

HOUSE BILL 1161

J2

9lr3227
CF SB 798

By: **Delegate Donoghue**

Introduced and read first time: February 13, 2009

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Anesthesiologist Assistants Act**

3 FOR the purpose of requiring the State Board of Physicians to adopt regulations for
4 the licensure of anesthesiologist assistants and the practice of anesthesia care
5 as anesthesiologist assistants; providing that this Act does not limit the rights
6 of certain individuals to practice certain occupations; authorizing the Board to
7 set certain fees and requiring the Board to distribute certain fees in a certain
8 manner; establishing the Anesthesiologist Assistants Advisory Committee
9 within the Board; providing for the membership, powers, and duties of the
10 Committee; establishing the terms and requirements for certain members of the
11 Committee; providing for certain powers and duties of the Board regarding the
12 Committee and anesthesiologist assistants; providing for the scope of practice
13 for medical acts delegated to an anesthesiologist assistant under certain
14 circumstances; establishing certain medical acts that may be performed or may
15 not be performed by an anesthesiologist assistant; requiring anesthesiologist
16 assistants to be licensed by the Board before practicing anesthesia care as
17 anesthesiologist assistants; requiring anesthesiologist assistants to execute a
18 certain delegation agreement; providing for the content and regulation of
19 certain delegation agreements; requiring that an individual be licensed by the
20 Board before the individual may practice anesthesia care as an anesthesiologist
21 assistant; providing that certain licensing provisions do not apply to certain
22 students and certain employees of the federal government; providing for the
23 qualifications for an anesthesiologist assistant license; providing for the scope of
24 an anesthesiologist assistant license; providing for the issuance, expiration,
25 renewal, inactivation, and reinstatement of certain licenses; requiring certain
26 licensees to present a certain license or delegation agreement under certain
27 circumstances; authorizing the Board to deny a license to an applicant, refuse to
28 renew a license, reprimand a licensee, suspend or revoke a license, or impose
29 certain penalties under certain circumstances; establishing certain hearing and
30 appeal procedures for licensed anesthesiologist assistants; requiring certain
31 hospitals, related institutions, certain alternative health systems, and certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



employers to report certain information regarding anesthesiologist assistants to the Board under certain circumstances; prohibiting certain acts; providing for certain criminal and civil penalties; requiring that an evaluation of the Committee be performed on or before a certain date; specifying the appointment and terms of the initial members of the Committee; defining certain terms; and generally relating to the licensure of anesthesiologist assistants.

BY renumbering

Article – State Government
Section 8–403(b)(3) through (68), respectively
to be Section 8–403(b)(4) through (69), respectively
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to

Article – Health Occupations
Section 14–5D–01 through 14–5D–27 to be under the new subtitle “Subtitle 5D.
Anesthesiologist Assistants”
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to

Article – State Government
Section 8–403(b)(3)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–403(b)(3) through (68), respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 8–403(b)(4) through (69), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health Occupations

SUBTITLE 5D. ANESTHESIOLOGIST ASSISTANTS.

14–5D–01.

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) “ALTERNATE SUPERVISING ANESTHESIOLOGIST” MEANS ONE OR
4 MORE ANESTHESIOLOGISTS DESIGNATED BY THE SUPERVISING
5 ANESTHESIOLOGIST TO PROVIDE DIRECT SUPERVISION OF AN
6 ANESTHESIOLOGIST ASSISTANT DURING THE ABSENCE OF THE SUPERVISING
7 ANESTHESIOLOGIST IN ACCORDANCE WITH THE DELEGATION AGREEMENT ON
8 FILE WITH THE BOARD.

9 (C) “ANESTHESIOLOGIST” MEANS A LICENSED PHYSICIAN WHO:

10 (1) HAS HAD SPECIAL TRAINING IN THE FIELD OF
11 ANESTHESIOLOGY;

12 (2) ADMINISTERS ANESTHESIA ON A REGULAR BASIS; AND

13 (3) DEVOTES A SUBSTANTIAL PORTION OF THE PHYSICIAN’S
14 MEDICAL PRACTICE TO THE PRACTICE OF ANESTHESIOLOGY.

15 (D) “ANESTHESIOLOGIST ASSISTANT” MEANS AN INDIVIDUAL WHO IS
16 LICENSED UNDER THIS SUBTITLE TO PERFORM DELEGATED MEDICAL ACTS
17 UNDER THE SUPERVISION OF AN ANESTHESIOLOGIST.

18 (E) “ASSIST” MEANS TO CARRY OUT DELEGATED MEDICAL ACTS
19 REQUESTED BY A SUPERVISING ANESTHESIOLOGIST THAT ARE:

20 (1) WITHIN THE ANESTHESIOLOGIST ASSISTANT’S TRAINING AND
21 SCOPE OF PRACTICE; AND

22 (2) AUTHORIZED UNDER A DELEGATION AGREEMENT.

23 (F) “BOARD” MEANS THE STATE BOARD OF PHYSICIANS, ESTABLISHED
24 UNDER § 14-201 OF THIS TITLE.

25 (G) “COMMITTEE” MEANS THE ANESTHESIOLOGIST ASSISTANTS
26 ADVISORY COMMITTEE.

27 (H) “DELEGATED MEDICAL ACTS” MEANS ACTIVITIES THAT
28 CONSTITUTE THE PRACTICE OF MEDICINE DELEGATED BY A PHYSICIAN UNDER
29 THIS TITLE.

30 (I) “DELEGATION AGREEMENT” MEANS A WRITTEN DOCUMENT THAT IS
31 EXECUTED BY A SUPERVISING ANESTHESIOLOGIST AND AN ANESTHESIOLOGIST

1 ASSISTANT CONTAINING THE REQUIREMENTS OF § 14-5D-08 OF THIS
2 SUBTITLE.

3 (J) "DIRECT SUPERVISION" MEANS SUPERVISION BY AN
4 ANESTHESIOLOGIST WHO:

5 (1) IS ON-SITE WHEN A DELEGATED MEDICAL ACT IS BEING
6 PERFORMED;

7 (2) IS IN ALL INSTANCES IMMEDIATELY AND CONTINUOUSLY
8 PHYSICALLY AVAILABLE TO PROVIDE ASSISTANCE AND DIRECTION TO THE
9 ANESTHESIOLOGIST ASSISTANT WHILE A DELEGATED MEDICAL ACT IS BEING
10 PERFORMED; AND

11 (3) PROVIDES OVERSIGHT AND ACCEPTANCE OF DIRECT
12 RESPONSIBILITY FOR THE DELEGATED MEDICAL ACT RENDERED BY AN
13 ANESTHESIOLOGIST ASSISTANT.

14 (K) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE
15 AS AN ANESTHESIOLOGIST ASSISTANT.

16 (L) "PRACTICE ANESTHESIA CARE" MEANS THE PERFORMANCE OF
17 ACTS IN COLLABORATION WITH AN ANESTHESIOLOGIST THAT REQUIRES
18 SPECIALIZED KNOWLEDGE, JUDGMENT, AND SKILL RELATED TO THE
19 ADMINISTRATION OF ANESTHESIA.

20 (M) "SUPERVISING ANESTHESIOLOGIST" MEANS AN ANESTHESIOLOGIST
21 WHO HAS BEEN APPROVED BY THE BOARD TO SUPERVISE ONE OR MORE
22 ANESTHESIOLOGIST ASSISTANTS.

23 **14-5D-02.**

24 THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO
25 PRACTICE A HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO
26 PRACTICE UNDER THIS ARTICLE.

