By: Stucky H.B. No. 3878

A BILL TO BE ENTITLED

1	AN ACT
2	relating to the requirement to obtain a license to practice as ar
3	anesthesiologist assistant; providing an administrative penalty;
4	authorizing fees.
5	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
6	SECTION 1. Subtitle C, Title 3, Occupations Code, is
7	amended by adding Chapter 207 to read as follows:
8	CHAPTER 207. ANESTHESIOLOGIST ASSISTANTS
9	SUBCHAPTER A. GENERAL PROVISIONS
10	Sec. 207.001. DEFINITIONS. In this chapter:
11	(1) "Anesthesiologist" means a physician licensed by
12	the Texas Medical Board who specializes in anesthesiology.
13	(2) "Anesthesiologist assistant" means a person who
14	holds a license issued under this chapter.
15	(3) "Anesthesiologist assistant board" means the
16	Texas Anesthesiologist Assistant Board.
17	(4) "Medical board" means the Texas Medical Board.
18	SUBCHAPTER B. TEXAS ANESTHESIOLOGIST ASSISTANT BOARD
19	Sec. 207.051. ANESTHESIOLOGIST ASSISTANT BOARD. (a) The
20	Texas Anesthesiologist Assistant Board is an advisory board to the
21	medical board.
22	(b) The anesthesiologist assistant board consists of five
23	members appointed by the president of the medical board as follows:
24	(1) two anesthesiologist assistants;

- 1 (2) two anesthesiologists; and
- 2 (3) one member who represents the public and is not
- 3 licensed or trained in a health care profession.
- 4 (c) Appointments to the anesthesiologist assistant board
- 5 shall be made without regard to the race, color, disability, sex,
- 6 religion, age, or national origin of the appointee.
- 7 Sec. 207.052. TERMS; VACANCIES. (a) Members of the
- 8 anesthesiologist assistant board serve staggered six-year terms.
- 9 The terms of one or two members, as appropriate, expire on January
- 10 31 each odd-numbered year.
- 11 <u>(b) An anesthesiologist assistant board member who is an</u>
- 12 anesthesiologist assistant or anesthesiologist may not serve more
- 13 than two consecutive terms.
- 14 (c) If a vacancy occurs during a member's term, the
- 15 president of the medical board shall appoint a new member to serve
- 16 <u>the unexpired term.</u>
- 17 Sec. 207.053. APPLICABILITY OF OTHER LAW. (a) Chapter
- 18 2110, Government Code, does not apply to the anesthesiologist
- 19 assistant board.
- 20 (b) Except as otherwise provided by this chapter, the
- 21 <u>anesthesiologist</u> assistant board is subject to Chapters 551 and
- 22 2001, Government Code.
- Sec. 207.054. COMPENSATION; REIMBURSEMENT. An
- 24 anesthesiologist assistant board member may not receive
- 25 compensation for service on the anesthesiologist assistant board
- 26 but is entitled to receive reimbursement under the General
- 27 Appropriations Act for transportation and related expenses

- 1 incurred while conducting the anesthesiologist assistant board's
- 2 business.
- 3 SUBCHAPTER C. POWERS AND DUTIES OF ANESTHESIOLOGIST
- 4 ASSISTANT BOARD AND MEDICAL BOARD
- 5 Sec. 207.101. GENERAL POWERS AND DUTIES OF ANESTHESIOLOGIST
- 6 ASSISTANT BOARD; MEDICAL BOARD APPROVAL. (a) The anesthesiologist
- 7 <u>assistant board shall:</u>
- 8 (1) adopt rules that are reasonable and necessary for
- 9 the performance of the board's duties related to the regulation of
- 10 anesthesiologist assistants under this chapter, as provided by
- 11 Chapter 2001, Government Code; and
- 12 (2) take any action necessary to carry out the
- 13 functions and duties of the board under this chapter.
- 14 (b) The medical board, by a majority vote, shall approve or
- 15 reject each rule adopted by the anesthesiologist assistant board.
- 16 If approved, the rule may take effect. If the rule is rejected, the
- 17 medical board shall return the rule to the anesthesiologist
- 18 assistant board for revision.
- 19 Sec. 207.102. GUIDELINES FOR EARLY INVOLVEMENT IN
- 20 RULEMAKING PROCESS. (a) The anesthesiologist assistant board
- 21 shall adopt guidelines to establish procedures for receiving input
- 22 during the rulemaking process from individuals and groups that have
- 23 an interest in matters under the anesthesiologist assistant board's
- 24 jurisdiction. The guidelines must provide an opportunity for those
- 25 individuals and groups to provide input before the anesthesiologist
- 26 assistant board submits the rule to the medical board for approval.
- 27 (b) A rule adopted or approved by the medical board may not

