

By: Guerra

H.B. No. 2274

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of anesthesiologist assistants; requiring an occupational license; providing an administrative penalty; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 3, Occupations Code, is amended by adding Chapter 207 to read as follows:

CHAPTER 207. ANESTHESIOLOGIST ASSISTANTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 207.001. SHORT TITLE. This chapter may be cited as the Anesthesiologist Assistant Licensing Act.

Sec. 207.002. DEFINITIONS. In this chapter:

(1) "Anesthesiologist" means a physician who:

(A) holds a license in good standing issued by the medical board under Subtitle B; and

(B) is certified in anesthesiology by:

(i) the American Board of Physician Specialties;

(ii) the American Osteopathic Board of Anesthesiology; or

(iii) a certifying board recognized by the medical board.

(2) "Anesthesiologist assistant" means a person who holds a license issued under this chapter.

1 (3) "Anesthesiologist assistant board" means the
2 Texas Anesthesiologist Assistant Board.

3 (4) "Medical board" means the Texas Medical Board.

4 (5) "Practice as an anesthesiologist assistant" means
5 personally performing a medical task delegated to the person by a
6 supervising anesthesiologist.

7 Sec. 207.003. APPLICABILITY. (a) A person is not required
8 to hold a license issued under this chapter to practice as:

9 (1) a technician, assistant, or employee of a
10 physician who performs delegated tasks but does not act as an
11 anesthesiologist assistant or represent that the person is an
12 anesthesiologist assistant; or

13 (2) any other licensed health care worker acting
14 within the scope of that person's license if the person:

15 (A) does not use the title "anesthesiologist
16 assistant" or the initials "C.A.A." or "A.A."; or

17 (B) is not represented or designated as an
18 anesthesiologist assistant.

19 (b) This chapter does not limit the employment arrangement
20 of an anesthesiologist assistant licensed under this chapter.

21 SUBCHAPTER B. TEXAS ANESTHESIOLOGIST ASSISTANT BOARD

22 Sec. 207.051. ANESTHESIOLOGIST ASSISTANT BOARD. (a) The
23 Texas Anesthesiologist Assistant Board is an advisory board to the
24 medical board.

25 (b) Chapter 2110, Government Code, does not apply to the
26 anesthesiologist assistant board.

27 Sec. 207.052. APPOINTMENT OF BOARD. (a) The

1 anesthesiologist assistant board consists of five members
2 appointed by the president of the medical board as follows:

- 3 (1) two anesthesiologist assistants;
4 (2) two anesthesiologists; and
5 (3) one member who represents the public and is not
6 licensed or trained in a health care profession.

7 (b) Appointments to the anesthesiologist assistant board
8 shall be made without regard to the race, color, disability, sex,
9 religion, age, or national origin of the appointee.

10 Sec. 207.053. TERMS; VACANCIES. (a) Members of the
11 anesthesiologist assistant board are appointed for staggered
12 six-year terms. The terms of one or two members, as appropriate,
13 expire on February 1 of each odd-numbered year.

- 14 (b) A member may not serve more than:
15 (1) two consecutive full terms; or
16 (2) a total of three full terms.

17 (c) If a vacancy occurs during a member's term, the
18 president of the medical board shall appoint a new member to serve
19 the unexpired term.

20 Sec. 207.054. OFFICERS. The president of the medical board
21 shall designate an anesthesiologist assistant member of the
22 anesthesiologist assistant board as the presiding officer of the
23 board to serve in that capacity at the will of the president. The
24 anesthesiologist assistant board shall select from its membership a
25 secretary to serve a one-year term.

26 Sec. 207.055. GROUNDS FOR REMOVAL. (a) It is a ground for
27 removal from the anesthesiologist assistant board that a member:

1 (1) does not have at the time of taking office the
2 qualifications required by Section 207.052;

3 (2) does not maintain during service on the assistant
4 board the qualifications required by Section 207.052;

5 (3) cannot, because of illness or disability,
6 discharge the member's duties for a substantial part of the member's
7 term; or

8 (4) is absent from more than half of the regularly
9 scheduled anesthesiologist assistant board meetings that the
10 member is eligible to attend during a calendar year without an
11 excuse approved by a majority vote of the board.

12 (b) The validity of an action of the anesthesiologist
13 assistant board is not affected by the fact that it is taken when a
14 ground for removal of a board member exists.

15 (c) If the executive director of the medical board has
16 knowledge that a potential ground for removal exists, the executive
17 director shall notify the presiding officer of the anesthesiologist
18 assistant board of the potential ground. If the potential ground
19 for removal involves the presiding officer, the executive director
20 shall notify the next highest ranking officer of the
21 anesthesiologist assistant board, who shall then notify the
22 president of the medical board that a potential ground for removal
23 exists.

