

AN ACT

RELATING TO MEDICAL PRACTICE; PROVIDING FOR LICENSURE AND REGISTRATION OF ANESTHESIOLOGIST ASSISTANTS; ENACTING THE ANESTHESIOLOGIST ASSISTANTS ACT; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 61, Article 6 NMSA 1978 is enacted to read:

"SHORT TITLE. -- This act may be cited as the "Anesthesiologist Assistants Act". "

Section 2. A new section of Chapter 61, Article 6, NMSA 1978 is enacted to read:

"DEFINITIONS. -- As used in the Anesthesiologist Assistants Act:

A. "anesthesiologist" means a physician licensed to practice medicine in New Mexico who has successfully completed an accredited anesthesiology graduate medical education program, who is board certified by the American board of anesthesiology or board eligible, who has completed a residency in anesthesiology within the last three years and who is an employee of the department of anesthesiology of a medical school in New Mexico;

B. "anesthesiologist assistant" means a skilled person employed or to be employed by a university in New Mexico with a medical school certified by the board as being qualified by academic and practical training to assist an

anesthesiologist in developing and implementing anesthesia care plans for patients under the supervision and direction of the anesthesiologist who is responsible for the performance of that anesthesiologist assistant;

C. "applicant" means a person who is applying to the board for a license as an anesthesiologist assistant;

D. "board" means the New Mexico board of medical examiners; and

E. "license" means an authorization to practice as an anesthesiologist assistant. "

Section 3. A new section of Chapter 61, Article 6 NMSA 1978 is enacted to read:

"LICENSURE--REGISTRATION--ANESTHESIOLOGIST ASSISTANT--SCOPE OF AUTHORITY.--

A. The board may license qualified persons as anesthesiologist assistants.

B. No person shall perform, attempt to perform or hold himself out as an anesthesiologist assistant until he is licensed by the board as an anesthesiologist assistant and has registered his supervising licensed anesthesiologist in accordance with board regulations.

C. An anesthesiologist assistant may assist the supervising anesthesiologist in developing and implementing an anesthesia care plan for a patient. In providing assistance to the supervising anesthesiologist, an anesthesiologist assistant may do any of the following:

- (1) obtain a comprehensive patient history and present the history to the supervising anesthesiologist who must conduct a pre-anesthetic interview and evaluation;
- (2) pretest and calibrate anesthesia delivery systems;
- (3) monitor, obtain and interpret information from anesthesia delivery systems and anesthesia monitoring equipment;
- (4) assist the supervising anesthesiologist with the implementation of medically accepted monitoring techniques;
- (5) establish basic and advanced airway interventions, including intubation of the trachea and performing ventilatory support;
- (6) administer intermittent vasoactive drugs;
- (7) start and adjust vasoactive infusions;
- (8) administer anesthetic drugs, adjuvant drugs and accessory drugs;
- (9) assist the supervising anesthesiologist with the performance of epidural anesthetic procedures and spinal anesthetic procedures;
- (10) administer blood, blood products and supportive fluids;
- (11) participate in administrative activities and clinical teaching activities;

(12) participate in research activities by performing the same procedures that may be performed under Paragraphs (1) through (10) of this subsection; and

(13) provide assistance to cardiopulmonary resuscitation teams in response to life-threatening situations.

D. An applicant shall complete an application form provided by the board and shall submit the completed forms with the application fee to the board."

Section 4. A new section of Chapter 61, Article 6 NMSA 1978 is enacted to read:

"ANNUAL REGISTRATION OF EMPLOYMENT--EMPLOYMENT CHANGE. -

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A. Upon becoming licensed, the board shall register the anesthesiologist assistant on the anesthesiologist assistants' roster, including his name, address and other board-required information and the anesthesiologist assistant's supervising anesthesiologist's name and address.

B. Annually, each anesthesiologist assistant shall register with the board, providing the anesthesiologist assistant's current name and address, the name and address of the supervising anesthesiologist for whom he is working and any additional information required by the board. Failure to register annually will result in the anesthesiologist assistant being required to pay a late

fee or having his license placed on inactive status.

C. Every two years, each licensed anesthesiologist assistant in the state shall submit proof of completion of board-required continuing education to the board.

D. The registration of an anesthesiologist assistant shall be void upon changing his supervising anesthesiologist, until the anesthesiologist assistant registers a new supervising anesthesiologist with the board, accompanied by a change in supervision fee, in an amount to be determined by the board."

