

By: Campbell

S.B. No. 2128

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;

(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; and

(C) has a medical practice in which the physician regularly practices anesthesiology.

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

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

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

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

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

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

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

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

19 (B) is not represented or designated as an
20 anesthesiologist assistant.

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

23 SUBCHAPTER B. TEXAS ANESTHESIOLOGIST ASSISTANT BOARD

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

27 (b) Chapter [2110](#), Government Code, does not apply to the

1 anesthesiologist assistant board.

2 Sec. 207.052. APPOINTMENT OF BOARD. (a) The
3 anesthesiologist assistant board consists of five members
4 appointed by the president of the medical board as follows:

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

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

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

16 (b) A member may not serve more than:

- 17 (1) two consecutive full terms; or
18 (2) a total of three full terms.

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

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

1 Sec. 207.055. GROUND FOR REMOVAL. (a) It is a ground for
2 removal from the anesthesiologist assistant board that a member:

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

5 (2) does not maintain during service on the
6 anesthesiologist assistant board the qualifications required by
7 Section 207.052;

8 (3) cannot, because of illness or disability,
9 discharge the member's duties for a substantial part of the member's
10 term; or

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

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

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

27 Sec. 207.056. COMPENSATION; REIMBURSEMENT OF EXPENSES. A

member of the anesthesiologist assistant board may not receive compensation but is entitled to reimbursement for actual and necessary expenses incurred in performing the functions of the board, subject to the General Appropriations Act.

Sec. 207.057. OPEN MEETINGS; ADMINISTRATIVE PROCEDURE LAW. Except as otherwise provided by this chapter, the anesthesiologist assistant board is subject to Chapters 551 and 2001, Government Code.

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

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

(1) the law governing anesthesiologist assistant board operations;

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

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

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

(5) the requirements of:

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

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

3 (6) any applicable ethics policies adopted by the
4 anesthesiologist assistant board or the Texas Ethics Commission.

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

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

17 SUBCHAPTER C. POWERS AND DUTIES OF ANESTHESIOLOGIST ASSISTANT BOARD

18 AND MEDICAL BOARD

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

25 (1) licensing, renewal, and other fees;

26 (2) license renewal dates; and

27 (3) procedures for disciplinary actions.

1 (b) The medical board, by a majority vote, shall approve or
2 reject each rule adopted by the anesthesiologist assistant board.
3 If approved, the rule may take effect. If the rule is rejected, the
4 medical board shall return the rule to the anesthesiologist
5 assistant board for revision.

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

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

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

25 (b) The medical board shall adopt rules consistent with this
26 chapter to regulate anesthesiologist assistants and
27 anesthesiologists who supervise anesthesiologist assistants.

1 (c) The rules adopted by the medical board must include a
2 requirement that:

3 (1) an anesthesiologist assistant assist only an
4 anesthesiologist who is:

5 (A) physically present in the facility where the
6 anesthesiologist assistant is performing a medical task delegated
7 by the anesthesiologist; and

8 (B) able to respond to a medically emergent issue
9 arising from the delegated medical task;

10 (2) a supervising anesthesiologist supervise an
11 anesthesiologist assistant in a manner consistent with the
12 requirements for reimbursement of anesthesia services under
13 Medicaid and Medicare, as applicable; and

14 (3) an anesthesiologist assistant shall maintain
15 compliance with all continuing medical education requirements
16 adopted under Section 207.157 and the recertification requirements
17 of the National Commission for Certification of Anesthesiologist
18 Assistants or its successor organization.

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

23 Sec. 207.105. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION.
24 The anesthesiologist assistant board shall adopt rules and
25 guidelines as necessary to comply with Chapter 53, except to the
26 extent the requirements of this chapter are stricter than the
27 requirements of Chapter 53.

1 Sec. 207.106. COMPLAINTS. The medical board shall maintain
2 a system to promptly and efficiently act on complaints filed with
3 the medical board regarding anesthesiologist assistants. The
4 medical board shall maintain:

5 (1) information about the parties to the complaint and
6 the subject matter of the complaint;

7 (2) a summary of the results of the review or
8 investigation of the complaint; and

9 (3) information about the disposition of the
10 complaint.

