER CONSISTENT WITH FEDERAL REGULATIONS ADOPTED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR REIMBURSEMENT FOR ANESTHESIA SERVICES.

D. THE SUPERVISING ANESTHESIOLOGIST SHALL BE IMMEDIATELY AVAILABLE TO THE ANESTHESIOLOGIST ASSISTANT WHO ASSISTS IN DELIVERING MEDICAL CARE SUCH THAT THE SUPERVISING ANESTHESIOLOGIST IS ABLE TO INTERVENE IF NEEDED.

E. AN ANESTHESIOLOGIST ASSISTANT'S PRACTICE MAY NOT EXCEED THE ANESTHESIOLOGIST ASSISTANT'S EDUCATION AND TRAINING OR THE SCOPE OF PRACTICE OF THE SUPERVISING ANESTHESIOLOGIST. A MEDICAL CARE TASK ASSIGNED BY THE SUPERVISING ANESTHESIOLOGIST TO THE ANESTHESIOLOGIST ASSISTANT MAY NOT BE DELEGATED BY THE ANESTHESIOLOGIST ASSISTANT TO ANOTHER PERSON.

F. A SUPERVISING ANESTHESIOLOGIST MAY DELEGATE TO AN ANESTHESIOLOGIST ASSISTANT ANY OF THE FOLLOWING DUTIES:

1. DEVELOPING AND IMPLEMENTING AN ANESTHESIA CARE PLAN FOR A PATIENT.
2. OBTAINING A COMPREHENSIVE PATIENT HISTORY AND PERFORMING RELEVANT ELEMENTS OF A PHYSICAL EXAM.
3. PERFORMING PREOPERATIVE AND POSTOPERATIVE ANESTHESIA EVALUATIONS AND MAINTAINING PATIENT PROGRESS NOTES.
4. ORDERING AND PERFORMING PREOPERATIVE PATIENT CONSULTATIONS.
5. ORDERING PREOPERATIVE MEDICATIONS, INCLUDING CONTROLLED SUBSTANCES, WHICH MAY BE ADMINISTERED BEFORE THE SUPERVISING ANESTHESIOLOGIST COSIGNS.
6. CHANGING OR DISCONTINUING A MEDICAL TREATMENT PLAN AFTER CONSULTING WITH THE SUPERVISING ANESTHESIOLOGIST.
7. OBTAINING INFORMED CONSENT FOR ANESTHESIA OR RELATED PROCEDURES.
8. ORDERING THE PERIOPERATIVE CONTINUATION OF CURRENT MEDICATIONS, WHICH MAY BE ADMINISTERED BEFORE THE SUPERVISING ANESTHESIOLOGIST COSIGNS.
9. PRETESTING AND CALIBRATING ANESTHESIA DELIVERY SYSTEMS AND OBTAINING AND INTERPRETING INFORMATION FROM THE SYSTEMS AND MONITORS.
10. IMPLEMENTING MEDICALLY ACCEPTED MONITORING TECHNIQUES.
11. PERFORMING BASIC AND ADVANCED AIRWAY INTERVENTIONS, INCLUDING ENDOTRACHEAL INTUBATION, LARYNGEAL MASK INSERTION AND OTHER ADVANCED AIRWAYS TECHNIQUES.
12. ESTABLISHING PERIPHERAL INTRAVENOUS LINES, INCLUDING SUBCUTANEOUS LIDOCAINE USE.
13. PERFORMING INVASIVE PROCEDURES, INCLUDING ARTERIAL LINES, 
   CENTRAL LINES AND SWAN GANZ CATHETERS.
   14. PERFORMING GENERAL ANESTHESIA, INCLUDING INDUCTION, 
       MAINTENANCE, EMERGENCE AND PROCEDURES ASSOCIATED WITH GENERAL ANESTHESIA, 
       SUCH AS GASTRIC INTUBATION.
   15. ADMINISTERING ANESTHETIC DRUGS, ADJUVANT DRUGS AND ACCESSORY 
       DRUGS.
   16. ADMINISTERING VASOACTIVE DRUGS AND STARTING AND TITRATING 
       VASOACTIVE INFUSIONS TO TREAT PATIENT RESPONSES TO ANESTHESIA.
   17. PERFORMING, MAINTAINING, EVALUATING AND MANAGING EPIDURAL, 
       SPINAL AND REGIONAL ANESTHESIA, INCLUDING CATHETERS.
   18. PERFORMING MONITORED ANESTHESIA CARE.
   19. OBTAINING VENOUS AND ARTERIAL BLOOD SAMPLES.
   20. ADMINISTERING BLOOD, BLOOD PRODUCTS AND SUPPORTIVE FLUIDS.
   21. PERFORMING, ORDERING AND INTERPRETING APPROPRIATE PREOPERATIVE, 
       POINT-OF-CARE, INTRA-OPERATIVE OR POSTOPERATIVE DIAGNOSTIC TESTS OR 
       PROCEDURES.
   22. OBTAINING AND ADMINISTERING PERIOPERATIVE ANESTHETIC AND 
       RELATED PHARMACEUTICAL AGENTS, INCLUDING INTRAVENOUS FLUIDS AND BLOOD 
       PRODUCTS.
   23. MANAGING THE PATIENT WHILE IN THE PREOPERATIVE SUITE, RECOVERY 
       AREA OR LABOR SUITE.
   24. ORDERING ANY OF THE FOLLOWING:
   (a) POSTOPERATIVE SEDATION, ANXIOLYSIS OR ANALGESIA.
   (b) POSTOPERATIVE RESPIRATORY THERAPY AND MEDICINES TO TREAT 
       PATIENT RESPONSES TO ANESTHESIA.
   (c) POSTOPERATIVE OXYGEN THERAPY, INCLUDING INITIAL VENTILATOR 
       THERAPY, WHICH MAY BE ADMINISTERED BEFORE THE SUPERVISING ANESTHESIOLOGIST 
       COSIGNS.
   25. INITIATING AND MANAGING CARDIOPULMONARY RESUSCITATION IN 
       RESPONSE TO A LIFE-THREATENING SITUATION.
   26. PARTICIPATING IN ADMINISTRATIVE, RESEARCH AND CLINICAL TEACHING 
       ACTIVITIES, INCLUDING SUPERVISING STUDENT ANESTHESIOLOGIST ASSISTANTS AND 
       OTHER STUDENTS INVOLVED IN ANESTHESIA EDUCATION.
   27. PERFORMING SUCH OTHER TASKS NOT PROHIBITED BY LAW THAT AN 
       ANESTHESIOLOGIST ASSISTANT HAS BEEN TRAINED AND IS PROFICIENT TO PERFORM.
   28. THIS ARTICLE DOES NOT PREVENT AN ANESTHESIOLOGIST ASSISTANT FROM 
       HAVING ACCESS TO AND BEING ABLE TO OBTAIN PRESCRIPTION DRUGS AS DIRECTED 
       BY THE SUPERVISING ANESTHESIOLOGIST.