27 **14-5D-03.**

28 THE BOARD SHALL ADOPT REGULATIONS FOR THE LICENSURE OF
29 ANESTHESIOLOGIST ASSISTANTS AND THE PRACTICE OF ANESTHESIA CARE BY
30 ANESTHESIOLOGIST ASSISTANTS.

31 **14-5D-04.**

1 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE
2 ISSUANCE OF AND RENEWAL OF LICENSES AND OTHER SERVICES IT PROVIDES
3 TO ANESTHESIOLOGIST ASSISTANTS.

4 (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS
5 TO APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND
6 THE OTHER SERVICES PROVIDED TO ANESTHESIOLOGIST ASSISTANTS.

7 (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE
8 PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER OF THE STATE.

9 (2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE
10 BOARD.

11 (C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED
12 DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND
13 REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF
14 THIS SUBTITLE.

15 **14-5D-05.**

16 (A) THERE IS AN ANESTHESIOLOGIST ASSISTANTS ADVISORY
17 COMMITTEE WITHIN THE BOARD.

18 (B) THE COMMITTEE SHALL FUNCTION AS A SUBUNIT OF THE BOARD.

19 **14-5D-06.**

20 (A) (1) THE COMMITTEE CONSISTS OF SEVEN MEMBERS APPOINTED
21 BY THE BOARD.

22 (2) OF THE SEVEN MEMBERS:

23 (I) THREE SHALL BE LICENSED ANESTHESIOLOGIST
24 ASSISTANTS;

25 (II) ONE SHALL BE A LICENSED PHYSICIAN WHO IS A
26 SPECIALIST IN ANESTHESIOLOGY AND IS ACTING AS A SUPERVISING
27 ANESTHESIOLOGIST AS APPROVED BY THE BOARD;

28 (III) ONE SHALL BE A LICENSED PHYSICIAN WHO IS A
29 SPECIALIST IN ANESTHESIOLOGY;

1 (IV) ONE SHALL BE A LICENSED PHYSICIAN WHO IS SERVING
2 AS A MEMBER OF THE BOARD; AND

3 (V) ONE SHALL BE A CONSUMER MEMBER.

4 (B) THE CONSUMER MEMBER OF THE COMMITTEE:

5 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

6 (2) MAY NOT BE OR EVER HAVE BEEN:

7 (I) AN ANESTHESIOLOGIST ASSISTANT;

8 (II) ANY HEALTH CARE PROFESSIONAL; OR

9 (III) IN TRAINING TO BE AN ANESTHESIOLOGIST ASSISTANT
10 OR OTHER HEALTH CARE PROFESSIONAL;

11 (3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A HEALTH
12 CARE PROFESSIONAL OR IS IN TRAINING TO BE A HEALTH CARE PROFESSIONAL;
13 AND

14 (4) MAY NOT:

15 (I) PARTICIPATE OR EVER HAVE PARTICIPATED IN A
16 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO ANESTHESIA CARE;

17 (II) HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A
18 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO ANESTHESIA CARE;

19 (III) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A
20 FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD; OR

21 (IV) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A
22 FINANCIAL INTEREST IN THE PROVISION OF GOODS OR SERVICES TO
23 ANESTHESIOLOGIST ASSISTANTS OR TO THE FIELD OF ANESTHESIA.

24 (C) (1) (I) THE TERM OF A MEMBER IS 3 YEARS.

25 (II) A MEMBER MAY NOT SERVE MORE THAN TWO
26 CONSECUTIVE TERMS.

27 (2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED
28 BY REGULATION.

1 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
2 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

3 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
4 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
5 APPOINTED AND QUALIFIES.

6 (D) (1) A COMMITTEE CHAIR AND A SECRETARY SHALL BE SELECTED
7 EVERY 2 YEARS BY MAJORITY VOTE OF THE MEMBERSHIP OF THE COMMITTEE.

8 (2) THE CHAIR SHALL SERVE IN AN ADVISORY CAPACITY TO THE
9 BOARD AS A REPRESENTATIVE OF THE COMMITTEE.

10 14-5D-07.

11 (A) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS
12 SUBTITLE, THE COMMITTEE SHALL:

13 (1) RECOMMEND TO THE BOARD REGULATIONS FOR CARRYING
14 OUT THE PROVISIONS OF THIS SUBTITLE;

15 (2) RECOMMEND TO THE BOARD APPROVAL, MODIFICATION, OR
16 DISAPPROVAL OF AN APPLICATION FOR LICENSURE OR A DELEGATION
17 AGREEMENT;

18 (3) RECOMMEND REQUIREMENTS TO THE BOARD FOR
19 CONTINUING EDUCATION REQUIREMENTS FOR LICENSE RENEWAL;

20 (4) REPORT TO THE BOARD:

21 (I) ANY CONDUCT OF A SUPERVISING ANESTHESIOLOGIST
22 OR ANESTHESIOLOGIST ASSISTANT THAT MAY BE CAUSE FOR DISCIPLINARY
23 ACTION UNDER THIS SUBTITLE; AND

24 (II) ANY UNAUTHORIZED PRACTICE OF AN
25 ANESTHESIOLOGIST ASSISTANT;

26 (5) SUBMIT AN ANNUAL REPORT TO THE BOARD;

27 (6) KEEP A RECORD OF ITS PROCEEDINGS; AND

28 (7) PERFORM DUTIES DELEGATED TO THE COMMITTEE BY THE
29 BOARD.

1 **(B) (1) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS**
2 **SUBTITLE, THE BOARD SHALL:**

3 **(I) CONSIDER ALL RECOMMENDATIONS OF THE**
4 **COMMITTEE; AND**

5 **(II) PROVIDE A WRITTEN EXPLANATION OF THE REASONS**
6 **FOR REJECTING OR MODIFYING THE COMMITTEE'S RECOMMENDATIONS.**

7 **(2) THE BOARD MAY INVESTIGATE:**

8 **(I) ANY ALLEGED UNAUTHORIZED PRACTICE OF AN**
9 **ANESTHESIOLOGIST ASSISTANT; AND**

10 **(II) ANY CONDUCT THAT MAY BE CAUSE FOR DISCIPLINARY**
11 **ACTION UNDER THIS SUBTITLE.**

12 **14-5D-08.**

13 **(A) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO AUTHORIZE AN**
14 **ANESTHESIOLOGIST ASSISTANT TO PRACTICE INDEPENDENT OF A SUPERVISING**
15 **ANESTHESIOLOGIST.**

16 **(B) A LICENSE ISSUED TO AN ANESTHESIOLOGIST ASSISTANT SHALL**
17 **LIMIT THE ANESTHESIOLOGIST ASSISTANT'S SCOPE OF PRACTICE TO MEDICAL**
18 **ACTS:**

19 **(1) DELEGATED BY THE SUPERVISING ANESTHESIOLOGIST;**

20 **(2) APPROPRIATE TO THE EDUCATION, TRAINING, AND**
21 **EXPERIENCE OF THE ANESTHESIOLOGIST ASSISTANT;**

22 **(3) CUSTOMARY TO THE PRACTICE OF THE SUPERVISING**
23 **ANESTHESIOLOGIST; AND**

24 **(4) CONSISTENT WITH THE DELEGATION AGREEMENT**
25 **SUBMITTED TO THE BOARD.**

26 **(C) AN ANESTHESIOLOGIST ASSISTANT MAY:**

27 **(1) ASSIST THE SUPERVISING ANESTHESIOLOGIST IN**
28 **DEVELOPING AND IMPLEMENTING A PATIENT'S ANESTHESIA CARE PLAN;**