24 Sec. 207.056. COMPENSATION; REIMBURSEMENT OF EXPENSES. A
25 member of the anesthesiologist assistant board may not receive
26 compensation but is entitled to reimbursement for actual and
27 necessary expenses incurred in performing the functions of the

1 board, subject to the General Appropriations Act.

2 Sec. 207.057. OPEN MEETINGS; ADMINISTRATIVE PROCEDURE LAW.

3 Except as otherwise provided by this chapter, the anesthesiologist
4 assistant board is subject to Chapters 551 and 2001, Government
5 Code.

6 Sec. 207.058. TRAINING. (a) A person who is appointed to
7 and qualifies for office as a member of the anesthesiologist
8 assistant board may not vote, deliberate, or be counted as a member
9 in attendance at a meeting of the board until the person completes a
10 training program that complies with this section.

11 (b) The training program must provide the person with
12 information regarding:

13 (1) the law governing anesthesiologist assistant
14 board operations;

15 (2) the programs, functions, rules, and budget of the
16 anesthesiologist assistant board;

17 (3) the scope of and limitations on the rulemaking
18 authority of the anesthesiologist assistant board;

19 (4) the results of the most recent formal audit of the
20 anesthesiologist assistant board;

21 (5) the requirements of:

22 (A) laws relating to open meetings, public
23 information, administrative procedure, and disclosing conflicts of
24 interest; and

25 (B) other laws applicable to members of the
26 anesthesiologist assistant board in performing their duties; and

27 (6) any applicable ethics policies adopted by the

1 anesthesiologist assistant board or the Texas Ethics Commission.

2 (c) A person appointed to the anesthesiologist assistant
3 board is entitled to reimbursement, as provided by the General
4 Appropriations Act, for the travel expenses incurred in attending
5 the training program regardless of whether the attendance at the
6 program occurs before or after the person qualifies for office.

7 (d) The executive director of the medical board shall create
8 a training manual that includes the information required by
9 Subsection (b). The executive director shall distribute a copy of
10 the training manual annually to each anesthesiologist assistant
11 board member. On receipt of the training manual, each board member
12 shall sign and submit to the executive director a statement
13 acknowledging receipt of the training manual.

14 SUBCHAPTER C. POWERS AND DUTIES OF ANESTHESIOLOGIST ASSISTANT

15 BOARD AND MEDICAL BOARD

16 Sec. 207.101. GENERAL POWERS AND DUTIES OF ANESTHESIOLOGIST
17 ASSISTANT BOARD; MEDICAL BOARD APPROVAL. (a) The anesthesiologist
18 assistant board shall adopt rules that are reasonable and necessary
19 for the performance of the anesthesiologist assistant board's
20 duties under this chapter, as provided by Chapter 2001, Government
21 Code, including rules to establish:

- 22 (1) licensing, renewal, and other fees;
23 (2) license renewal dates; and
24 (3) procedures for disciplinary actions.

25 (b) The medical board, by a majority vote, shall approve or
26 reject each rule adopted by the anesthesiologist assistant board.
27 If approved, the rule may take effect. If the rule is rejected, the

1 medical board shall return the rule to the anesthesiologist
2 assistant board for revision.

3 Sec. 207.102. GUIDELINES FOR EARLY INVOLVEMENT IN
4 RULEMAKING PROCESS. (a) The anesthesiologist assistant board
5 shall adopt guidelines to establish procedures for receiving input
6 during the rulemaking process from individuals and groups that have
7 an interest in matters under the anesthesiologist assistant board's
8 jurisdiction. The guidelines must provide an opportunity for those
9 individuals and groups to provide input before the anesthesiologist
10 assistant board submits the rule to the medical board for approval.

11 (b) A rule adopted or approved by the medical board may not
12 be challenged on the grounds that the anesthesiologist assistant
13 board did not comply with this section. If the anesthesiologist
14 assistant board was unable to solicit a significant amount of input
15 from the public or affected persons early in the rulemaking
16 process, the anesthesiologist assistant board shall state in
17 writing the reasons why the anesthesiologist assistant board was
18 unable to do so.

19 Sec. 207.103. POWERS AND DUTIES OF MEDICAL BOARD RELATING
20 TO ANESTHESIOLOGIST ASSISTANTS. (a) The medical board shall
21 administer and enforce this chapter.

