

House Study Bill 103 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to licensure of anesthesiologist assistants,
2 providing for fees, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2015,
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician and
5 surgeon, anesthesiologist assistant, physician assistant,
6 psychologist, chiropractor, nurse, dentist, dental hygienist,
7 dental assistant, optometrist, speech pathologist, audiologist,
8 pharmacist, physical therapist, physical therapist assistant,
9 occupational therapist, occupational therapy assistant,
10 orthotist, prosthetist, pedorthist, respiratory care
11 practitioner, practitioner of cosmetology arts and sciences,
12 practitioner of barbering, funeral director, dietitian, marital
13 and family therapist, mental health counselor, social worker,
14 massage therapist, athletic trainer, acupuncturist, nursing
15 home administrator, hearing aid dispenser, or sign language
16 interpreter or transliterator means a person licensed under
17 this subtitle.

18 6. "*Profession*" means medicine and surgery, podiatry,
19 osteopathic medicine and surgery, anesthesiologist assisting,
20 practice as a physician assistant, psychology, chiropractic,
21 nursing, dentistry, dental hygiene, dental assisting,
22 optometry, speech pathology, audiology, pharmacy, physical
23 therapy, physical therapist assisting, occupational therapy,
24 occupational therapy assisting, respiratory care, cosmetology
25 arts and sciences, barbering, mortuary science, marital
26 and family therapy, mental health counseling, social work,
27 dietetics, massage therapy, athletic training, acupuncture,
28 nursing home administration, hearing aid dispensing, sign
29 language interpreting or transliterating, orthotics,
30 prosthetics, or pedorthics.

31 Sec. 2. Section 147.2, subsection 1, Code 2015, is amended
32 to read as follows:

33 1. A person shall not engage in the practice of medicine
34 and surgery, podiatry, osteopathic medicine and surgery,
35 anesthesiologist assisting, psychology, chiropractic, physical

1 therapy, physical therapist assisting, nursing, dentistry,
2 dental hygiene, dental assisting, optometry, speech pathology,
3 audiology, occupational therapy, occupational therapy
4 assisting, orthotics, prosthetics, pedorthics, respiratory
5 care, pharmacy, cosmetology arts and sciences, barbering,
6 social work, dietetics, marital and family therapy or mental
7 health counseling, massage therapy, mortuary science, athletic
8 training, acupuncture, nursing home administration, hearing aid
9 dispensing, or sign language interpreting or transliterating,
10 or shall not practice as a physician assistant, unless the
11 person has obtained a license for that purpose from the board
12 for the profession.

13 Sec. 3. Section 147.13, subsection 1, Code 2015, is amended
14 to read as follows:

15 1. For medicine and surgery, osteopathic medicine and
16 surgery, anesthesiologist assisting, and acupuncture, the board
17 of medicine.

18 Sec. 4. Section 147.74, Code 2015, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 23A. An anesthesiologist assistant
21 licensed under chapter 148G may use the words "anesthesiologist
22 assistant" after the person's name.

23 Sec. 5. NEW SECTION. 148G.1 **Definitions.**

24 1. "*Anesthesiologist*" means a physician who has completed
25 a residency in anesthesiology approved by the American
26 board of anesthesiology or the American osteopathic board of
27 anesthesiology.

28 2. "*Anesthesiologist assistant*" means a person who meets all
29 of the following conditions:

30 a. Has graduated from an anesthesiologist assistant program
31 accredited by the American medical association's committee on
32 allied health education and accreditation or by its successor
33 agency.

34 b. Has passed the certifying examination administered by
35 the national commission for certification of anesthesiologist

1 assistants.

2 *c.* Has active certification by the national commission for
3 certification of anesthesiologist assistants.

4 *d.* Provides health care services delegated by a licensed
5 anesthesiologist.

6 3. "*Applicant*" means an individual who seeks to become
7 licensed as an anesthesiologist assistant.

8 4. "*Board*" means the board of medicine created in section
9 147.13.

10 5. "*Continuing education*" means the offering of instruction
11 or information to license holders for the purpose of
12 maintaining or increasing skills necessary for the safe and
13 competent practice of anesthetic care.

14 6. "*Immediately available*" means in the same physical
15 location or facility in which the services are provided.

16 7. "*Physician*" means an individual licensed pursuant to
17 chapter 148 to practice medicine and surgery or osteopathic
18 medicine and surgery.

19 Sec. 6. NEW SECTION. **148G.2 License required to practice.**

20 1. Except as provided in subsection 2, a person shall not
21 practice as an anesthesiologist assistant unless the person
22 holds a current, valid license issued pursuant to this chapter
23 to practice as an anesthesiologist assistant.

24 2. Subsection 1 shall not apply to any of the following:

25 *a.* A person participating in a training program leading
26 toward certification by the national commission for
27 certification of anesthesiologist assistants, as long as the
28 person is supervised by an anesthesiologist.