1 (2) **OBTAIN INFORMED CONSENT FOR A PLANNED ANESTHETIC**
2 **INTERVENTION FROM A PATIENT OR LEGAL GUARDIAN;**

3 (3) (I) **TAKE A DETAILED AND ACCURATE PATIENT HISTORY;**

4 (II) **PERFORM RELEVANT ELEMENTS OF A PHYSICAL**
5 **EXAMINATION; AND**

6 (III) **PRESENT A PATIENT HISTORY TO THE SUPERVISING**
7 **ANESTHESIOLOGIST;**

8 (4) **PRETEST AND CALIBRATE ANESTHESIA DELIVERY SYSTEMS**
9 **AND OBTAIN AND INTERPRET INFORMATION FROM THE SYSTEMS AND**
10 **MONITORS, IN CONSULTATION WITH AN ANESTHESIOLOGIST;**

11 (5) **ASSIST THE SUPERVISING ANESTHESIOLOGIST WITH THE**
12 **IMPLEMENTATION OF MEDICALLY ACCEPTED MONITORING TECHNIQUES;**

13 (6) **ESTABLISH BASIC AND ADVANCED AIRWAY INTERVENTIONS,**
14 **INCLUDING INTUBATION OF THE TRACHEA AND PERFORMING VENTILATORY**
15 **SUPPORT;**

16 (7) **ADMINISTER INTERMITTENT VASOACTIVE DRUGS AND START**
17 **AND ADJUST VASOACTIVE INFUSIONS;**

18 (8) **ADMINISTER ANESTHETIC DRUGS, ADJUVANT DRUGS, AND**
19 **ACCESSORY DRUGS;**

20 (9) **ASSIST IN THE PERFORMANCE OF EPIDURAL ANESTHETIC**
21 **PROCEDURES, SPINAL ANESTHETIC PROCEDURES, AND OTHER REGIONAL**
22 **ANESTHETIC TECHNIQUES;**

23 (10) **ADMINISTER BLOOD, BLOOD PRODUCTS, AND SUPPORTIVE**
24 **FLUIDS;**

25 (11) **PROVIDE ASSISTANCE TO A CARDIOPULMONARY**
26 **RESUSCITATION TEAM IN RESPONSE TO A LIFE-THREATENING SITUATION;**

27 (12) **PARTICIPATE IN ADMINISTRATIVE, RESEARCH, AND CLINICAL**
28 **TEACHING ACTIVITIES AS AUTHORIZED BY THE SUPERVISING**
29 **ANESTHESIOLOGIST;**

30 (13) **DOCUMENT PERTINENT INFORMATION IN A PATIENT'S**
31 **MEDICAL RECORDS; OR**

1 **(14) PERFORM OTHER TASKS THAT ARE NOT PROHIBITED BY LAW**
2 **AND THAT AN ANESTHESIOLOGIST ASSISTANT HAS BEEN TRAINED TO PERFORM.**

3 **(D) AN ANESTHESIOLOGIST ASSISTANT MAY NOT:**

4 **(1) PRESCRIBE ANY MEDICATIONS OR CONTROLLED**
5 **SUBSTANCES;**

6 **(2) ADMINISTER ANY DRUGS, MEDICINES, DEVICES, OR**
7 **THERAPIES THAT THE SUPERVISING ANESTHESIOLOGIST IS NOT QUALIFIED OR**
8 **AUTHORIZED TO PRESCRIBE;**

9 **(3) PRACTICE OR ATTEMPT TO PRACTICE WITHOUT THE**
10 **SUPERVISION OF A LICENSED ANESTHESIOLOGIST OR IN ANY LOCATION WHERE**
11 **THE SUPERVISING ANESTHESIOLOGIST IS NOT IMMEDIATELY AVAILABLE FOR**
12 **CONSULTATION, ASSISTANCE, AND INTERVENTION; OR**

13 **(4) PERFORM ANY TASK THAT HAS NOT BEEN LISTED AND**
14 **APPROVED IN THE DELEGATION AGREEMENT CURRENTLY ON FILE WITH THE**
15 **BOARD.**

16 **(E) THIS SUBTITLE DOES NOT PRECLUDE AN ANESTHESIOLOGIST**
17 **ASSISTANT FROM IMPLEMENTING OR ADMINISTERING A TREATMENT OR**
18 **PHARMACEUTICAL REGIMEN PRESCRIBED BY THE SUPERVISING**
19 **ANESTHESIOLOGIST.**

20 **(F) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN**
21 **INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY**
22 **PRACTICE ANESTHESIA CARE.**

23 **(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN**
24 **ANESTHESIOLOGIST MAY NOT SUPERVISE AN ANESTHESIOLOGIST ASSISTANT IN**
25 **THE PERFORMANCE OF DELEGATED MEDICAL ACTS WITHOUT THE APPROVAL**
26 **OF THE BOARD.**

27 **(3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE OR IN A**
28 **MEDICAL EMERGENCY, AN ANESTHESIOLOGIST ASSISTANT MAY NOT PERFORM**
29 **ANY MEDICAL ACT FOR WHICH:**

30 **(I) THE INDIVIDUAL HAS NOT BEEN LICENSED; AND**

31 **(II) THE MEDICAL ACTS HAVE NOT BEEN DELEGATED BY A**
32 **SUPERVISING ANESTHESIOLOGIST.**

1 (G) (1) ANESTHESIOLOGIST ASSISTANTS SHALL CLEARLY IDENTIFY
2 THEMSELVES AS ANESTHESIOLOGIST ASSISTANTS TO ENSURE THAT AN
3 ANESTHESIOLOGIST ASSISTANT IS NOT MISTAKEN OR MISREPRESENTED AS A
4 PHYSICIAN.

5 (2) PATIENTS IN A FACILITY UTILIZING ANESTHESIOLOGIST
6 ASSISTANTS SHALL BE INFORMED THAT AN ANESTHESIOLOGIST ASSISTANT
7 WILL BE INVOLVED IN THEIR ANESTHESIA CARE.

8 (H) (1) AN ANESTHESIOLOGIST ASSISTANT IS THE AGENT OF THE
9 SUPERVISING ANESTHESIOLOGIST.

10 (2) THE SUPERVISING ANESTHESIOLOGIST:

11 (I) SHALL AT ALL TIMES ACCEPT AND BE RESPONSIBLE
12 FOR THE OVERSIGHT OF THE MEDICAL ACTS PERFORMED BY THE
13 ANESTHESIOLOGIST ASSISTANT UNDER THE SUPERVISING
14 ANESTHESIOLOGIST'S SUPERVISION; AND

15 (II) IS LIABLE FOR ANY ACT OR OMISSION OF AN
16 ANESTHESIOLOGIST ASSISTANT ACTING UNDER THE ANESTHESIOLOGIST'S
17 SUPERVISION AND CONTROL.

18 **14-5D-09.**

19 (A) SUBJECT TO THE PROVISIONS OF SUBSECTION (J) OF THIS SECTION,
20 THE BOARD MAY AUTHORIZE AN ANESTHESIOLOGIST TO DELEGATE MEDICAL
21 ACTS TO AN ANESTHESIOLOGIST ASSISTANT ONLY AFTER:

22 (1) A DELEGATION AGREEMENT HAS BEEN EXECUTED AND
23 SUBMITTED TO THE COMMITTEE FOR REVIEW TO ENSURE THE DELEGATION
24 AGREEMENT CONTAINS THE REQUIREMENTS OF THIS SUBTITLE; AND

25 (2) THE BOARD HAS REVIEWED AND APPROVED A FAVORABLE
26 RECOMMENDATION BY THE COMMITTEE THAT THE REQUIREMENTS OF THIS
27 SUBTITLE HAVE BEEN MET.