22 (b) The medical board shall adopt rules consistent with this
23 chapter to regulate anesthesiologist assistants and
24 anesthesiologists who supervise anesthesiologist assistants.

25 (c) The rules adopted by the medical board must include:

26 (1) a requirement that an anesthesiologist assistant
27 assist only an anesthesiologist who is available to supervise the

1 anesthesiologist assistant for the medical tasks delegated by that
2 anesthesiologist; and

3 (2) a requirement that an anesthesiologist assistant
4 shall maintain compliance with all certification requirements,
5 including continuing education requirements, adopted by the
6 National Commission for Certification of Anesthesiologist
7 Assistants or its successor organization.

8 Sec. 207.104. FEES. The anesthesiologist assistant board
9 shall set fees in amounts that are reasonable and necessary to cover
10 the costs of administering and enforcing this chapter without the
11 use of any other funds generated by the medical board.

12 Sec. 207.105. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION.
13 The anesthesiologist assistant board shall adopt rules and
14 guidelines as necessary to comply with Chapter 53, except to the
15 extent the requirements of this chapter are stricter than the
16 requirements of Chapter 53.

17 Sec. 207.106. COMPLAINTS. The medical board shall maintain
18 a system to promptly and efficiently act on complaints filed with
19 the medical board regarding anesthesiologist assistants. The
20 medical board shall maintain:

21 (1) information about the parties to the complaint and
22 the subject matter of the complaint;

23 (2) a summary of the results of the review or
24 investigation of the complaint; and

25 (3) information about the disposition of the
26 complaint.

27 SUBCHAPTER D. LICENSE REQUIREMENTS, EXEMPTIONS, AND RENEWAL

1 Sec. 207.151. LICENSE REQUIRED. (a) A person may not
2 practice as an anesthesiologist assistant in this state unless the
3 person holds an anesthesiologist assistant license issued under
4 this chapter.

5 (b) A person may not use the title "anesthesiologist
6 assistant" or "certified anesthesiologist assistant" or the
7 initials "C.A.A." or "A.A." or represent that the person is an
8 anesthesiologist assistant unless the person holds a license issued
9 under this chapter.

10 Sec. 207.152. ISSUANCE OF LICENSE. The medical board shall
11 issue a license to an applicant who:

12 (1) meets the eligibility requirements of Section
13 207.153;

14 (2) submits an application on a form prescribed by the
15 board;

16 (3) pays the required application and licensing fees;
17 and

18 (4) submits to the board any other information the
19 board considers necessary to evaluate the applicant's
20 qualifications.

21 Sec. 207.153. ELIGIBILITY REQUIREMENTS. To be eligible for
22 a license under this chapter, an applicant must:

23 (1) submit proof of completion of a graduate level
24 training program accredited by the Commission on Accreditation of
25 Allied Health Education Programs or its successor organization;

26 (2) pass a certifying examination administered by the
27 National Commission for Certification of Anesthesiologist

1 Assistants or its successor organization;
2 (3) submit proof of current certification from the
3 National Commission for Certification of Anesthesiologist
4 Assistants or its successor organization; and
5 (4) meet any additional qualifications adopted by rule
6 by the anesthesiologist assistant board.

7 Sec. 207.154. CRIMINAL HISTORY RECORD INFORMATION
8 REQUIREMENT FOR LICENSE ISSUANCE. (a) The medical board shall
9 require that an applicant for a license submit a complete and
10 legible set of fingerprints, on a form prescribed by the board, to
11 the board or to the Department of Public Safety for the purpose of
12 obtaining criminal history record information from the Department
13 of Public Safety and the Federal Bureau of Investigation.

14 (b) The medical board may not issue a license to a person who
15 does not comply with the requirement of Subsection (a).

16 (c) The medical board shall conduct a criminal history
17 record information check of each applicant for a license using
18 information:

19 (1) provided by the individual under this section; and
20 (2) made available to the board by the Department of
21 Public Safety, the Federal Bureau of Investigation, and any other
22 criminal justice agency under Chapter 411, Government Code.

23 (d) The medical board may:
24 (1) enter into an agreement with the Department of
25 Public Safety to administer a criminal history record information
26 check required under this section; and
27 (2) authorize the Department of Public Safety to

1 collect from each applicant the costs incurred by the Department of
2 Public Safety in conducting the criminal history record information
3 check.

4 Sec. 207.155. EXEMPTIONS FROM LICENSING REQUIREMENT FOR
5 CERTAIN ANESTHESIOLOGIST ASSISTANTS. A person is not required to
6 hold a license issued under this chapter to practice as an
7 anesthesiologist assistant student enrolled in an anesthesiologist
8 assistant educational program accredited by the Commission on
9 Accreditation of Allied Health Education Programs or its successor
10 organization.

