

BILL ANALYSIS

Senate Research Center

S.B. 1794
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently in Texas, anesthesiologist assistants operate as trained and credentialed members of the anesthesia care team under the direction of an anesthesiologist. Case Western operates a masters-level anesthesiologist assistant program located in Houston, Texas, and attached to the medical school at The University of Texas Health Science Center in Houston. There are currently over 100 anesthesiologist assistants in Texas and each will participate in 700 to 1,000 anesthetics each year.

It is the purpose of S.B. 1794 to protect the public welfare by licensing anesthesiologist assistants in Texas by the Texas Medical Board.

As proposed, S.B. 1794 amends current law relating to the requirement to obtain a license to practice as an anesthesiologists assistant; imposing fees.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Medical Board in SECTION 1 (Section 207.06, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle C, Title 3, Occupations Code, by adding Chapter 207, as follows:

CHAPTER 207. ANESTHESIOLOGIST ASSISTANTS

Section 207.001. DEFINITIONS. Defines “anesthesiologist,” “anesthesiologist assistant,” and “medical board.”

Section 207.002. LICENSE REQUIRED. Prohibits a person from practicing as an anesthesiologist assistant in this state unless the person holds an anesthesiologist assistant license issued under this chapter.

Section 207.003. PRACTICE BY A LICENSE HOLDER. (a) Authorizes an anesthesiologist assistant to assist the supervising anesthesiologist in developing and implementing an anesthesia care plan for a patient consistent with the rules adopted under this chapter.

(b) Provides that assisting an anesthesiologist does not constitute the practice of medicine.

(c) Prohibits anything in this chapter from limiting or expanding the scope of practice of physician assistants under other statutes.

Section 207.004. USE OF TERM ANESTHESIOLOGIST ASSISTANT. (a) Provides that a person not licensed under this chapter that uses the title anesthesiologist assistant or holds themselves out to be an anesthesiologist assistant commits an administrative violation under the Occupations Code.

(b) Requires a student in an anesthesiologist assistant training program to be identified as a "student anesthesiologist assistant" or an "anesthesiologist assistant student." Provides that a student in an anesthesiologist assistant training program is prohibited from being identified as an "intern," "resident," or "fellow."

Section 207.004. ISSUANCE OF LICENSE; REQUIREMENTS. (a) Requires the Texas Medical Board (TMB) to:

- (1) establish qualification for an anesthesiologist assistant to practice in this state;
- (2) establish requirements for an examination for a license to practice as an anesthesiologist assistant in this state;
- (3) establish minimum education and training requirements necessary for a license to practice as an anesthesiologist assistant;
- (4) prescribe the application form for a license to practice as an anesthesiologist assistant; and
- (5) develop an approved program of mandatory continuing education and the manner in which attendance at all approved courses, clinics, forums, lectures, programs, or seminars is monitored and recorded.

(b) Requires TMB, as minimum requirements for licensure, to ensure an applicant:

- (1) is of good moral character;
- (2) submits proof of completion of graduate level training program accredited by the Commission of Accreditation of Allied Health Education Programs or its successor organization;
- (3) submits proof of current certification from the National Commission of Certification of Anesthesiologist Assistants (NCCAA) or its successor organization, including passage of a certification examination administered by NCCAA which must be taken within 12 months after completing training;
- (4) pays the required application and licensing fees; and
- (5) meets any additional qualifications for licensure adopted by TMB by rule.

Section 207.005. LICENSE FEES. Requires TMB to set and collect fees in amounts that are reasonable and necessary to cover the costs of administering and enforcing this chapter without the use of any other funds generated by TMB.

Section 207.06. BOARD RULES. Requires TMB to adopt rules to implement this chapter that include requirements and limitations on the provision of anesthesia services by an anesthesiologist assistant as determined by TMB to be in the best interests of patient health and safety. Requires that rules adopted by the board include the following requirements:

(a) an anesthesiologist assistant be supervised by an anesthesiologist who is actively engaged in clinical practice and available on-site to provide assistance to the anesthesiologist assistant;

(b) limitations on the number of anesthesiologist assistants and student anesthesiologist assistants an anesthesiologist may supervise as determined by the Centers for Medicare and Medicaid Services; and

(c) anesthesiologist assistants shall comply with all continuing education requirements and recertification requirements of NCCAA or its successor organization.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Requires TMB to adopt all rules necessary to implement Chapter 207 as adopted by this Act as soon as practicable as the effective date of this Act.

(d) SECTION 4. Effective date: September 1, 2015.