11 SUBCHAPTER D. LICENSE REQUIREMENTS, EXEMPTIONS, AND RENEWAL

12 Sec. 207.151. LICENSE REQUIRED. (a) A person may not
13 practice as an anesthesiologist assistant in this state unless the
14 person holds an anesthesiologist assistant license issued under
15 this chapter.

16 (b) A person may not use the title "anesthesiologist
17 assistant" or "certified anesthesiologist assistant" or the
18 initials "C.A.A." or "A.A." or represent that the person is an
19 anesthesiologist assistant unless the person holds a license issued
20 under this chapter.

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

23 (1) meets the eligibility requirements of Section
24 207.153;

25 (2) submits an application on a form prescribed by the
26 board;

27 (3) pays the required application and licensing fees;

1 and

2 (4) submits to the board any other information the
3 board considers necessary to evaluate the applicant's
4 qualifications.

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

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

10 (2) pass a certifying examination administered by the
11 National Commission for Certification of Anesthesiologist
12 Assistants or its successor organization not later than the first
13 anniversary of the date of completion of the training program
14 required under Subdivision (1);

15 (3) submit proof of current certification from the
16 National Commission for Certification of Anesthesiologist
17 Assistants or its successor organization; and

18 (4) meet any additional qualifications adopted by rule
19 by the anesthesiologist assistant board.

20 Sec. 207.154. CRIMINAL HISTORY RECORD INFORMATION
21 REQUIREMENT FOR LICENSE ISSUANCE. (a) The medical board shall
22 require that an applicant for a license submit a complete and
23 legible set of fingerprints, on a form prescribed by the medical
24 board, to the medical board or to the Department of Public Safety
25 for the purpose of obtaining criminal history record information
26 from the Department of Public Safety and the Federal Bureau of
27 Investigation.

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

3 (c) The medical board shall conduct a criminal history
4 record information check of each applicant for a license using
5 information:

6 (1) provided by the individual under this section; and

7 (2) made available to the medical board by the
8 Department of Public Safety, the Federal Bureau of Investigation,
9 and any other criminal justice agency under Chapter 411, Government
10 Code.

11 (d) The medical board may:

12 (1) enter into an agreement with the Department of
13 Public Safety to administer a criminal history record information
14 check required under this section; and

15 (2) authorize the Department of Public Safety to
16 collect from each applicant the costs incurred by the Department of
17 Public Safety in conducting the criminal history record information
18 check.

19 Sec. 207.155. EXEMPTIONS FROM LICENSING REQUIREMENT FOR
20 CERTAIN ANESTHESIOLOGIST ASSISTANTS. A person is not required to
21 hold a license issued under this chapter to practice as an
22 anesthesiologist assistant student enrolled in an anesthesiologist
23 assistant educational program accredited by the Commission on
24 Accreditation of Allied Health Education Programs or its successor
25 organization.

26 Sec. 207.156. LICENSE RENEWAL. (a) A license issued under
27 this chapter is valid for a term of two or more years, as determined

1 by anesthesiologist assistant board rule.

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

4 (1) paying the required renewal fee;
5 (2) submitting the appropriate form; and
6 (3) meeting any other requirement established by
7 anesthesiologist assistant board rule.

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

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

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

19 Sec. 207.157. CONTINUING MEDICAL EDUCATION REQUIREMENTS.
20 The medical board by rule shall adopt, monitor, and enforce a
21 reporting program for the continuing medical education of
22 anesthesiologist assistants. The medical board shall adopt and
23 administer rules that:

24 (1) establish the number of hours of continuing
25 medical education the medical board determines appropriate as a
26 prerequisite to the renewal of a license under this chapter;

27 (2) require at least one-half of the hours of

1 continuing medical education established under Subdivision (1) to
2 be approved by the medical board; and

3 (3) adopt a process to assess an anesthesiologist
4 assistant's participation in continuing medical education courses.

5 Sec. 207.158. REFUSAL FOR VIOLATION OF BOARD ORDER. The
6 medical board may refuse to renew a license issued under this
7 chapter if the license holder is in violation of a medical board
8 order.

