

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) "Anesthesiologist assistant board" means the Texas Anesthesiologist Assistant Board.

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

SUBCHAPTER B. TEXAS ANESTHESIOLOGIST ASSISTANT BOARD

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

(b) The anesthesiologist assistant board consists of five members appointed by the president of the medical board as follows:

(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 (b) An anesthesiologist assistant board member who is an
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 the unexpired term.

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 anesthesiologist assistant board is subject to Chapters 551 and
22 2001, Government Code.

23 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 assistant board shall:

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 unable to do so.

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 (b) 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 Section 207.153;

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 an
20 anesthesiologist assistant license and establish license renewal
21 requirements and renewal dates;

22 (4) shall develop an approved program of mandatory
23 continuing education and the manner by which attendance at all
24 approved courses, clinics, forums, lectures, programs, or seminars
25 is monitored and recorded;

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 assistants and anesthesiologists who supervise anesthesiologist
7 assistants.

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 clinical practice and available on-site to provide assistance to
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.

26 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 holds an anesthesiologist assistant license issued under this
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.

15 Sec. 207.153. ELIGIBILITY REQUIREMENTS. To be eligible for
16 a license under this chapter, 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 SUBCHAPTER E. PRACTICE BY LICENSE HOLDER

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.

14 Sec. 207.202. USE OF TITLE. (a) A person may not use the
15 title "anesthesiologist assistant" or represent that the person is
16 an anesthesiologist assistant unless the person holds a license
17 issued under this chapter. The medical board may impose an
18 administrative penalty in an amount to be determined by the board in
19 the same manner and using the same procedures as Subchapter A,
20 Chapter 165, against a person who violates this subsection.

21 (b) A student in an anesthesiologist assistant training
22 program shall be identified as a student anesthesiologist assistant
23 or an anesthesiologist assistant student. A student may not use or
24 permit to be used on the student's behalf the term "intern,"
25 "resident," or "fellow," or another term that identifies the
26 student as a physician or surgeon.

27 SECTION 2. (a) As soon as practicable after the effective

1 date of this Act, the president of the Texas Medical Board shall
2 appoint five members to the Texas Anesthesiologist Assistant Board
3 in accordance with Chapter 207, Occupations Code, as added by this
4 Act. In making the initial appointments, the president of the Texas
5 Medical Board shall designate two members for terms expiring
6 January 31, 2023, two members for terms expiring January 31, 2025,
7 and one member for a term expiring January 31, 2027.

8 (b) Notwithstanding Section 207.051(b), Occupations Code,
9 as added by this Act, a person practicing as an anesthesiologist
10 assistant is eligible for appointment as an initial member of the
11 Texas Anesthesiologist Assistant Board regardless of whether the
12 person holds an anesthesiologist assistant license issued under
13 Chapter 207, Occupations Code, as added by this Act.

14 SECTION 3. Not later than June 1, 2022, the Texas Medical
15 Board with the advice of the Texas Anesthesiologist Assistant Board
16 shall adopt the rules, procedures, and fees necessary to administer
17 Chapter 207, Occupations Code, as added by this Act.

18 SECTION 4. Notwithstanding Chapter 207, Occupations Code,
19 as added by this Act, an anesthesiologist assistant is not required
20 to hold a license under that chapter to practice as an
21 anesthesiologist assistant in this state before September 1, 2022.

22 SECTION 5. (a) Except as provided by Subsection (b) of this
23 section, this Act takes effect September 1, 2021.

24 (b) Sections 207.151 and 207.202, Occupations Code, as
25 added by this Act, take effect September 1, 2022.