

SENATE BILL 30

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6lr0815

(PRE-FILED)

By: **Senator Conway**

Requested: October 1, 2015

Introduced and read first time: January 13, 2016

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Anesthesiologists Assistants Act**

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

6 BY renumbering

7 Article – State Government
8 Section 8–403(b)(3) through (57), respectively
9 to be Section 8–403(b)(4) through (58), respectively
10 Annotated Code of Maryland
11 (2014 Replacement Volume and 2015 Supplement)

12 BY adding to

13 Article – Health Occupations
14 Section 14–5G–01 through 14–5G–27 to be under the new subtitle “Subtitle 5G.
15 Anesthesiologist Assistants”
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2015 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – State Government
20 Section 8–403(a)
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2015 Supplement)

23 BY adding to

24 Article – State Government
25 Section 8–403(b)(3)
26 Annotated Code of Maryland
27 (2014 Replacement Volume and 2015 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
29 That Section(s) 8–403(b)(3) through (57), respectively, of Article – State Government of the
30 Annotated Code of Maryland be renumbered to be Section(s) 8–403(b)(4) through (58),
31 respectively.

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

34 **Article – Health Occupations**

35 **SUBTITLE 5G. ANESTHESIOLOGIST ASSISTANTS.**

36 **14–5G–01.**

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

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

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

9 **(1) HAS HAD SPECIAL TRAINING IN THE FIELD OF ANESTHESIOLOGY;**

10 **(2) ADMINISTERS ANESTHESIA ON A REGULAR BASIS; AND**

11 **(3) DEVOTES A SUBSTANTIAL PORTION OF THE PHYSICIAN’S MEDICAL**
12 **PRACTICE TO THE PRACTICE OF ANESTHESIOLOGY.**

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

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

18 **(1) WITHIN THE ANESTHESIOLOGIST ASSISTANT’S TRAINING AND**
19 **SCOPE OF PRACTICE; AND**

20 **(2) AUTHORIZED UNDER A DELEGATION AGREEMENT.**

21 **(F) “BOARD” MEANS THE STATE BOARD OF PHYSICIANS ESTABLISHED**
22 **UNDER § 14-201 OF THIS TITLE.**

23 **(G) “COMMITTEE” MEANS THE ANESTHESIOLOGIST ASSISTANTS ADVISORY**
24 **COMMITTEE.**

25 **(H) “DELEGATED MEDICAL ACTS” MEANS ACTIVITIES THAT CONSTITUTE**
26 **THE PRACTICE OF MEDICINE DELEGATED BY A PHYSICIAN UNDER THIS TITLE.**

27 **(I) “DELEGATION AGREEMENT” MEANS A WRITTEN DOCUMENT THAT IS**
28 **EXECUTED BY A SUPERVISING ANESTHESIOLOGIST AND AN ANESTHESIOLOGIST**
29 **ASSISTANT AND MEETS THE REQUIREMENTS OF § 14-5G-09 OF THIS SUBTITLE.**

1 **(J) “DIRECT SUPERVISION” MEANS SUPERVISION BY AN**
2 **ANESTHESIOLOGIST WHO:**

3 **(1) IS ON-SITE WHEN A DELEGATED MEDICAL ACT IS BEING**
4 **PERFORMED;**

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

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

12 **(K) “LICENSE” MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE AS**
13 **AN ANESTHESIOLOGIST ASSISTANT.**

14 **(L) “PRACTICE ANESTHESIA CARE” MEANS THE PERFORMANCE OF ACTS IN**
15 **COLLABORATION WITH AN ANESTHESIOLOGIST THAT REQUIRE SPECIALIZED**
16 **KNOWLEDGE, JUDGMENT, AND SKILL RELATED TO THE ADMINISTRATION OF**
17 **ANESTHESIA.**

18 **(M) “SUPERVISING ANESTHESIOLOGIST” MEANS AN ANESTHESIOLOGIST**
19 **WHO HAS BEEN APPROVED BY THE BOARD TO SUPERVISE ONE OR MORE**
20 **ANESTHESIOLOGIST ASSISTANTS.**

21 **14-5G-02.**

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

25 **14-5G-03.**

26 **THE BOARD SHALL ADOPT REGULATIONS FOR THE LICENSURE OF**
27 **ANESTHESIOLOGIST ASSISTANTS AND THE PRACTICE OF ANESTHESIA CARE BY**
28 **ANESTHESIOLOGIST ASSISTANTS.**

29 **14-5G-04.**

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

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

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 REGULATORY
13 DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS SUBTITLE.