29 *b.* An individual participating in a hospital residency
30 program in preparation to practice as an anesthesiologist.

31 *c.* Any person who is otherwise authorized by section 148G.13
32 to perform any of the activities that an anesthesiologist
33 assistant is authorized to perform.

34 Sec. 7. NEW SECTION. **148G.3 License application**
35 **requirements.**

1 1. A person shall apply to the board for a license under
2 this chapter upon such forms and in such manner as may be
3 prescribed by the board by rule and shall pay the application
4 fee set by the board by rule. The application fee shall cover
5 the costs of issuing the license and shall not be refundable.

6 2. The application shall contain a statement that it is
7 made under oath or affirmation and that its representations
8 are true and correct to the best knowledge and belief of
9 the person signing the application. The application shall
10 include proof of certification after passing the certifying
11 examination administered by the national commission for
12 certification of anesthesiologist assistants or its successor,
13 the date of the certification, any identification numbers, and
14 any other information necessary for the board to verify the
15 certification.

16 3. The board, upon approval of the application, shall issue
17 a license to the applicant.

18 **Sec. 8. NEW SECTION. 148G.4 Temporary license.**

19 Notwithstanding any provision of this chapter to the
20 contrary, the board may issue a temporary license to practice
21 as an anesthesiologist assistant to an applicant who has
22 taken the certifying examination described in section 148G.1,
23 subsection 2, and is awaiting the results. A temporary license
24 may be issued upon the payment of a temporary license fee, the
25 submission of all required documents, and the applicant meeting
26 the necessary qualifications as defined by the board by rule.
27 The temporary license shall be valid until the results of the
28 certifying examination are available. The temporary license
29 may be renewed at the discretion of the board and upon payment
30 of the temporary license fee.

31 **Sec. 9. NEW SECTION. 148G.5 Licensure in another state —**
32 **reciprocity.**

33 1. Upon application and payment of a fee set by the board by
34 rule, the board shall issue a license to an anesthesiologist
35 assistant who is licensed in another jurisdiction and who

1 has had no violations, suspensions, or revocations of a
2 license to practice as an anesthesiologist assistant in any
3 jurisdiction, provided that such person is licensed in a
4 jurisdiction with licensure requirements that are substantially
5 equal to, or greater than, the requirements for licensure of
6 anesthesiologist assistants pursuant to this chapter.

7 2. The board may negotiate reciprocal compacts with
8 licensing boards of other states for the admission of licensed
9 anesthesiologist assistants from this state to practice in
10 other states.

11 Sec. 10. NEW SECTION. 148G.6 License renewal — void
12 licenses — duplicate licenses.

13 1. A license is valid for two years from the date it is
14 issued and may be renewed biennially by filing an application
15 for renewal with the board upon such forms and in such manner
16 as may be prescribed by the board by rule and paying the
17 required renewal fee as set by the board by rule.

18 2. The application shall include but not be limited to all
19 of the following:

20 a. The date and number of the applicant's license.

21 b. A description of any disciplinary action taken against
22 the applicant by any professional association or society,
23 licensed hospital or medical staff, state, or country.

24 c. Information concerning the applicant's current physical
25 and mental fitness to practice as an anesthesiologist
26 assistant.

27 3. The board shall mail a blank form for application for
28 renewal of a license to each person licensed in this state at
29 the person's last known office or residence address.

30 4. If an application for renewal is filed and the fee paid
31 after the licensure renewal date, a delinquent fee shall be
32 paid. The delinquent fee may be waived by the board based on
33 extenuating circumstances as defined by the board by rule.

34 5. If a person licensed by the board does not renew such
35 license for two consecutive renewal periods, such license shall

1 be deemed void.

2 6. A duplicate license to replace any license lost,
3 destroyed, or mutilated may be issued to an applicant, subject
4 to rules adopted by the board, upon the payment of a reasonable
5 fee.

6 Sec. 11. NEW SECTION. 148G.7 **Anesthesiologist assistant**
7 **functions — supervision — prohibited activities.**

8 1. An anesthesiologist assistant may assist the supervising
9 anesthesiologist in developing and implementing an anesthesia
10 care plan for a patient. In providing assistance to the
11 supervising anesthesiologist, an anesthesiologist assistant may
12 do any of the following:

13 a. Obtain a comprehensive patient history, perform relevant
14 elements of a physical exam, and present the history to the
15 supervising anesthesiologist.

16 b. Pretest and calibrate anesthesia delivery systems and
17 obtain and interpret information from the systems and monitors,
18 in consultation with an anesthesiologist.

19 c. Assist the supervising anesthesiologist with the
20 implementation of medically accepted monitoring techniques.

21 d. Establish basic and advanced airway interventions,
22 including intubation of the trachea and performing ventilatory
23 support.