- 1 be challenged on the grounds that the anesthesiologist assistant
- 2 board did not comply with this section. If the anesthesiologist
- 3 assistant board was unable to solicit a significant amount of input
- 4 from the public or affected persons early in the rulemaking
- 5 process, the anesthesiologist assistant board shall state in
- 6 writing the reasons why the anesthesiologist assistant board was
- 7 <u>unable to do so.</u>
- 8 Sec. 207.103. POWERS AND DUTIES OF MEDICAL BOARD RELATING
- 9 TO ANESTHESIOLOGIST ASSISTANTS. (a) The medical board shall
- 10 administer and enforce this chapter.
- 11 <u>(b)</u> The medical board:
- 12 (1) may establish requirements to obtain an
- 13 anesthesiologist assistant license, including education and
- 14 training requirements, in addition to the requirements under
- 15 <u>Section 207.153;</u>
- 16 (2) may establish examination requirements for an
- 17 anesthesiologist assistant license in addition to the requirements
- 18 under Section 207.153;
- 19 (3) shall prescribe application requirements for a
- 20 license to practice as an anesthesiologist assistant and establish
- 21 license renewal requirements and renewal dates;
- 22 <u>(4) shall develop an approved program of mandatory</u>
- 23 continuing education and the manner by which attendance at all
- 24 approved courses, clinics, forums, lectures, programs, or seminars
- 25 <u>is monitored and recorded;</u>
- 26 (5) shall review and approve or reject each
- 27 application for the issuance or renewal of a license; and

- 1 (6) shall establish procedures for disciplinary
- 2 actions to deny, suspend, or revoke a license or otherwise
- 3 discipline a license holder.
- 4 Sec. 207.104. RULES. (a) The medical board shall adopt
- 5 rules consistent with this chapter to regulate anesthesiologist
- 6 <u>assistants</u> and <u>anesthesiologists</u> who supervise anesthesiologist
- 7 <u>assistants.</u>
- 8 (b) The rules adopted by the medical board must include
- 9 requirements and limitations on the provision of anesthesia
- 10 services by an anesthesiologist assistant as determined by the
- 11 medical board to be in the best interests of patient health and
- 12 safety, including:
- 13 (1) a requirement that an anesthesiologist assistant
- 14 be supervised by an anesthesiologist who is actively engaged in
- 15 <u>clinical practice and available on-site to provide assistance to</u>
- 16 the anesthesiologist assistant;
- 17 (2) a limit on the number of anesthesiologist
- 18 assistants and student anesthesiologist assistants an
- 19 anesthesiologist may supervise, in accordance with any
- 20 requirements of the Centers for Medicare and Medicaid Services; and
- 21 (3) a requirement that an anesthesiologist assistant
- 22 shall maintain compliance with all continuing education
- 23 requirements adopted by the medical board and with recertification
- 24 requirements of the National Commission for Certification of
- 25 Anesthesiologist Assistants or its successor organization.
- Sec. 207.105. FEES. The medical board shall set and collect
- 27 fees in amounts that are reasonable and necessary to cover the costs