14 **14-5G-05.**

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

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

18 **14-5G-06.**

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

21 (2) OF THE SEVEN MEMBERS:

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

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

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

1 (IV) ONE SHALL BE A LICENSED PHYSICIAN WHO IS SERVING AS
2 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 OR
10 ANY OTHER HEALTH CARE PROFESSIONAL;

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

13 (4) MAY NOT:

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

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

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

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

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

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

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

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

3 **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
4 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
5 **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 **14-5G-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 OUT**
14 **THE PROVISIONS OF THIS SUBTITLE;**

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

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

19 **(4) REPORT TO THE BOARD:**

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

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

25 **(5) SUBMIT AN ANNUAL REPORT TO THE BOARD;**

26 **(6) KEEP A RECORD OF THE COMMITTEE'S PROCEEDINGS; AND**

27 **(7) PERFORM DUTIES DELEGATED TO THE COMMITTEE BY THE**
28 **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 COMMITTEE;**
4 **AND**

5 **(II) PROVIDE A WRITTEN EXPLANATION OF THE REASONS FOR**
6 **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 **14-5G-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 LIMIT**
17 **THE ANESTHESIOLOGIST ASSISTANT'S SCOPE OF PRACTICE TO MEDICAL ACTS:**

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

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

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

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

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

26 **(1) ASSIST THE SUPERVISING ANESTHESIOLOGIST IN DEVELOPING**
27 **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 AND**
9 **OBTAIN AND INTERPRET INFORMATION FROM THE SYSTEMS AND MONITORS, IN**
10 **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 AND**
17 **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 RESUSCITATION**
26 **TEAM IN RESPONSE TO A LIFE-THREATENING SITUATION;**

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

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

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

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

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

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

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

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

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

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

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

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

28 **(i) THE INDIVIDUAL HAS NOT BEEN LICENSED; AND**

29 **(ii) THE MEDICAL ACTS HAVE NOT BEEN DELEGATED BY A**
30 **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 WILL BE
7 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 FOR
12 THE OVERSIGHT OF THE MEDICAL ACTS PERFORMED BY THE ANESTHESIOLOGIST
13 ASSISTANT UNDER THE SUPERVISING ANESTHESIOLOGIST'S SUPERVISION; AND

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

17 14-5G-09.

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

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

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

27 (B) THE DELEGATION AGREEMENT SHALL CONTAIN:

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

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

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

4 **(4) THE DATE THE DELEGATION AGREEMENT WAS DEVELOPED AND**
5 **DATES OF ALL REVISIONS;**

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

10 **(6) A DESCRIPTION OF THE DELEGATED MEDICAL ACTS THAT THE**
11 **ANESTHESIOLOGIST ASSISTANT IS AUTHORIZED TO PROVIDE;**

12 **(7) CONDITIONS OR PROCEDURES THAT REQUIRE THE PERSONAL**
13 **PROVISION OF CARE BY AN ANESTHESIOLOGIST;**

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

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

20 **(10) THE PROCEDURES TO BE FOLLOWED IN THE EVENT OF AN**
21 **ANESTHETIC EMERGENCY; AND**

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

24 **(C) (1) A DELEGATION AGREEMENT SHALL BE SUBMITTED WITH THE**
25 **APPLICATION FEE SET BY THE BOARD.**

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

29 **(D) THE COMMITTEE SHALL REVIEW A DELEGATION AGREEMENT AND**
30 **RECOMMEND TO THE BOARD THAT THE DELEGATION AGREEMENT BE APPROVED,**

1 REJECTED, OR MODIFIED TO ENSURE CONFORMANCE WITH THE REQUIREMENTS OF
2 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 MAY:

8 (I) APPROVE THE DELEGATION AGREEMENT; OR

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

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

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

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

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

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

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

29 (J) A PERSON MAY NOT COERCE ANOTHER PERSON TO ENTER INTO A
30 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 THE**
6 **PROVISIONS OF THE DELEGATION AGREEMENT;**

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

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 THE**
13 **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 TO A**
18 **QUALITY-OF-CARE ISSUE.**

19 **(2) THE SUPERVISING ANESTHESIOLOGIST AND THE**
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'S EMPLOYMENT.**

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

26 **14-5G-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 LICENSE**
2 **UNDER § 14-5G-17 OF THIS SUBTITLE MAY PRACTICE IN ACCORDANCE WITH THE**
3 **TERMS OF A PENDING DELEGATION AGREEMENT IF:**

4 **(1) THE SUPERVISING ANESTHESIOLOGIST WHO HAS EXECUTED THE**
5 **PENDING DELEGATION AGREEMENT HAS BEEN APPROVED PREVIOUSLY BY THE**
6 **BOARD TO SUPERVISE ONE OR MORE ANESTHESIOLOGIST ASSISTANTS IN THE**
7 **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 PENDING**
13 **DELEGATION AGREEMENT HAS BEEN DENIED APPROVAL, AN ANESTHESIOLOGIST**
14 **ASSISTANT SHALL STOP PRACTICING IMMEDIATELY AS AN ANESTHESIOLOGIST**
15 **ASSISTANT.**