Section 5. A new section of Chapter 61, Article 6 NMSA 1978 is enacted to read:

"FEES. -- The following fees shall be submitted as appropriate to the board:

A. an application fee, not to exceed one hundred fifty dollars (\$150);

B. a license renewal fee, not to exceed one hundred dollars (\$100) paid once every two years upon application for renewal of an anesthesiologist assistant's license;

C. a late fee not to exceed twenty-five dollars (\$25.00), if the anesthesiologist assistant fails to renew his license by July 1 of his renewal year; and

D. a change in supervision fee, not to exceed fifty dollars (\$50.00), but in no case shall the change in

supervision fee exceed one-half of the license renewal fee."

Section 6. A new section on Chapter 61, Article 6 NMSA 1978 is enacted to read:

"INACTIVE LICENSE. --

A. An anesthesiologist assistant who notifies the board in writing on forms prescribed by the board may elect to place his license on inactive status. An anesthesiologist assistant with an inactive license shall be excused from payment of renewal fees and shall not practice as an anesthesiologist assistant.

B. An anesthesiologist assistant who engages in practice while his license is lapsed or on inactive status is practicing without a license and is subject to disciplinary action pursuant to the Anesthesiologist Assistants Act.

C. An anesthesiologist assistant requesting restoration from inactive status shall pay the current renewal fee and fulfill the requirement for renewal pursuant to the Anesthesiologist Assistants Act."

Section 7. A new section of Chapter 61, Article 6 NMSA 1978 is enacted to read:

"EXEMPTION FROM LICENSURE. --

A. An anesthesiologist assistant student enrolled in an anesthesiologist assistant educational program accredited by the commission on accreditation of the allied health education programs or its successor is exempt from

licensure while functioning as an anesthesiologist assistant student. If the student is providing anesthesia, the student shall be supervised on a one-to-one basis by an anesthesiologist who is continuously present in the operating room.

B. An anesthesiologist assistant employed by the federal government is not required to be licensed as an anesthesiologist assistant pursuant to the Anesthesiologist Assistants Act while performing duties incident to that employment. "

Section 8. A new section of Chapter 61, Article 6 NMSA 1978 is enacted to read:

"LICENSE--DENIAL, SUSPENSION OR REVOCATION.--

A. In accordance with the procedures contained in the Uniform Licensing Act, the board may deny, revoke or suspend a license to practice as an anesthesiologist assistant or may place on probation, enter a stipulation, censure, reprimand or fine any person licensed as an anesthesiologist assistant for:

- (1) procuring, aiding or abetting a criminal abortion;
- (2) soliciting patients of any practitioner of the healing arts;
- (3) soliciting or receiving any form of compensation from a person other than his registered employer for performing as an anesthesiologist assistant;

(4) willfully or negligently divulging privileged information, a professional secret or discussing a patient's condition or anesthesia care plan without the express permission of the supervising anesthesiologist;

(5) conviction of an offense punishable by incarceration in a state penitentiary or federal prison; to establish such a conviction a copy of the record of conviction certified to by the clerk of the court entering the conviction shall be conclusive evidence;

(6) using intoxicants or drugs in a habitual or excessive manner;

(7) fraud or misrepresentation in applying for or procuring a license or renewal of a license to practice as an anesthesiologist assistant in New Mexico or another jurisdiction or in registering annually with the board;

(8) impersonating another person registered as an anesthesiologist assistant or allowing any person to use his license;

(9) aiding or abetting the practice of medicine by a person not licensed by the board;

(10) gross negligence in the performance of duties, tasks or functions assigned to him by a supervising anesthesiologist;

(11) manifesting incapacity or incompetence to perform as an anesthesiologist assistant;

(12) conduct resulting in the suspension or revocation by another state or jurisdiction of a registration, license, certification or other indicia of authorization to practice as an anesthesiologist assistant similar to acts constituting grounds for suspension or revocation in New Mexico; a certified copy of the record of the suspension or revocation from the jurisdiction imposing the penalty is conclusive evidence of the suspension or revocation;

(13) conduct unbecoming a person registered as an anesthesiologist assistant or detrimental to the best interests of the public;

(14) conduct outside the scope of duties assigned by the supervising anesthesiologist;

(15) repeated similar negligent acts;

(16) injudicious administering of drugs;