28 (B) THE DELEGATION AGREEMENT SHALL CONTAIN:

29 (1) THE NAME AND PRACTICE ADDRESS OF THE
30 ANESTHESIOLOGIST ASSISTANT;

1 (2) THE DESIGNATION, NAME, LICENSE NUMBER, PRACTICE
2 ADDRESS, AND SIGNATURE OF THE SUPERVISING ANESTHESIOLOGIST;

3 (3) THE NAME, LICENSE NUMBER, AND PRACTICE ADDRESS OF
4 EACH ALTERNATE SUPERVISING ANESTHESIOLOGIST WHO WILL SUPERVISE THE
5 ANESTHESIOLOGIST ASSISTANT;

6 (4) THE DATE THE DELEGATION AGREEMENT WAS DEVELOPED
7 AND DATES OF ALL REVISIONS;

8 (5) A DESCRIPTION OF THE PROCESS BY WHICH THE
9 ANESTHESIOLOGIST ASSISTANT'S PRACTICE IS REVIEWED APPROPRIATE TO THE
10 PRACTICE SETTING AND CONSISTENT WITH CURRENT STANDARDS OF
11 ACCEPTABLE MEDICAL PRACTICE;

12 (6) A DESCRIPTION OF THE DELEGATED MEDICAL ACTS THAT THE
13 ANESTHESIOLOGIST ASSISTANT IS AUTHORIZED TO PROVIDE;

14 (7) CONDITIONS OR PROCEDURES THAT REQUIRE THE PERSONAL
15 PROVISION OF CARE BY AN ANESTHESIOLOGIST;

16 (8) AN ATTESTATION OF CONTINUOUS SUPERVISION OF THE
17 ANESTHESIOLOGIST ASSISTANT BY THE SUPERVISING ANESTHESIOLOGIST
18 THROUGH THE MECHANISMS DESCRIBED IN THE DELEGATION AGREEMENT;

19 (9) AN ATTESTATION OF THE SUPERVISING ANESTHESIOLOGIST
20 OF THE ANESTHESIOLOGIST'S ACCEPTANCE OF RESPONSIBILITY FOR ANY CARE
21 GIVEN BY THE ANESTHESIOLOGIST ASSISTANT;

22 (10) THE PROCEDURES TO BE FOLLOWED IN THE EVENT OF AN
23 ANESTHETIC EMERGENCY; AND

24 (11) ANY OTHER INFORMATION DEEMED NECESSARY BY THE
25 BOARD OR COMMITTEE TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

26 (C) (1) A DELEGATION AGREEMENT SHALL BE SUBMITTED WITH THE
27 APPLICATION FEE SET BY THE BOARD.

28 (2) THE BOARD SHALL SET THE APPLICATION FEE SO AS TO
29 PRODUCE FUNDS TO APPROXIMATE THE COST OF REVIEWING AND APPROVING
30 DELEGATION AGREEMENTS AND OTHER RELATED SERVICES PROVIDED.

31 (D) THE COMMITTEE SHALL REVIEW A DELEGATION AGREEMENT AND
32 RECOMMEND TO THE BOARD THAT THE DELEGATION AGREEMENT BE

1 APPROVED, REJECTED, OR MODIFIED TO ENSURE CONFORMANCE WITH THE
2 REQUIREMENTS OF THIS SUBTITLE.

3 (E) THE COMMITTEE MAY CONDUCT A PERSONAL INTERVIEW OF THE
4 SUPERVISING ANESTHESIOLOGIST AND THE ANESTHESIOLOGIST ASSISTANT.

5 (F) (1) ON REVIEW OF THE COMMITTEE'S RECOMMENDATION
6 REGARDING A SUPERVISING ANESTHESIOLOGIST'S REQUEST TO DELEGATE
7 MEDICAL ACTS AS DESCRIBED IN THE DELEGATION AGREEMENT, THE BOARD:

8 (I) MAY APPROVE THE DELEGATION AGREEMENT; OR

9 (II) MAY MODIFY OR DENY THE DELEGATION AGREEMENT
10 IF THE BOARD FINDS THAT THE ANESTHESIOLOGIST ASSISTANT DOES NOT
11 MEET THE REQUIRED EDUCATION, TRAINING, AND EXPERIENCE REQUIREMENTS
12 TO PERFORM THE SPECIFIED DELEGATED ACTS.

13 (2) IF THE BOARD MODIFIES OR DENIES A DELEGATION
14 AGREEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL
15 NOTIFY THE SUPERVISING ANESTHESIOLOGIST AND THE ANESTHESIOLOGIST
16 ASSISTANT IN WRITING OF THE PARTICULAR ELEMENTS OF THE PROPOSED
17 DELEGATION AGREEMENT THAT WERE THE CAUSE FOR THE MODIFICATION OR
18 DISAPPROVAL.

19 (3) THE BOARD MAY NOT RESTRICT THE SUBMISSION OF AN
20 AMENDMENT TO THE DELEGATION AGREEMENT.

21 (G) A DELEGATION AGREEMENT SHALL BE UPDATED EVERY 2 YEARS.

22 (H) (1) A DELEGATION AGREEMENT APPROVED UNDER THIS
23 SUBTITLE MAY BE REVIEWED AS A COMPONENT OF THE LICENSURE RENEWAL
24 PROCESS ESTABLISHED UNDER § 14-5D-16 OF THIS SUBTITLE.

25 (2) A DELEGATION AGREEMENT SHALL EXPIRE WHEN A
26 LICENSEE'S LICENSE EXPIRES.

27 (I) THE BOARD MAY NOT AUTHORIZE A SUPERVISING
28 ANESTHESIOLOGIST TO DELEGATE MEDICAL ACTS UNDER A DELEGATION
29 AGREEMENT TO MORE THAN FOUR ANESTHESIOLOGIST ASSISTANTS AT ANY ONE
30 TIME.

31 (J) A PERSON MAY NOT COERCE ANOTHER PERSON TO ENTER INTO A
32 DELEGATION AGREEMENT UNDER THIS SUBTITLE.

1 **(K) (1) A SUPERVISING ANESTHESIOLOGIST SHALL SUPERVISE AN**
2 **ANESTHESIOLOGIST ASSISTANT IN ACCORDANCE WITH THE PROVISIONS OF THE**
3 **DELEGATION AGREEMENT APPROVED BY THE BOARD.**

4 **(2) AN ALTERNATE SUPERVISING ANESTHESIOLOGIST:**

5 **(I) SHALL SUPERVISE A LICENSEE IN ACCORDANCE WITH**
6 **THE PROVISIONS OF THE DELEGATION AGREEMENT;**

7 **(II) MAY NOT SUPERVISE MORE THAN FOUR**
8 **ANESTHESIOLOGIST ASSISTANTS AT ANY ONE TIME;**

9 **(III) MAY DELEGATE ONLY MEDICAL ACTS THAT:**

10 **1. ARE WITHIN THE ALTERNATE SUPERVISING**
11 **ANESTHESIOLOGIST'S SCOPE OF PRACTICE; AND**

12 **2. HAVE BEEN APPROVED BY THE BOARD UNDER**
13 **THE DELEGATION AGREEMENT.**

14 **(L) (1) THE SUPERVISING ANESTHESIOLOGIST AND THE**
15 **ANESTHESIOLOGIST ASSISTANT SHALL REPORT TO THE BOARD, ON A FORM**
16 **PRESCRIBED BY THE BOARD, THE TERMINATION OF EMPLOYMENT OF THE**
17 **ANESTHESIOLOGIST ASSISTANT IF THE CAUSE FOR TERMINATION IS RELATED**
18 **TO A QUALITY OF CARE ISSUE.**