16 **14-5G-11.**

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

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

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

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

27 **14-5G-12.**

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

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

- 1 **(1) BE OF GOOD MORAL CHARACTER;**
- 2 **(2) BE AT LEAST 18 YEARS OLD;**
- 3 **(3) HAVE GRADUATED FROM AN EDUCATIONAL TRAINING PROGRAM**
4 **FOR ANESTHESIOLOGIST ASSISTANTS ACCREDITED BY THE COMMISSION ON**
5 **ACCREDITATION OF ALLIED HEALTH EDUCATION PROGRAMS OR A SUCCESSOR**
6 **ORGANIZATION;**
- 7 **(4) HAVE PASSED THE NATIONAL CERTIFICATION EXAMINATION**
8 **ADMINISTERED BY THE NATIONAL COMMISSION ON CERTIFICATION OF**
9 **ANESTHESIOLOGIST ASSISTANTS OR A SUCCESSOR ORGANIZATION; AND**
- 10 **(5) HAVE AN ACTIVE CERTIFICATION AS A CERTIFIED**
11 **ANESTHESIOLOGIST ASSISTANT OR OTHER NATIONAL CERTIFICATION APPROVED**
12 **BY THE BOARD.**

13 **14-5G-13.**

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

- 15 **(1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE**
16 **BOARD REQUIRES;**
- 17 **(2) SUBMIT TO THE BOARD THE FOLLOWING DOCUMENTATION:**
- 18 **(I) A SWORN STATEMENT DISCLOSING ANY PRIOR FELONY**
19 **CONVICTIONS;**
- 20 **(II) A SWORN STATEMENT DISCLOSING ANY CURRENT OR**
21 **PRIOR:**
- 22 **1. DISCIPLINARY ACTIONS TAKEN AGAINST THE**
23 **APPLICANT AS AN ANESTHESIOLOGIST ASSISTANT IN ANOTHER STATE; OR**
- 24 **2. DENIALS, REVOCATIONS, OR SUSPENSIONS OF THE**
25 **APPLICANT'S LICENSE, CERTIFICATE, OR REGISTRATION ISSUED IN ANOTHER**
26 **STATE; AND**
- 27 **(III) ANY REQUIRED EVIDENCE OF A PROBATIONARY PERIOD OR**
28 **AN INVESTIGATION OF THE APPLICANT REGARDING THE APPLICANT'S PRACTICE AS**
29 **AN ANESTHESIOLOGIST ASSISTANT;**

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

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

4 **14-5G-14.**

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

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

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

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

11 **14-5G-15.**

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

15 **14-5G-16.**

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

18 **(B) (1) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD**
19 **SHALL SEND TO THE LICENSEE, BY E-MAIL OR FIRST-CLASS MAIL TO THE LAST**
20 **KNOWN ELECTRONIC OR PHYSICAL ADDRESS OF THE LICENSEE, A RENEWAL NOTICE**
21 **THAT STATES:**

22 **(i) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;**

23 **(ii) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE**
24 **RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE**
25 **THE LICENSE EXPIRES; AND**

26 **(iii) THE AMOUNT OF THE RENEWAL FEE.**

27 **(2) IF THE BOARD CHOOSES TO SEND RENEWAL NOTICES**
28 **EXCLUSIVELY BY E-MAIL UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD**

1 SHALL SEND A RENEWAL NOTICE BY FIRST-CLASS MAIL TO A LICENSEE ON REQUEST
2 OF THE LICENSEE.

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

6 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

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

8 (3) SUBMITS TO THE BOARD:

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

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

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

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

20 (E) THE BOARD SHALL RENEW THE LICENSE OF EACH INDIVIDUAL WHO
21 MEETS THE REQUIREMENTS OF THIS SECTION.

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

23 (G) THE BOARD SHALL REINSTATE THE LICENSE OF AN ANESTHESIOLOGIST
24 ASSISTANT WHO HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE
25 ANESTHESIOLOGIST ASSISTANT:

26 (1) MEETS THE RENEWAL REQUIREMENTS REQUIRED BY THE BOARD;
27 AND

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

1 14-5G-17.

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

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

7 (2) SUBMITS TO THE BOARD:

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

10 (II) ANY OTHER DOCUMENT REQUIRED BY THE BOARD;

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

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

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

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

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

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

25 (2) ANY OTHER DOCUMENT THAT THE BOARD REQUIRES.

26 14-5G-18.