32-1492.04. Regulation and restriction of licenses; written 
   orders

A. THE BOARD MAY REFUSE TO RENEW AND MAY REVOKE, SUSPEND OR 
   RESTRICT A LICENSE OR TAKE OTHER DISCIPLINARY ACTION, INCLUDING IMPOSING 
   CONDITIONS OR RESTRICTIONS ON A LICENSE PURSUANT TO THIS ARTICLE AND THE 
   RULES ADOPTED PURSUANT TO THIS ARTICLE.
B. IF THE BOARD DETERMINES THAT A PERSON IS INELIGIBLE FOR LICENSURE, THAT AN APPLICATION FOR LICENSURE SHOULD BE DENIED, THAT A LICENSE SHOULD BE REVOKED, SUSPENDED OR RESTRICTED OR THAT ANY OTHER ACTION SHOULD BE TAKEN ON A CURRENT LICENSE, THE BOARD SHALL ADOPT AND ENTER ITS WRITTEN ORDER AND FINDINGS.

32-1492.05. Reinstatement of license; requirements

A. THE BOARD MAY ISSUE A NEW LICENSE TO AN ANESTHESIOLOGIST ASSISTANT WHOSE LICENSE WAS PREVIOUSLY REVOKED BY THE BOARD IF THE APPLICANT APPLIES IN WRITING TO THE BOARD AND DEMONSTRATES TO THE BOARD'S SATISFACTION THAT THE APPLICANT IS COMPLETELY REHABILITATED WITH RESPECT TO THE CONDUCT THAT WAS THE BASIS FOR THE REVOCATION. IN MAKING ITS DECISION, THE BOARD SHALL DETERMINE:

1. THAT THE APPLICANT HAS NOT ENGAGED IN ANY CONDUCT DURING THE REVOCATION PERIOD THAT WOULD CONSTITUTE A BASIS FOR REVOCATION PURSUANT TO RULES ADOPTED BY THE BOARD.

2. IF A CRIMINAL CONVICTION WAS A BASIS OF THE REVOCATION, THAT THE APPLICANT'S CIVIL RIGHTS HAVE BEEN FULLY RESTORED PURSUANT TO STATUTE OR ANY OTHER APPLICABLE RECOGNIZED JUDICIAL OR GUBERNATORIAL ORDER.

3. THAT THE APPLICANT HAS MADE RESTITUTION TO ANY AGGRIEVED PERSON AS ORDERED BY A COURT OF COMPETENT JURISDICTION.

4. THAT THE APPLICANT DEMONSTRATES ANY OTHER STANDARD OF REHABILITATION THE BOARD DETERMINES IS APPROPRIATE.

B. EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION, A PERSON MAY NOT APPLY FOR LICENSE REINSTATEMENT UNTIL A PERIOD OF AT LEAST TWO YEARS HAS LAPSED SINCE THE DATE OF REVOCATION.

C. IF A LICENSE REVOCATION WAS BASED ON A CONVICTION OF A FELONY OR AN OFFENSE INVOLVING MORAL TURPITUDE AND THAT CONVICTION HAS BEEN REVERSED ON APPEAL, THE BOARD SHALL VACATE ITS PREVIOUS ORDER TO REVOKE THE LICENSE AND THE ANESTHESIOLOGIST ASSISTANT MAY APPLY FOR REINSTATEMENT AS SOON AS THE COURT ENTERS THE REVERSAL.

D. AN APPLICANT FOR REINSTATEMENT SHALL COMPLY WITH ALL INITIAL LICENSURE REQUIREMENTS PRESCRIBED BY THIS ARTICLE AND RULES ADOPTED BY THE BOARD PURSUANT TO THIS ARTICLE.

32-1492.06. Unauthorized practice; violation; classification

ANY PERSON WHO PRACTICES AS AN ANESTHESIOLOGIST ASSISTANT OR REPRESENTS THAT THE PERSON IS AN ANESTHESIOLOGIST ASSISTANT WITHOUT HAVING A LICENSE ISSUED PURSUANT TO THIS ARTICLE OR ANY PERSON WHO EMPLOYS AN UNLICENSED PERSON TO PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT IS GUILTY OF A CLASS 1 MISDEMEANOR. EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE UNDER THIS SECTION.