19 **(2) THE SUPERVISING ANESTHESIOLOGIST AND**
20 **ANESTHESIOLOGIST ASSISTANT SHALL MAKE THE REPORT REQUIRED UNDER**
21 **PARAGRAPH (1) OF THIS SUBSECTION WITHIN 5 DAYS AFTER THE DATE OF**
22 **TERMINATION OF THE ANESTHESIOLOGIST ASSISTANT.**

23 **(M) INDIVIDUAL MEMBERS OF THE BOARD ARE NOT CIVILLY LIABLE**
24 **FOR ACTIONS REGARDING THE APPROVAL, MODIFICATION, OR DISAPPROVAL OF**
25 **A DELEGATION AGREEMENT DEVELOPED UNDER THIS SECTION.**

26 **14-5D-10.**

27 **(A) IN THIS SECTION, "PENDING DELEGATION AGREEMENT" MEANS AN**
28 **EXECUTED DELEGATION AGREEMENT THAT HAS BEEN SUBMITTED TO:**

29 **(1) THE COMMITTEE FOR REVIEW AND RECOMMENDATION; OR**

30 **(2) THE BOARD BY THE COMMITTEE FOR FINAL APPROVAL.**

1 **(B) AN ANESTHESIOLOGIST ASSISTANT WHO HOLDS A TEMPORARY**
2 **LICENSE UNDER § 14-5D-17 OF THIS SUBTITLE MAY PRACTICE IN ACCORDANCE**
3 **WITH THE TERMS OF A PENDING DELEGATION AGREEMENT IF:**

4 **(1) THE SUPERVISING ANESTHESIOLOGIST WHO HAS EXECUTED**
5 **THE PENDING DELEGATION AGREEMENT HAS BEEN APPROVED PREVIOUSLY BY**
6 **THE BOARD TO SUPERVISE ONE OR MORE ANESTHESIOLOGIST ASSISTANTS IN**
7 **THE PRACTICE SETTING FOR THE SAME SCOPE OF PRACTICE IN THE PENDING**
8 **DELEGATION AGREEMENT; AND**

9 **(2) THE ANESTHESIOLOGIST ASSISTANT HAS BEEN APPROVED**
10 **PREVIOUSLY FOR THE SAME SCOPE OF PRACTICE IN THE PENDING DELEGATION**
11 **AGREEMENT IN A DIFFERENT PRACTICE SETTING.**

12 **(C) ON RECEIPT OF THE NOTIFICATION BY THE BOARD THAT A**
13 **PENDING DELEGATION AGREEMENT HAS BEEN DENIED APPROVAL, AN**
14 **ANESTHESIOLOGIST ASSISTANT SHALL STOP PRACTICING IMMEDIATELY AS AN**
15 **ANESTHESIOLOGIST ASSISTANT.**

16 **14-5D-11.**

17 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN**
18 **INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY**
19 **PRACTICE ANESTHESIA CARE AS AN ANESTHESIOLOGIST ASSISTANT IN THIS**
20 **STATE.**

21 **(B) THIS SECTION DOES NOT APPLY TO:**

22 **(1) A STUDENT ENROLLED IN AN ACCREDITED**
23 **ANESTHESIOLOGIST ASSISTANT EDUCATION PROGRAM WHO IS PERFORMING**
24 **ASSIGNED TASKS AS A STUDENT UNDER THE DIRECT SUPERVISION OF AN**
25 **ANESTHESIOLOGIST; OR**

26 **(2) AN INDIVIDUAL EMPLOYED IN THE SERVICE OF THE FEDERAL**
27 **GOVERNMENT AS AN ANESTHESIOLOGIST ASSISTANT WHILE THE INDIVIDUAL IS**
28 **PRACTICING WITHIN THE SCOPE OF THAT EMPLOYMENT.**

29 **14-5D-12.**

30 **(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN**
31 **INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

32 **(B) THE APPLICANT SHALL:**

1 (1) **BE OF GOOD MORAL CHARACTER; AND**

2 (2) **BE AT LEAST 18 YEARS OLD.**

3 **(C) THE APPLICANT SHALL:**

4 (1) **HAVE GRADUATED FROM AN EDUCATIONAL TRAINING**
5 **PROGRAM FOR ANESTHESIOLOGIST ASSISTANTS ACCREDITED BY THE**
6 **COMMISSION ON ACCREDITATION OF ALLIED HEALTH EDUCATION PROGRAMS**
7 **OR A SUCCESSOR ORGANIZATION;**

8 (2) **HAVE PASSED THE NATIONAL CERTIFICATION EXAMINATION**
9 **ADMINISTERED BY THE NATIONAL COMMISSION ON CERTIFICATION OF**
10 **ANESTHESIOLOGIST ASSISTANTS OR A SUCCESSOR ORGANIZATION; AND**

11 (3) **HAVE AN ACTIVE CERTIFICATION AS A CERTIFIED**
12 **ANESTHESIOLOGIST ASSISTANT OR OTHER NATIONAL CERTIFICATION**
13 **APPROVED BY THE BOARD.**

14 **14-5D-13.**

15 **TO APPLY FOR A LICENSE, AN APPLICANT SHALL:**

16 (1) **SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT**
17 **THE BOARD REQUIRES;**

18 (2) **SUBMIT TO THE BOARD THE FOLLOWING DOCUMENTATION:**

19 (I) **A SWORN STATEMENT DISCLOSING ANY PRIOR FELONY**
20 **CONVICTIONS;**

21 (II) **A SWORN STATEMENT DISCLOSING ANY CURRENT OR**
22 **PRIOR:**

23 1. **DISCIPLINARY ACTIONS TAKEN AGAINST THE**
24 **APPLICANT AS AN ANESTHESIOLOGIST ASSISTANT IN ANOTHER STATE; OR**

25 2. **DENIALS, REVOCATIONS, OR SUSPENSIONS OF**
26 **THE APPLICANT'S LICENSE, CERTIFICATE, OR REGISTRATION ISSUED IN**
27 **ANOTHER STATE; AND**

(III) ANY REQUIRED PROBATIONARY PERIOD OR INVESTIGATIONS OF THE APPLICANT REGARDING THE APPLICANT'S PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT;

(3) SUBMIT ANY OTHER INFORMATION REQUIRED BY THE BOARD; AND

(4) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD.

14-5D-14.

(A) THE BOARD SHALL ISSUE A LICENSE TO AN APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

(B) THE BOARD SHALL SEND NOTICE TO THE APPLICANT STATING THAT:

(1) THE APPLICANT HAS QUALIFIED FOR A LICENSE; AND

(2) ON RECEIPT OF THE LICENSE FEE SET BY THE BOARD, THE BOARD SHALL ISSUE A LICENSE TO THE APPLICANT.

14-5D-15.

A LICENSE AUTHORIZES AN INDIVIDUAL TO PRACTICE ANESTHESIA CARE AS AN ANESTHESIOLOGIST ASSISTANT IN THIS STATE WHILE THE LICENSE IS EFFECTIVE.