24 e. Administer intermittent vasoactive drugs and start and
25 adjust vasoactive infusions.

26 f. Administer anesthetic drugs, adjuvant drugs, and
27 accessory drugs.

28 g. Assist the supervising anesthesiologist with the
29 performance of epidural anesthetic procedures, spinal
30 anesthetic procedures, and other regional anesthetic
31 techniques.

32 h. Administer blood, blood products, and supportive fluids.

33 i. Provide assistance to a cardiopulmonary resuscitation
34 team in response to a life-threatening situation.

35 j. Participate in administrative, research, and clinical

1 teaching activities as authorized by the supervising
2 anesthesiologist.

3 *k.* Perform such other tasks not prohibited by law under
4 the supervision of a licensed anesthesiologist that the
5 anesthesiologist assistant has been trained and is proficient
6 to perform.

7 2. An anesthesiologist shall at all times accept and be
8 responsible for the oversight of the health care services
9 rendered by an anesthesiologist assistant as provided in
10 section 148G.8.

11 3. An anesthesiologist assistant shall not perform any of
12 the following functions:

13 *a.* Prescribe any medications or controlled substances.

14 *b.* Administer any drugs, medicines, devices, or therapies
15 the supervising anesthesiologist is not qualified or authorized
16 to prescribe.

17 *c.* Practice or attempt to practice without the supervision
18 of a licensed anesthesiologist or in any location where the
19 supervising anesthesiologist is not immediately available for
20 consultation, assistance, and intervention.

21 4. A student in an anesthesiologist assistant training
22 program shall be identified as a student anesthesiologist
23 assistant or an anesthesiologist assistant student. Under no
24 circumstances shall such a student use or permit to be used
25 on the student's behalf, the terms "intern", "resident", or
26 "fellow" or be identified in any way as a physician or surgeon.

27 5. The anesthesiologist members of the faculty of an
28 anesthesiologist assistant program established in this state
29 shall be comprised of anesthesiologists certified by the
30 American board of anesthesiology. A faculty member of an
31 anesthesiologist assistant program shall not concurrently
32 supervise more than two anesthesiologist assistant students
33 who are delivering anesthesia. A certified registered nurse
34 anesthetist shall be excluded from the clinical education of
35 anesthesiologist assistants.

1 Sec. 12. NEW SECTION. 148G.8 **Supervision required —**
2 **written practice protocol — audit or inspection by board.**

3 1. *a.* An anesthesiologist assistant shall practice only
4 under the direct supervision of an anesthesiologist who is
5 physically present or immediately available.

6 *b.* An anesthesiologist may supervise up to four
7 anesthesiologist assistants concurrently, consistent with
8 the provisions of 42 C.F.R. §415.110 relating to anesthesia
9 services reimbursable under Medicare.

10 2. An anesthesiologist who agrees to act as the supervising
11 anesthesiologist for an anesthesiologist assistant shall
12 adopt a written practice protocol that is consistent with
13 this chapter and that delineates the services that the
14 anesthesiologist assistant is authorized to provide and
15 the manner in which the anesthesiologist will supervise the
16 anesthesiologist assistant. The provisions of the protocol
17 shall be based on relevant quality assurance standards,
18 including regular review by the supervising anesthesiologist
19 of the medical records of the patients cared for by the
20 anesthesiologist assistant.

21 3. The supervising anesthesiologist shall oversee the
22 anesthesiologist assistant in accordance with the terms
23 of the protocol and any rules adopted by the board for the
24 supervision of an anesthesiologist assistant. The board may
25 audit or inspect any written practice protocol under which an
26 anesthesiologist assistant works.

27 Sec. 13. NEW SECTION. 148G.9 **Inactive license.**

28 1. A person licensed pursuant to this chapter may apply
29 to the board for inactive license status on a form furnished
30 by the board. Upon receipt of the completed inactive status
31 application and a determination by the board that the licensee
32 meets the requirements defined by the board by rule, the
33 board shall declare the licensee inactive and shall place
34 the licensee on an inactive status list. A person that has
35 an inactive license or has discontinued the practice of an

1 anesthesiologist assistant because of retirement shall not
2 practice as an anesthesiologist assistant within this state.

3 2. During the period of inactive status, the licensee shall
4 not be required to comply with the board's minimum requirements
5 for continuing education pursuant to section 148G.11.

6 3. A licensee that allows the person's license to become
7 inactive for a period of five years or less may return the
8 license to active status by notifying the board in advance of
9 such intention, paying the appropriate fees, and meeting all
10 established licensure requirements of the board as a condition
11 of reinstatement.

12 Sec. 14. NEW SECTION. 148G.10 Retirement — resumption of
13 practice.

14 A person licensed to practice as an anesthesiologist
15 assistant in this state who retires from such practice shall
16 file with the board an affidavit, on a form to be furnished by
17 the board, which states the date of retirement and such other
18 facts to verify the retirement as defined by the board by rule.