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

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

3 **(2) THE INACTIVE STATUS FEE SET BY THE BOARD.**

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

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

7 **(2) SUBMITS TO THE BOARD:**

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

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

12 **(3) IS OTHERWISE ENTITLED TO BE LICENSED.**

13 **14-5G-19.**

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

17 **(B) A LICENSEE SHALL GIVE THE BOARD WRITTEN NOTICE OF ANY CHANGE**
18 **OF ELECTRONIC OR PHYSICAL ADDRESS.**

19 **14-5G-20.**

20 **(A) SUBJECT TO THE HEARING PROVISIONS OF § 14-405 OF THIS TITLE, THE**
21 **BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF A QUORUM OF THE BOARD,**
22 **MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY LICENSEE, PLACE ANY**
23 **LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT**
24 **OR LICENSEE:**

25 **(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**
26 **OBTAIN A LICENSE FOR THE APPLICANT, THE LICENSEE, OR ANY OTHER**
27 **INDIVIDUAL;**

28 **(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;**

1 **(3) PERFORMS DELEGATED MEDICAL ACTS BEYOND THE SCOPE OF**
2 **THE LICENSE THAT ARE NOT WITHIN A DELEGATION AGREEMENT APPROVED BY THE**
3 **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 THE**
7 **PRACTICE OF ANESTHESIA CARE AS AN ANESTHESIOLOGIST ASSISTANT;**

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

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

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

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

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

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

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

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

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

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

28 **(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 FORM**
4 **OF REMUNERATION OR MATERIAL BENEFIT FROM A PERSON FOR BRINGING OR**
5 **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 AN**
10 **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 DISEASE**
14 **BY A SECRET METHOD, TREATMENT, OR MEDICINE;**

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

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

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

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

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

31 **2. HAS ALLOWED THE CERTIFICATE OR LICENSE ISSUED**
32 **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 FOR**
4 **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 TO**
8 **A FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE WHETHER OR NOT ANY**
9 **APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA**
10 **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 THE**
17 **APPLICANT OR LICENSEE HAS NOT RECEIVED EDUCATION AND TRAINING IN THE**
18 **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, THE BOARD SHALL GIVE THE INDIVIDUAL**
22 **AGAINST 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 BOARD**
26 **BY THE OFFICE OF THE ATTORNEY GENERAL, THE BOARD SHALL ORDER THE**
27 **SUSPENSION OF A LICENSEE IF THE INDIVIDUAL IS CONVICTED OF OR PLEADS**
28 **GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING MORAL**
29 **TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO**
30 **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 WITH**
33 **RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, THE BOARD SHALL ORDER**
34 **THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE OFFICE OF THE**
35 **ATTORNEY GENERAL.**

1 **14-5G-21.**

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

7 **14-5G-22.**

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

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

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

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

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

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

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

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

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

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

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

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

34 **(E) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH CARE**
35 **SYSTEM, OR EMPLOYER SHALL SUBMIT THE REPORT WITHIN 10 DAYS AFTER ANY**
36 **ACTION DESCRIBED IN THIS SECTION.**

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

4 (G) (1) THE BOARD MAY IMPOSE A CIVIL PENALTY NOT EXCEEDING
5 \$1,000 FOR FAILURE TO REPORT UNDER THIS SECTION.

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

8 14-5G-23.

9 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL
10 MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS AN
11 ANESTHESIOLOGIST ASSISTANT IN THE STATE UNLESS LICENSED TO PRACTICE
12 ANESTHESIA CARE BY THE BOARD.

13 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL
14 MAY NOT PERFORM, ATTEMPT TO PERFORM, OR OFFER TO PERFORM ANY
15 DELEGATED MEDICAL ACT BEYOND THE SCOPE OF THE LICENSE AND THAT IS
16 CONSISTENT WITH A DELEGATION AGREEMENT APPROVED BY THE BOARD.

17 14-5G-24.

18 (A) UNLESS AUTHORIZED TO PRACTICE AS AN ANESTHESIOLOGIST
19 ASSISTANT UNDER THIS SUBTITLE, AN INDIVIDUAL MAY NOT REPRESENT TO THE
20 PUBLIC BY TITLE, BY DESCRIPTION, OR BY SERVICES, METHODS, PROCEDURES, OR
21 OTHERWISE THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE AS AN
22 ANESTHESIOLOGIST ASSISTANT IN THE STATE.

23 (B) UNLESS AUTHORIZED TO PRACTICE AS AN ANESTHESIOLOGIST
24 ASSISTANT UNDER THIS SUBTITLE, AN INDIVIDUAL MAY NOT USE THE WORDS
25 "ANESTHESIOLOGIST ASSISTANT" OR ANY OTHER WORDS, LETTERS, OR SYMBOLS
26 WITH THE INTENT TO REPRESENT THAT THE INDIVIDUAL PRACTICES AS AN
27 ANESTHESIOLOGIST ASSISTANT.

28 14-5G-25.

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

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

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

9 (1) two members in 2018;

10 (2) two members in 2019; and

11 (3) three members in 2020.

12 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2016.