14-5D-16.

(A) A LICENSE EXPIRES ON THE DATE SET BY THE BOARD, UNLESS A LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.

(B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL SEND TO THE LICENSEE, BY FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS OF THE LICENSEE, A RENEWAL NOTICE THAT STATES:

(1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE LICENSE EXPIRES; AND

1 **(3) THE AMOUNT OF THE RENEWAL FEE.**

2 **(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A**
3 **LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW IT FOR AN**
4 **ADDITIONAL TERM, IF THE LICENSEE:**

5 **(1) OTHERWISE IS ENTITLED TO BE LICENSED;**

6 **(2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD;**
7 **AND**

8 **(3) SUBMITS TO THE BOARD:**

9 **(I) A RENEWAL APPLICATION ON THE FORM THAT THE**
10 **BOARD REQUIRES;**

11 **(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE**
12 **QUALIFICATIONS FOR RENEWAL INCLUDING COMPLIANCE WITH ANY**
13 **CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS REQUIRED BY THE**
14 **BOARD; AND**

15 **(III) A SWORN STATEMENT ATTESTING THAT THE LICENSEE**
16 **HAS NOT BEEN CONVICTED OF A FELONY IN THE IMMEDIATELY PRECEDING 2**
17 **YEARS.**

18 **(D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS**
19 **ESTABLISHED BY THE BOARD, THE BOARD SHALL ESTABLISH CONTINUING**
20 **EDUCATION REQUIREMENTS AS A CONDITION FOR RENEWAL OF LICENSURE**
21 **UNDER THIS SECTION.**

22 **(E) THE BOARD SHALL RENEW THE LICENSE OF EACH INDIVIDUAL WHO**
23 **MEETS THE REQUIREMENTS OF THIS SECTION.**

24 **(F) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2**
25 **YEARS.**

26 **(G) THE BOARD SHALL REINSTATE THE LICENSE OF AN**
27 **ANESTHESIOLOGIST ASSISTANT WHO HAS FAILED TO RENEW THE LICENSE FOR**
28 **ANY REASON IF THE ANESTHESIOLOGIST ASSISTANT:**

29 **(1) MEETS THE RENEWAL REQUIREMENTS REQUIRED BY THE**
30 **BOARD; AND**

(2) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD.

14-5D-17.

(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY ISSUE A TEMPORARY LICENSE TO AN APPLICANT WHO:

(1) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, HAS MET THE APPROPRIATE LICENSING REQUIREMENTS OF THIS SUBTITLE TO THE SATISFACTION OF THE BOARD;

(2) SUBMITS TO THE BOARD:

(I) AN APPLICATION ON THE FORM THAT THE BOARD REQUIRES; AND

(II) ANY OTHER DOCUMENT REQUIRED BY THE BOARD;

(3) PAYS TO THE BOARD THE APPLICATION FEE SET BY THE BOARD; AND

(4) HAS TAKEN THE EXAMINATION ADMINISTERED BY THE NATIONAL COMMISSION ON CERTIFICATION OF ANESTHESIOLOGIST ASSISTANTS OR A SUCCESSOR ORGANIZATION THAT IS RECOGNIZED BY THE BOARD BUT HAS NOT BEEN NOTIFIED OF THE RESULTS.

(B) A TEMPORARY LICENSE ISSUED TO AN INDIVIDUAL AUTHORIZES THE HOLDER TO PRACTICE ANESTHESIA CARE AS AN ANESTHESIOLOGIST ASSISTANT WHILE THE TEMPORARY LICENSE IS EFFECTIVE.

(C) UNLESS THE BOARD REVOKES A TEMPORARY LICENSE, A TEMPORARY LICENSE EXPIRES 90 DAYS AFTER ISSUANCE.

(D) THE BOARD SHALL ISSUE A LICENSE TO REPLACE THE TEMPORARY LICENSE OF A HOLDER, IF THE BOARD RECEIVES:

(1) THE PASSING EXAMINATION SCORES OF THE HOLDER; AND

(2) ANY OTHER DOCUMENT THAT THE BOARD REQUIRES.

14-5D-18.

1 (A) THE BOARD SHALL PLACE A LICENSED ANESTHESIOLOGIST
2 ASSISTANT ON INACTIVE STATUS IF THE LICENSEE SUBMITS TO THE BOARD:

3 (1) AN APPLICATION FOR INACTIVE STATUS ON THE FORM
4 REQUIRED BY THE BOARD; AND

5 (2) THE INACTIVE STATUS FEE SET BY THE BOARD.

6 (B) THE BOARD SHALL ISSUE A LICENSE ONLY TO AN INDIVIDUAL WHO
7 IS ON INACTIVE STATUS IF THE INDIVIDUAL:

8 (1) HAS BEEN ON INACTIVE STATUS FOR 6 MONTHS OR LESS;

9 (2) SUBMITS TO THE BOARD:

10 (I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE
11 CONTINUING EDUCATION REQUIREMENTS THE BOARD ADOPTS FOR THIS
12 PURPOSE; AND

13 (II) A REINSTATEMENT FEE SET BY THE BOARD; AND

14 (3) IS OTHERWISE ENTITLED TO BE LICENSED.

15 **14-5D-19.**

16 (A) A LICENSEE SHALL PRESENT A VALID LICENSE OR DELEGATION
17 AGREEMENT WHEN REQUESTED TO DO SO BY AN EXISTING OR POTENTIAL
18 EMPLOYER OR CLIENT.

19 (B) A LICENSEE SHALL GIVE THE BOARD WRITTEN NOTICE OF ANY
20 CHANGE OF ADDRESS.

21 **14-5D-20.**

22 (A) SUBJECT TO THE HEARING PROVISIONS OF § 14-405 OF THIS TITLE,
23 THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN
24 SERVING, MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY LICENSEE,
25 PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE IF
26 THE APPLICANT OR LICENSEE:

27 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
28 OBTAIN A LICENSE FOR THE APPLICANT, LICENSEE, OR FOR ANOTHER;

29 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

1 (3) **PERFORMS DELEGATED MEDICAL ACTS BEYOND THE SCOPE**
2 **OF THE LICENSE THAT ARE NOT WITHIN A DELEGATION AGREEMENT APPROVED**
3 **BY THE BOARD;**

4 (4) **PERFORMS DELEGATED MEDICAL ACTS WITHOUT THE**
5 **SUPERVISION OF AN ANESTHESIOLOGIST EXCEPT IN A MEDICAL EMERGENCY;**

6 (5) **IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN**
7 **THE PRACTICE OF ASSISTING AN ANESTHESIOLOGIST;**

8 (6) **IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY**
9 **INCOMPETENT;**

10 (7) **ABANDONS A PATIENT;**

11 (8) **IS HABITUALLY INTOXICATED;**

12 (9) **IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR**
13 **CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE**
14 **CRIMINAL LAW ARTICLE;**

15 (10) **PROVIDES PROFESSIONAL SERVICES WHILE:**

16 (I) **UNDER THE INFLUENCE OF ALCOHOL; OR**

17 (II) **USING ANY NARCOTIC OR CONTROLLED DANGEROUS**
18 **SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE OR ANY**
19 **OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT**
20 **VALID MEDICAL INDICATION;**

21 (11) **PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES,**
22 **APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR**
23 **FINANCIAL GAIN;**

24 (12) **WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN**
25 **THE PRACTICE OF ANESTHESIA CARE AS AN ANESTHESIOLOGIST ASSISTANT;**