19 Sec. 15. NEW SECTION. 148G.11 Continuing education
20 requirements.

21 The board shall not renew a license under this chapter
22 unless the licensee provides satisfactory evidence that the
23 board's minimum requirements for continuing education have
24 been met. The board shall adopt minimum requirements for
25 continuing education by rule, which shall include but are not
26 limited to the successful completion of the examination for
27 continued demonstration of qualifications once every six years,
28 as authorized by the national commission for certification of
29 anesthesiologist assistants or its successor.

30 Sec. 16. NEW SECTION. 148G.12 License denial, suspension,
31 and revocation.

32 1. The board may refuse to issue or renew, suspend, or
33 revoke a license under this chapter for any of the following:

34 a. Use or unlawful possession of any controlled substance,
35 as defined in chapter 124, or alcoholic beverage to an extent

1 that such use impairs the person's ability to perform the work
2 of an anesthesiologist assistant.

3 *b.* The person has been finally adjudicated and found
4 guilty, or entered a plea of guilty or nolo contendere, in
5 a criminal prosecution under the laws of any state or of
6 the United States, for any offense reasonably related to the
7 qualifications, functions, or duties of an anesthesiologist
8 assistant, for any offense for which an essential element is
9 fraud, dishonesty, or an act of violence, or for any offense
10 involving moral turpitude, whether or not a sentence is
11 imposed.

12 *c.* Use of fraud, deception, misrepresentation, or bribery
13 in securing a license issued pursuant to this chapter or in
14 obtaining permission to take an examination given or required
15 pursuant to this chapter.

16 *d.* Obtaining or attempting to obtain any fee, charge,
17 tuition, or other compensation by fraud, deception, or
18 misrepresentation.

19 *e.* Incompetency, misconduct, gross negligence, fraud,
20 misrepresentation, or dishonesty in the performance of the
21 functions or duties of an anesthesiologist assistant.

22 *f.* Violation of, or assisting or enabling any person to
23 violate, any provision of this chapter or any rule adopted
24 pursuant to this chapter.

25 *g.* Impersonation of any person holding a license.

26 *h.* Disciplinary action against the holder of a license or
27 other right relating to the practice of an anesthesiologist
28 assistant granted by another state, territory, federal agency,
29 or country upon grounds for which revocation or suspension is
30 authorized in this state.

31 *i.* A final adjudication of insanity or incompetency by a
32 court of competent jurisdiction.

33 *j.* Assisting or enabling any person to practice or offer to
34 practice as an anesthesiologist assistant who is not licensed
35 and eligible to practice pursuant to this chapter.

1 *k.* Issuance of a license based upon a material mistake of
2 fact.

3 *l.* Violation of any professional trust or confidence.

4 *m.* Violation of the ethical standards for an
5 anesthesiologist assistant as defined by the board by rule.

6 *n.* Violation of a rule or regulation of this state, any
7 other state, or the federal government.

8 2. The board shall notify the applicant or licensee
9 in a complaint in writing of the reasons for the refusal,
10 suspension, or revocation and shall advise the applicant or
11 licensee of the right to file an objection to the complaint.
12 The board shall adopt rules of procedure for the filing
13 of complaints and objections thereto which conform to the
14 provisions of chapter 17A.

15 3. The board shall have the authority to issue subpoenas to
16 compel witnesses to testify or produce evidence in proceedings
17 to deny, suspend, or revoke a license.

18 4. After the filing of a complaint by the board, the
19 proceedings shall be conducted in accordance with the
20 provisions of chapter 17A. Upon a finding that the grounds for
21 disciplinary action provided in subsection 1 are met, the board
22 may take any of the following actions:

23 *a.* Deny initial issuance or renewal of a license to the
24 person named in the complaint.

25 *b.* Censure or place the person named in the complaint on
26 probation with such terms and conditions as the board deems
27 appropriate for a period not to exceed ten years.

28 *c.* Suspend the license of the person named in the complaint
29 for a period not to exceed seven years.

30 *d.* Revoke the license of the person named in the complaint.

31 5. An individual whose license has been revoked shall wait
32 at least one year from the date of revocation to apply for
33 relicensure and shall not be eligible for a temporary license.
34 Relicensure shall be at the discretion of the board after
35 compliance with all requirements of this chapter.

1 certification of anesthesiologist assistants. The person must
2 then file the proper application and fees with the board of
3 medicine. The bill allows for licensure without examination
4 if an anesthesiologist assistant holds a similar license in
5 another jurisdiction. Licensees must complete continuing
6 education requirements. The bill sets forth provisions for
7 license renewal, temporary licensure, inactive or retired
8 license status, and license suspension, denial, or revocation.