(17) revocation, termination, suspension or restriction of hospital privileges;

(18) posing as a physician, physician assistant or a certified registered nurse anesthetist;

(19) performing or attempting to perform tasks not permitted by the approved job description;

(20) failure to complete the required number of hours of approved continuing education;

(21) failure to comply with universal blood and body fluid precautions as established by hospital

policy;

(22) failure to comply with any code of ethics established by the national commission for the certification of anesthesiologist assistants;

(23) failure to notify the board of revocation or failure to maintain certification from the national commission for the certification of anesthesiologist assistants;

(24) failure to notify the board of all information required by the board regarding malpractice claims brought concerning the care delivered by an anesthesiologist assistant; or

(25) discontinuation of employment at a university in New Mexico with a medical school.

B. Both the anesthesiologist assistant and the supervising anesthesiologist are responsible for notifying the board of the occurrence of any event listed in Subsection A of this section."

Section 9. A new section of Chapter 61, Article 6 NMSA 1978 is enacted to read:

"RULES. --

A. The board may adopt and enforce reasonable rules:

(1) for setting qualifications of education, skill and experience for licensure of a person as an anesthesiologist assistant;

(2) for providing procedures and forms for licensure and annual registration;

(3) for examining and evaluating applicants for licensure as an anesthesiologist assistant regarding the required skill, knowledge and experience in developing and implementing anesthesia care plans under supervision;

(4) for allowing a supervising anesthesiologist to temporarily delegate his supervisory responsibilities for an anesthesiologist assistant to another anesthesiologist;

(5) for allowing an anesthesiologist assistant to temporarily serve under the supervision of an anesthesiologist other than the supervising anesthesiologist with whom the anesthesiologist assistant is registered; and

(6) to carry out the provisions of the Anesthesiologist Assistants Act.

B. The board shall not adopt a rule allowing an anesthesiologist assistant to perform procedures outside the anesthesiologist assistant's scope of practice.

C. The board shall adopt rules:

(1) establishing requirements for anesthesiologist assistant licensing, including:

(a) completion of a graduate level training program accredited by the commission on accreditation of allied health education programs;

(b) successful completion of a

certifying examination for anesthesiologist assistants administered by the national commission for the certification of anaesthesiologist assistants; and

(c) current certification by the American heart association in advanced cardiac life-support techniques;

(2) establishing minimum requirements for continuing education of not less than forty hours every two years;

(3) requiring adequate identification of the anesthesiologist assistant to patients and others;

(4) requiring the presence, except in cases of emergency, and the documentation of the presence, of the supervising anesthesiologist in the operating room during induction of a general or regional anesthetic and during emergence from a general anesthetic, the presence of the supervising anesthesiologist within the operating suite and immediate availability to the operating room at other times when the anesthetic procedure is being performed and requiring that the anesthesiologist assistant comply with the above restrictions;

(5) requiring the supervising anesthesiologist to ensure that all activities, functions, services and treatment measures are properly documented in written form by the anesthesiologist assistant. The anesthesia record shall be reviewed, countersigned and dated

by the supervising anesthesiologist;

(6) requiring the anesthesiologist assistant to inform the supervising anesthesiologist of serious adverse events;

(7) establishing the number of anesthesiologist assistants a supervising anesthesiologist may supervise at one time, which number, except in emergency cases, shall not exceed two. No anesthesiologist shall supervise, except in emergency cases, more than three anesthesia providers if at least one anesthesia provider is an anesthesiologist assistant; and

(8) within twelve months of the date on which the Anesthesiologist Assistants Act becomes effective, providing for enhanced supervision at the commencement of an anesthesiologist assistant's practice."

Section 10. A new section of Chapter 61, Article 6 NMSA 1978 is enacted to read:

"SUPERVISING ANESTHESIOLOGIST--RESPONSIBILITIES. --

A. Supervising anesthesiologists shall be licensed to practice pursuant to the Medical Practice Act and shall be approved by the board.

B. The anesthesiologist actually supervising the licensed anesthesiologist assistant at the time is individually responsible and liable for the acts and omissions that the anesthesiologist assistant performs in the scope of his duties. Nothing in the Anesthesiologist

Assistants Act relieves a supervising anesthesiologist of the responsibility and liability of his own acts or omissions.

C. An anesthesiologist may have that number of anesthesiologist assistants under his supervision as permitted by the board. "

Section 11. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately. _____