26 (13) **WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS**
27 **REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR**
28 **RECORDING OF A REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD**
29 **A REPORT;**

30 (14) **BREACHES PATIENT CONFIDENTIALITY;**

1 **(15) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF**
2 **REMUNERATION OR MATERIAL BENEFIT TO ANY PERSON FOR BRINGING OR**
3 **REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY**
4 **FORM OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR**
5 **BRINGING OR REFERRING A PATIENT;**

6 **(16) KNOWINGLY MAKES A MISREPRESENTATION WHILE IN THE**
7 **PRACTICE OF ANESTHESIA CARE AS AN ANESTHESIOLOGIST ASSISTANT;**

8 **(17) KNOWINGLY PRACTICES ANESTHESIA CARE AS AN**
9 **ANESTHESIOLOGIST ASSISTANT WITH AN UNAUTHORIZED INDIVIDUAL OR AIDS**
10 **AN UNAUTHORIZED INDIVIDUAL IN THE PRACTICE OF ANESTHESIA CARE;**

11 **(18) KNOWINGLY DELEGATES AN ANESTHESIA CARE DUTY TO AN**
12 **UNLICENSED INDIVIDUAL;**

13 **(19) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT**
14 **DISEASE BY A SECRET METHOD, TREATMENT, OR MEDICINE;**

15 **(20) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY**
16 **AUTHORITY OR IS CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR**
17 **COUNTRY OR IS DISCIPLINED BY ANY BRANCH OF THE UNITED STATES**
18 **UNIFORMED SERVICES OR THE U.S. DEPARTMENT OF VETERANS AFFAIRS FOR**
19 **AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THE**
20 **BOARD'S DISCIPLINARY STATUTES;**

21 **(21) FAILS TO MEET APPROPRIATE STANDARDS FOR THE**
22 **PRACTICE OF ANESTHESIA CARE AS AN ANESTHESIOLOGIST ASSISTANT;**

23 **(22) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES**
24 **FOR WHICH SERVICES ARE NOT PROVIDED;**

25 **(23) (I) HAS BEEN SUBJECT TO INVESTIGATION OR**
26 **DISCIPLINARY ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A**
27 **COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR**
28 **DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND**

29 **(II) 1. HAS SURRENDERED THE CERTIFICATE OR**
30 **LICENSE ISSUED BY THE STATE OR COUNTRY; OR**

31 **2. HAS ALLOWED THE CERTIFICATE OR LICENSE**
32 **ISSUED BY THE STATE OR COUNTRY TO EXPIRE OR LAPSE;**

1 **(24) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN**
2 **VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;**

3 **(25) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS**
4 **FOR ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;**

5 **(26) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE**
6 **AUTHORIZED SCOPE OF PRACTICE;**

7 **(27) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE**
8 **TO A FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE WHETHER OR NOT**
9 **ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR**
10 **PLEA SET ASIDE;**

11 **(28) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES**
12 **AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL**
13 **SERVICES FOR WHICH THE ANESTHESIOLOGIST ASSISTANT IS LICENSED AND**
14 **QUALIFIED TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE; OR**

15 **(29) PRACTICES OR ATTEMPTS TO PRACTICE AN ANESTHESIA CARE**
16 **PROCEDURE OR USES OR ATTEMPTS TO USE ANESTHESIA CARE EQUIPMENT IF**
17 **THE APPLICANT OR LICENSEE HAS NOT RECEIVED EDUCATION AND TRAINING IN**
18 **THE PERFORMANCE OF THE PROCEDURE OR THE USE OF THE EQUIPMENT.**

19 **(B) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 2 OF THE**
20 **STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY ACTION UNDER**
21 **SUBSECTION (A) OF THIS SECTION, IT SHALL GIVE THE INDIVIDUAL AGAINST**
22 **WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING**
23 **BEFORE THE BOARD IN ACCORDANCE WITH THE HEARING REQUIREMENTS OF §**
24 **14-405 OF THIS TITLE.**

25 **(C) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE**
26 **BOARD BY THE OFFICE OF THE ATTORNEY GENERAL, THE BOARD SHALL**
27 **ORDER THE SUSPENSION OF A LICENSEE IF THE INDIVIDUAL IS CONVICTED OF**
28 **OR PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME**
29 **INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER**
30 **PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE.**

31 **(2) AFTER COMPLETION OF THE APPELLATE PROCESS IF THE**
32 **CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE**
33 **WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, THE BOARD SHALL**
34 **ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE OFFICE**
35 **OF THE ATTORNEY GENERAL.**

1 **14-5D-21.**

2 **UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE,**
3 **A LICENSED ANESTHESIOLOGIST ASSISTANT MAY NOT SURRENDER THE LICENSE**
4 **AND THE LICENSE MAY NOT LAPSE BY OPERATION OF LAW WHILE THE LICENSED**
5 **ANESTHESIOLOGIST ASSISTANT IS UNDER INVESTIGATION OR WHILE CHARGES**
6 **ARE PENDING AGAINST THE LICENSED ANESTHESIOLOGIST ASSISTANT.**

7 **14-5D-22.**

8 **(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS**
9 **SECTION, HOSPITALS, RELATED INSTITUTIONS, ALTERNATIVE HEALTH SYSTEMS**
10 **AS DEFINED IN § 1-401 OF THIS ARTICLE, AND EMPLOYERS SHALL FILE WITH**
11 **THE BOARD A REPORT THAT THE HOSPITAL, RELATED INSTITUTION,**
12 **ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER LIMITED, REDUCED, OTHERWISE**
13 **CHANGED, OR TERMINATED ANY LICENSED ANESTHESIOLOGIST ASSISTANT FOR**
14 **ANY REASONS THAT MIGHT BE GROUNDS FOR DISCIPLINARY ACTION UNDER §**
15 **14-5D-20 OF THIS SUBTITLE.**

16 **(B) A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH**
17 **SYSTEM, OR EMPLOYER THAT HAS REASON TO KNOW THAT A LICENSED**
18 **ANESTHESIOLOGIST ASSISTANT HAS COMMITTED AN ACTION OR HAS A**
19 **CONDITION THAT MIGHT BE GROUNDS FOR REPRIMAND OR PROBATION OF THE**
20 **LICENSED ANESTHESIOLOGIST ASSISTANT OR SUSPENSION OR REVOCATION OF**
21 **THE LICENSE BECAUSE THE LICENSED ANESTHESIOLOGIST ASSISTANT IS**
22 **ALCOHOL- OR DRUG-IMPAIRED IS NOT REQUIRED TO REPORT THE**
23 **PRACTITIONER TO THE BOARD IF:**

24 **(1) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE**
25 **HEALTH SYSTEM, OR EMPLOYER KNOWS THAT THE LICENSED**
26 **ANESTHESIOLOGIST ASSISTANT IS:**

27 **(I) IN AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT**
28 **IS ACCREDITED BY THE JOINT COMMISSION ON THE ACCREDITATION OF**
29 **HEALTH CARE ORGANIZATIONS OR IS CERTIFIED BY THE DEPARTMENT; OR**

30 **(II) UNDER THE CARE OF A HEALTH CARE PRACTITIONER**
31 **WHO IS COMPETENT AND CAPABLE OF DEALING WITH ALCOHOLISM AND DRUG**
32 **ABUSE;**

33 **(2) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE**
34 **HEALTH SYSTEM, OR EMPLOYER IS ABLE TO VERIFY THAT THE LICENSED**
35 **ANESTHESIOLOGIST ASSISTANT REMAINS IN THE TREATMENT PROGRAM UNTIL**
36 **DISCHARGE; AND**