11 Sec. 207.156. LICENSE RENEWAL. (a) A license issued under
12 this chapter is valid for a term of two or more years, as determined
13 by anesthesiologist assistant board rule.

14 (b) On notification from the medical board, a person who
15 holds a license under this chapter may renew the license by:

- 16 (1) paying the required renewal fee;
17 (2) submitting the appropriate form; and
18 (3) meeting any other requirement established by
19 anesthesiologist assistant board rule.

20 (c) The anesthesiologist assistant board by rule may adopt a
21 system under which licenses expire on various dates during the
22 year.

23 (d) A person who is otherwise eligible to renew a license
24 may renew an unexpired license by paying the required renewal fee to
25 the medical board before the expiration date of the license. A
26 person whose license has expired may not engage in activities that
27 require a license until the license has been renewed.

1 (e) A person whose license is expired may renew the license
2 by paying to the medical board a fee that is equal to 1-1/2 times the
3 renewal fee for the license.

4 SUBCHAPTER E. PRACTICE BY LICENSE HOLDER

5 Sec. 207.201. NOTICE OF INTENT TO PRACTICE. Before
6 beginning practice, each anesthesiologist assistant licensed under
7 this chapter must submit on a form prescribed by the
8 anesthesiologist assistant board notice of the license holder's
9 intent to practice. The notice must include the name, business
10 address, license number, and telephone number of the
11 anesthesiologist assistant.

12 Sec. 207.202. SCOPE OF PRACTICE. (a) An anesthesiologist
13 assistant may assist the supervising anesthesiologist and perform
14 duties delegated by the supervising anesthesiologist, including
15 the development and implementation of a patient's anesthesia care
16 plan that is consistent with the rules adopted under this chapter.

17 (b) An anesthesiologist assistant who assists an
18 anesthesiologist is not considered to be engaged in the practice of
19 medicine.

20 (c) This chapter does not limit or expand the scope of
21 practice of a physician assistant.

22 Sec. 207.203. NAME TAG. A person acting within the scope of
23 a license issued under this chapter shall wear a name tag
24 identifying the person as an anesthesiologist assistant.

25 Sec. 207.204. IDENTIFICATION OF STUDENT. A student in an
26 anesthesiologist assistant training program shall be identified as
27 a student anesthesiologist assistant or an anesthesiologist

1 assistant student. A student may not use or permit to be used on the
2 student's behalf the term "intern," "resident," or "fellow," or
3 another term that identifies the student as a physician or surgeon.

4 SUBCHAPTER F. ENFORCEMENT

5 Sec. 207.251. ADMINISTRATIVE PENALTY. (a) The medical
6 board by order may impose an administrative penalty against a
7 person who violates this chapter or a rule or order adopted under
8 this chapter.

9 (b) The medical board shall impose the penalty in the same
10 manner and using the same procedures as Subchapter A, Chapter 165.

11 SECTION 2. (a) As soon as practicable after the effective
12 date of this Act, the president of the Texas Medical Board shall
13 appoint five members to the Texas Anesthesiologist Assistant Board
14 in accordance with Chapter 207, Occupations Code, as added by this
15 Act. In making the initial appointments, the president of the Texas
16 Medical Board shall designate two members for terms expiring
17 January 31, 2025, two members for terms expiring January 31, 2027,
18 and one member for a term expiring January 31, 2029.

19 (b) Notwithstanding Section 207.052(a), Occupations Code,
20 as added by this Act, a person practicing as an anesthesiologist
21 assistant is eligible for appointment as an initial member of the
22 Texas Anesthesiologist Assistant Board regardless of whether the
23 person holds an anesthesiologist assistant license issued under
24 Chapter 207, Occupations Code, as added by this Act.

25 SECTION 3. Not later than June 1, 2024, the Texas Medical
26 Board with the advice of the Texas Anesthesiologist Assistant Board
27 shall adopt the rules, procedures, and fees necessary to administer

1 Chapter 207, Occupations Code, as added by this Act.

2 SECTION 4. Notwithstanding Chapter 207, Occupations Code,
3 as added by this Act, an anesthesiologist assistant is not required
4 to hold a license under that chapter to practice as an
5 anesthesiologist assistant in this state before September 1, 2024.

6 SECTION 5. (a) Except as provided by Subsection (b) of this
7 section, this Act takes effect September 1, 2023.

8 (b) Section 207.151 and Subchapter F, Occupations Code, as
9 added by this Act, take effect September 1, 2024.