

By: Davis of Harris

H.B. No. 2267

Substitute the following for H.B. No. 2267:

By: Crownover

C.S.H.B. No. 2267

A BILL TO BE ENTITLED

AN ACT

relating to the requirement to obtain a license to practice as an anesthesiologist assistant; 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. DEFINITIONS. In this chapter:

(1) "Anesthesiologist" means a physician licensed by the Texas Medical Board who specializes in anesthesiology.

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

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

SUBCHAPTER B. POWERS AND DUTIES OF MEDICAL BOARD

Sec. 207.051. POWERS AND DUTIES OF MEDICAL BOARD RELATING TO ANESTHESIOLOGIST ASSISTANTS. (a) The medical board shall administer and enforce this chapter.

(b) The medical board:

(1) may establish requirements to obtain an anesthesiologist assistant license, including education and training requirements, in addition to the requirements under Section 207.103;

1           (2) may establish examination requirements for an  
2 anesthesiologist assistant license in addition to the requirements  
3 under Section 207.103;

4           (3) shall prescribe application requirements for a  
5 license to practice as an anesthesiologist assistant; and

6           (4) shall develop an approved program of mandatory  
7 continuing education and the manner by which attendance at all  
8 approved courses, clinics, forums, lectures, programs, or seminars  
9 is monitored and recorded.

10          Sec. 207.052. RULES. (a) The medical board shall adopt  
11 rules necessary to implement this chapter.

12          (b) The rules adopted by the medical board must include  
13 requirements and limitations on the provision of anesthesia  
14 services by an anesthesiologist assistant as determined by the  
15 medical board to be in the best interests of patient health and  
16 safety, including:

17           (1) a requirement that an anesthesiologist assistant  
18 be supervised by an anesthesiologist who is actively engaged in  
19 clinical practice and available on-site to provide assistance to  
20 the anesthesiologist assistant;

21           (2) a limit on the number of anesthesiologist  
22 assistants and student anesthesiologist assistants an  
23 anesthesiologist may supervise, in accordance with any  
24 requirements of the Centers for Medicare and Medicaid Services; and

25           (3) a requirement that an anesthesiologist assistant  
26 shall maintain compliance with all continuing education  
27 requirements adopted by the medical board and with recertification

1 requirements of the National Commission for Certification of  
2 Anesthesiologist Assistants or its successor organization.

3 Sec. 207.053. FEES. The medical board shall set and collect  
4 fees in amounts that are reasonable and necessary to cover the costs  
5 of administering and enforcing this chapter without the use of any  
6 other funds generated by the medical board.

7 Sec. 207.054. APPLICABILITY OF OTHER LAW. Procedures under  
8 Subtitle B, Title 3, that govern license or registration renewal,  
9 complaints, and disciplinary actions apply to an anesthesiologist  
10 assistant in the same manner the provisions apply to a physician.

11 SUBCHAPTER C. LICENSE REQUIREMENTS

12 Sec. 207.101. LICENSE REQUIRED. A person may not practice  
13 as an anesthesiologist assistant in this state unless the person  
14 holds an anesthesiologist assistant license issued under this  
15 chapter.

16 Sec. 207.102. ISSUANCE OF LICENSE. The medical board shall  
17 issue a license to an applicant who:

18 (1) meets the eligibility requirements of Section  
19 207.103;

20 (2) submits an application on a form prescribed by the  
21 medical board; and

22 (3) pays the required application and licensing fees.

23 Sec. 207.103. ELIGIBILITY REQUIREMENTS. To be eligible for  
24 a license under this chapter, an applicant must:

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

1           (2) pass a certifying examination administered by the  
2 National Commission for Certification of Anesthesiologist  
3 Assistants or its successor organization not later than 12 months  
4 from the date of completion of the training program required under  
5 Subdivision (1);

6           (3) submit proof of current certification from the  
7 National Commission for Certification of Anesthesiologist  
8 Assistants or its successor organization;

9           (4) be of good moral character; and

10           (5) meet any additional qualifications adopted by the  
11 medical board by rule.

12           SUBCHAPTER D. PRACTICE BY LICENSE HOLDER

13           Sec. 207.151. SCOPE OF PRACTICE. (a) An anesthesiologist  
14 assistant may assist the supervising anesthesiologist in  
15 developing and implementing an anesthesia care plan for a patient  
16 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. 207.152. USE OF TITLE. (a) A person may not use the  
23 title "anesthesiologist assistant" or represent that the person is  
24 an anesthesiologist assistant unless the person holds a license  
25 issued under this chapter. A person who violates this subsection is  
26 subject to an administrative penalty in an amount to be determined  
27 by the medical board.

1       (b) A student in an anesthesiologist assistant training  
2 program shall be identified as a student anesthesiologist assistant  
3 or an anesthesiologist assistant student. A student may not use or  
4 permit to be used on the student's behalf the term "intern,"  
5 "resident," or "fellow," or another term that identifies the  
6 student as a physician or surgeon.

7       SECTION 2. Not later than June 1, 2016, the Texas Medical  
8 Board shall adopt the rules, procedures, and fees necessary to  
9 administer Chapter 207, Occupations Code, as added by this Act.

10       SECTION 3. Notwithstanding Chapter 207, Occupations Code,  
11 as added by this Act, an anesthesiologist assistant is not required  
12 to hold a license under that chapter to practice as an  
13 anesthesiologist assistant in this state before September 1, 2016.

14       SECTION 4. (a) Except as provided by Subsection (b) of this  
15 section, this Act takes effect September 1, 2015.

16       (b) Sections 207.054, 207.101, and 207.152, Occupations  
17 Code, as added by this Act, take effect September 1, 2016.