1 **(3) THE ACTION OR CONDITION OF THE LICENSED**
2 **ANESTHESIOLOGIST ASSISTANT HAS NOT CAUSED INJURY TO ANY PERSON**
3 **WHILE THE PRACTITIONER IS PRACTICING AS A LICENSED ANESTHESIOLOGIST**
4 **ASSISTANT.**

5 **(C) (1) IF THE LICENSED ANESTHESIOLOGIST ASSISTANT ENTERS, OR**
6 **IS CONSIDERING ENTERING, AN ALCOHOL OR DRUG TREATMENT PROGRAM**
7 **THAT IS ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF**
8 **HEALTH CARE ORGANIZATIONS OR THAT IS CERTIFIED BY THE DEPARTMENT,**
9 **THE LICENSED ANESTHESIOLOGIST ASSISTANT SHALL NOTIFY THE HOSPITAL,**
10 **RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE**
11 **LICENSED ANESTHESIOLOGIST ASSISTANT'S DECISION TO ENTER THE**
12 **TREATMENT PROGRAM.**

13 **(2) IF THE LICENSED ANESTHESIOLOGIST ASSISTANT FAILS TO**
14 **PROVIDE THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION,**
15 **AND THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR**
16 **EMPLOYER LEARNS THAT THE LICENSED ANESTHESIOLOGIST ASSISTANT HAS**
17 **ENTERED A TREATMENT PROGRAM, THE HOSPITAL, RELATED INSTITUTION,**
18 **ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER SHALL REPORT TO THE BOARD**
19 **THAT THE LICENSED ANESTHESIOLOGIST ASSISTANT HAS ENTERED A**
20 **TREATMENT PROGRAM AND HAS FAILED TO PROVIDE THE REQUIRED NOTICE.**

21 **(3) IF THE LICENSED ANESTHESIOLOGIST ASSISTANT IS FOUND**
22 **TO BE NONCOMPLIANT WITH THE TREATMENT PROGRAM'S POLICIES AND**
23 **PROCEDURES WHILE IN THE TREATMENT PROGRAM, THE TREATMENT**
24 **PROGRAM SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE**
25 **HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED ANESTHESIOLOGIST**
26 **ASSISTANT'S NONCOMPLIANCE.**

27 **(4) ON RECEIPT OF THE NOTIFICATION REQUIRED UNDER**
28 **PARAGRAPH (3) OF THIS SUBSECTION, THE HOSPITAL, RELATED INSTITUTION,**
29 **ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED**
30 **ANESTHESIOLOGIST ASSISTANT SHALL REPORT THE LICENSED**
31 **ANESTHESIOLOGIST ASSISTANT'S NONCOMPLIANCE TO THE BOARD.**

32 **(D) A PERSON IS NOT REQUIRED UNDER THIS SECTION TO MAKE ANY**
33 **REPORT THAT WOULD BE IN VIOLATION OF ANY FEDERAL OR STATE LAW, RULE,**
34 **OR REGULATION CONCERNING THE CONFIDENTIALITY OF ALCOHOL AND DRUG**
35 **ABUSE PATIENT RECORDS.**

1 (E) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH
2 SYSTEM, OR EMPLOYER SHALL SUBMIT THE REPORT WITHIN 10 DAYS OF ANY
3 ACTION DESCRIBED IN THIS SECTION.

4 (F) A REPORT MADE UNDER THIS SECTION IS NOT SUBJECT TO
5 SUBPOENA OR DISCOVERY IN ANY CIVIL ACTION OTHER THAN A PROCEEDING
6 ARISING OUT OF A HEARING AND DECISION OF THE BOARD UNDER THIS
7 SUBTITLE.

8 (G) (1) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000
9 FOR FAILURE TO REPORT UNDER THIS SECTION.

10 (2) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER
11 THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.

12 **14-5D-23.**

13 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN
14 INDIVIDUAL MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO
15 PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT IN THE STATE UNLESS
16 LICENSED TO PRACTICE LIMITED ANESTHESIA CARE BY THE BOARD.

17 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN
18 INDIVIDUAL MAY NOT PERFORM, ATTEMPT TO PERFORM, OR OFFER TO
19 PERFORM ANY DELEGATED MEDICAL ACT BEYOND THE SCOPE OF THE LICENSE
20 AND WHICH IS CONSISTENT WITH A DELEGATION AGREEMENT APPROVED BY
21 THE BOARD.

22 **14-5D-24.**

23 (A) UNLESS AUTHORIZED TO PRACTICE AS AN ANESTHESIOLOGIST
24 ASSISTANT UNDER THIS SUBTITLE, AN INDIVIDUAL MAY NOT REPRESENT TO
25 THE PUBLIC BY TITLE, BY DESCRIPTION, OR BY SERVICES, METHODS,
26 PROCEDURES, OR OTHERWISE THAT THE INDIVIDUAL IS AUTHORIZED TO
27 PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT IN THIS STATE.

28 (B) UNLESS AUTHORIZED TO PRACTICE AS AN ANESTHESIOLOGIST
29 ASSISTANT UNDER THIS SUBTITLE, AN INDIVIDUAL MAY NOT USE THE WORDS
30 "ANESTHESIOLOGIST ASSISTANT" OR ANY OTHER WORDS, LETTERS, OR
31 SYMBOLS WITH THE INTENT TO REPRESENT THAT THE PERSON PRACTICES AS
32 AN ANESTHESIOLOGIST ASSISTANT.

33 **14-5D-25.**

(A) (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

(2) A LICENSED ANESTHESIOLOGIST ASSISTANT WHO VIOLATES § 14-5D-23(B) OF THIS SUBTITLE SHALL LOSE LICENSURE AS AN ANESTHESIOLOGIST ASSISTANT UNDER THIS SUBTITLE.

(B) (1) ANY PERSON WHO VIOLATES § 14-5D-23 OF THIS SUBTITLE IS SUBJECT TO A CIVIL PENALTY ASSESSED BY THE BOARD IN AN AMOUNT NOT EXCEEDING \$5,000.

(2) THE BOARD SHALL PAY ANY CIVIL PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE STATE BOARD OF PHYSICIANS FUND.

14-5D-26.

THIS SUBTITLE MAY BE CITED AS THE “MARYLAND ANESTHESIOLOGIST ASSISTANTS ACT”.

14-5D-27.

SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE MARYLAND PROGRAM EVALUATION ACT, THIS SUBTITLE AND ALL REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, 2015.

Article – State Government

8-403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(3) ANESTHESIOLOGIST ASSISTANT ADVISORY COMMITTEE (§ 14-5D-05 OF THE HEALTH OCCUPATIONS ARTICLE: JULY 1, 2015);

SECTION 3. AND BE IT FURTHER ENACTED, That:

1 (a) Notwithstanding any other provision of law, the State Board of
2 Physicians shall appoint four licensed physicians who specialize in anesthesiology in
3 substitution of the three licensed anesthesiologist assistants and one licensed
4 physician who specializes in anesthesiology and is a Board-approved supervising
5 anesthesiologist as required under § 14-5D-06 of the Health Occupations Article as
6 the initial members of the Anesthesiologist Assistants Advisory Committee.

7 (b) The terms of the initial members of the Anesthesiologist Assistants
8 Advisory Committee shall expire as follows:

9 (1) two members in 2011;

10 (2) two members in 2012; and

11 (3) three members in 2013.

12 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2009.