9 SUBCHAPTER E. PRACTICE BY LICENSE HOLDER

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

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

22 (b) An anesthesiologist assistant who assists an
23 anesthesiologist is not considered to be engaged in the practice of
24 medicine.

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

27 Sec. 207.203. NAME TAG. A person acting within the scope of

1 a license issued under this chapter shall wear a name tag
2 identifying the person as an anesthesiologist assistant.

3 Sec. 207.204. IDENTIFICATION OF STUDENT. A student in an
4 anesthesiologist assistant training program shall be identified as
5 a student anesthesiologist assistant or an anesthesiologist
6 assistant student. A student may not use or permit to be used on the
7 student's behalf the term "intern," "resident," or "fellow," or
8 another term that identifies the student as a physician or surgeon.

9 SUBCHAPTER F. ENFORCEMENT

10 Sec. 207.251. ADMINISTRATIVE PENALTY. (a) The medical
11 board by order may impose an administrative penalty against a
12 person who violates this chapter or a rule or order adopted under
13 this chapter.

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

16 SECTION 2. Section [411.12510](#)(a), Government Code, is
17 amended to read as follows:

18 (a) The Texas Medical Board is entitled to obtain criminal
19 history record information as provided by Subsection (b) that
20 relates to a person who is:

21 (1) an applicant for or holder of a license to practice
22 medicine;

23 (2) an applicant for or holder of a license to practice
24 as a physician assistant;

25 (3) an applicant for or holder of a license to practice
26 as an acupuncturist;

27 (4) an applicant for or holder of a certificate to

1 practice as an acudetox specialist;

2 (5) an applicant for or holder of a license to practice
3 as a surgical assistant;

4 (6) an applicant for or holder of a general
5 certificate to perform radiologic procedures, limited certificate
6 to perform radiologic procedures only on specific parts of the
7 body, or radiologist assistant certificate;

8 (7) an applicant for or holder of a placement on the
9 registry of noncertified technicians;

10 (8) an employee of an applicant for a hardship
11 exemption;

12 (9) an applicant for or holder of a license to practice
13 as a medical physicist;

14 (10) an applicant for or holder of a license to
15 practice as a perfusionist;

16 (11) an applicant for or holder of a license to
17 practice as a respiratory care practitioner; ~~and~~

18 (12) an applicant for or holder of a pain management
19 clinic certificate; and

20 (13) an applicant for or holder of a license to
21 practice as an anesthesiologist assistant.

22 SECTION 3. (a) As soon as practicable after the effective
23 date of this Act, the president of the Texas Medical Board shall
24 appoint five members to the Texas Anesthesiologist Assistant Board
25 in accordance with Chapter 207, Occupations Code, as added by this
26 Act. In making the initial appointments, the president of the Texas
27 Medical Board shall designate two members for terms expiring

1 January 31, 2027, two members for terms expiring January 31, 2029,
2 and one member for a term expiring January 31, 2031.

3 (b) Notwithstanding Section 207.052(a), Occupations Code,
4 as added by this Act, a person practicing as an anesthesiologist
5 assistant is eligible for appointment as an initial member of the
6 Texas Anesthesiologist Assistant Board regardless of whether the
7 person holds an anesthesiologist assistant license issued under
8 Chapter 207, Occupations Code, as added by this Act.

9 SECTION 4. Not later than June 1, 2026, the Texas Medical
10 Board with the advice of the Texas Anesthesiologist Assistant Board
11 shall adopt the rules, procedures, and fees necessary to administer
12 Chapter 207, Occupations Code, as added by this Act.

13 SECTION 5. Notwithstanding Chapter 207, Occupations Code,
14 as added by this Act, an anesthesiologist assistant is not required
15 to hold a license under that chapter to practice as an
16 anesthesiologist assistant in this state before September 1, 2026.

17 SECTION 6. (a) Except as provided by Subsection (b) of this
18 section, this Act takes effect September 1, 2025.

19 (b) Section 207.151 and Subchapter F, Chapter 207,
20 Occupations Code, as added by this Act, take effect September 1,
21 2026.