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SENATE BILL 370

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Sue Wilson

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

Section 2. 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;

B. "anesthesiologist assistant" means a skilled
person certified by the board as being qualified by academic

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1 and practical training to assist an anesthesiologist in
2 developing and implementing anesthesia care plans for patients
3 under the supervision and direction of the anesthesiologist
4 who is responsible for the performance of that
5 anesthesiologist assistant;

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

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

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

12 Section 3. LICENSURE--REGISTRATION--ANESTHESIOLOGIST
13 ASSISTANT--SCOPE OF AUTHORITY.--

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

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

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

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- 1 (1) obtain a comprehensive patient history
2 and present the history to the supervising anesthesiologist;
- 3 (2) pretest and calibrate anesthesia delivery
4 systems;
- 5 (3) monitor, obtain and interpret information
6 from anesthesia delivery systems and anesthesia monitoring
7 equipment;
- 8 (4) assist the supervising anesthesiologist
9 with the implementation of medically accepted monitoring
10 techniques;
- 11 (5) establish basic and advanced airway
12 interventions, including intubation of the trachea and
13 performing ventilatory support;
- 14 (6) administer intermittent vasoactive drugs;
- 15 (7) start and adjust vasoactive infusions;
- 16 (8) administer anesthetic drugs, adjuvant
17 drugs and accessory drugs;
- 18 (9) assist the supervising anesthesiologist
19 with the performance of epidural anesthetic procedures and
20 spinal anesthetic procedures;
- 21 (10) administer blood, blood products and
22 supportive fluids;
- 23 (11) participate in administrative activities
24 and clinical teaching activities;
- 25 (12) participate in research activities by

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1 performing the same procedures that may be performed under
2 Paragraphs (1) through (10) of this subsection; and

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

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

9 Section 4. ANNUAL REGISTRATION OF EMPLOYMENT--EMPLOYMENT
10 CHANGE. --

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

17 B. Annually, each anesthesiologist assistant shall
18 register with the board, providing the anesthesiologist
19 assistant's current name and address, the name and address of
20 the supervising anesthesiologist for whom he is working and
21 any additional information required by the board. Failure to
22 register annually will result in the anesthesiologist
23 assistant being required to pay a late fee or having his
24 license placed on inactive status.

25 C. Every two years, each licensed anesthesiologist

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1 assistant in the state shall submit proof of completion of
2 board-required continuing education to the board.

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

9 Section 5. FEES. --The following fees shall be submitted
10 as appropriate to the board:

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

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

17 C. a late fee not to exceed twenty-five dollars
18 (\$25.00), if the anesthesiologist assistant fails to renew his
19 license by July 1 of his renewal year; and

20 D. a change in supervision fee, not to exceed
21 fifty dollars (\$50.00), but in no case shall the change in
22 supervision fee exceed one-half of the license renewal fee.

23 Section 6. INACTIVE LICENSE. --

24 A. An anesthesiologist assistant who notifies the
25 board in writing on forms prescribed by the board may elect to

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1 place his license on inactive status. An anesthesiologist
2 assistant with an inactive license shall be excused from
3 payment of renewal fees and shall not practice as an
4 anesthesiologist assistant.

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

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

13 Section 7. EXEMPTION FROM LICENSURE. --

14 A. An anesthesiologist assistant student enrolled
15 in an anesthesiologist assistant educational program
16 accredited by the commission on accreditation of the allied
17 health education programs or its successor is exempt from
18 licensure while functioning as an anesthesiologist assistant
19 student.

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

25 Section 8. LICENSE-- DENIAL, SUSPENSION OR REVOCATION. --

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

6 A. procuring, aiding or abetting a criminal
7 abortion;

8 B. soliciting patients of any practitioner of the
9 healing arts;

10 C. soliciting or receiving any form of
11 compensation from a person other than his registered employer
12 for performing as an anesthesiologist assistant;

13 D. willfully or negligently divulging privileged
14 information, a professional secret or discussing a patient's
15 condition or anesthesia care plan without the express
16 permission of the supervising anesthesiologist;

17 E. conviction of an offense punishable by
18 incarceration in a state penitentiary or federal prison; to
19 establish such a conviction a copy of the record of conviction
20 certified to by the clerk of the court entering the conviction
21 shall be conclusive evidence;

22 F. using intoxicants or drugs in a habitual or
23 excessive manner;

24 G. fraud or misrepresentation in applying for or
25 procuring a license or renewal of a license to practice as an

1 anesthesiologist assistant in New Mexico or another
2 jurisdiction or in registering annually with the board;

3 H. impersonating another person registered as an
4 anesthesiologist assistant or allowing any person to use his
5 license;

6 I. aiding or abetting the practice of medicine by
7 a person not licensed by the board;

8 J. gross negligence in the performance of duties,
9 tasks or functions assigned to him by a supervising
10 anesthesiologist;

11 K. manifesting incapacity or incompetence to
12 perform as an anesthesiologist assistant;

13 L. conduct resulting in the suspension or
14 revocation by another state or jurisdiction of a registration,
15 license, certification or other indicia of authorization to
16 practice as an anesthesiologist assistant similar to acts
17 constituting grounds for suspension or revocation in New
18 Mexico; a certified copy of the record of the suspension or
19 revocation from the jurisdiction imposing the penalty is
20 conclusive evidence of the suspension or revocation;

21 M conduct unbecoming a person registered as an
22 anesthesiologist assistant or detrimental to the best
23 interests of the public;

24 N. conduct outside the scope of duties assigned by
25 the supervising anesthesiologist;

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- 1 0. repeated similar negligent acts; or
- 2 P. injudicious administering of drugs.

3 Section 9. RULES. - -

4 A. The board may adopt and enforce reasonable
5 rules:

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

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

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

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

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

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

25 B. The board shall not adopt a rule allowing an

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1 anesthesiologist assistant to perform procedures outside the
2 anesthesiologist assistant's scope of practice.

3 Section 10. SUPERVISING ANESTHESIOLOGIST--
4 RESPONSIBILITIES. --

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

8 B. An anesthesiologist using, supervising or
9 otherwise employing a licensed anesthesiologist assistant is
10 individually responsible and liable for the acts and omissions
11 that the anesthesiologist assistant performs in the scope of
12 his duties. Nothing in the Anesthesiologist Assistants Act
13 relieves a supervising anesthesiologist of the responsibility
14 and liability of his own acts or omissions.

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

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