- 1 of administering and enforcing this chapter without the use of any
- 2 other funds generated by the medical board.
- 3 SUBCHAPTER D. LICENSE REQUIREMENTS
- 4 Sec. 207.151. LICENSE REQUIRED. A person may not practice
- 5 as an anesthesiologist assistant in this state unless the person
- 6 <u>holds an anesthesiologist assistant license issued under this</u>
- 7 chapter.
- 8 Sec. 207.152. ISSUANCE OF LICENSE. The medical board shall
- 9 issue a license to an applicant who:
- 10 (1) meets the eligibility requirements of Section
- 11 207.153;
- 12 (2) submits an application on a form prescribed by the
- 13 medical board; and
- 14 (3) pays the required application and licensing fees.
- Sec. 207.153. ELIGIBILITY REQUIREMENTS. To be eligible for
- 16 <u>a license under this chapter</u>, an applicant must:
- 17 (1) submit proof of completion of a graduate level
- 18 training program accredited by the Commission on Accreditation of
- 19 Allied Health Education Programs or its successor organization;
- 20 (2) pass a certifying examination administered by the
- 21 National Commission for Certification of Anesthesiologist
- 22 Assistants or its successor organization not later than 12 months
- 23 from the date of completion of the training program required under
- 24 Subdivision (1);
- 25 (3) submit proof of current certification from the
- 26 National Commission for Certification of Anesthesiologist
- 27 Assistants or its successor organization; and

- 1 (4) meet any additional qualifications adopted by rule
- 2 by the medical board.
- 3 <u>SUBCHAPTER E. PRACTICE BY LICENSE HOLDER</u>
- 4 Sec. 207.201. SCOPE OF PRACTICE. (a) An anesthesiologist
- 5 assistant may assist the supervising anesthesiologist and perform
- 6 duties delegated by the supervising anesthesiologist, including
- 7 the development and implementation of a patient's anesthesia care
- 8 plan that is consistent with the rules adopted under this chapter.
- 9 (b) An anesthesiologist assistant who assists an
- 10 anesthesiologist is not considered to be engaged in the practice of
- 11 medicine.
- 12 (c) This chapter does not limit or expand the scope of
- 13 practice of a physician assistant.
- Sec. 207.202. USE OF TITLE. (a) A person may not use the
- 15 title "anesthesiologist assistant" or represent that the person is
- 16 <u>an anesthesiologist assistant unless the person holds a license</u>
- 17 issued under this chapter. A person who violates this subsection is
- 18 subject to an administrative penalty in an amount to be determined
- 19 by the medical board.
- 20 (b) A student in an anesthesiologist assistant training
- 21 program shall be identified as a student anesthesiologist assistant
- 22 or an anesthesiologist assistant student. A student may not use or
- 23 permit to be used on the student's behalf the term "intern,"
- 24 "resident," or "fellow," or another term that identifies the
- 25 student as a physician or surgeon.
- 26 SECTION 2. As soon as practicable after the effective date
- 27 of this Act, the president of the Texas Medical Board shall appoint

- H.B. No. 3878
- 1 five members to the Texas Anesthesiologist Assistant Board in
- 2 accordance with Chapter 207, Occupations Code, as added by this
- 3 Act. In making the initial appointments, the president of the Texas
- 4 Medical Board shall designate two members for terms expiring
- 5 January 31, 2021, two members for terms expiring January 31, 2023,
- 6 and one member for a term expiring January 31, 2025.
- 7 SECTION 3. Not later than June 1, 2020, the Texas Medical
- 8 Board with the advice of the Texas Anesthesiologist Assistant Board
- 9 shall adopt the rules, procedures, and fees necessary to administer
- 10 Chapter 207, Occupations Code, as added by this Act.
- 11 SECTION 4. Notwithstanding Chapter 207, Occupations Code,
- 12 as added by this Act, an anesthesiologist assistant is not required
- 13 to hold a license under that chapter to practice as an
- 14 anesthesiologist assistant in this state before September 1, 2020.
- 15 SECTION 5. (a) Except as provided by Subsection (b) of this
- 16 section, this Act takes effect September 1, 2019.
- 17 (b) Sections 207.151 and 207.202, Occupations Code, as
- 18 added by this Act, take effect September 1, 2020.