

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 370

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

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:

"[NEW MATERIAL] 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:

"[NEW MATERIAL] DEFINITIONS. -- As used in the  
Anesthesiologist Assistants Act:

A. "anesthesiologist" means a physician licensed to

1 practice medicine in New Mexico who has successfully completed  
2 an accredited anesthesiology graduate medical education  
3 program, who is board certified by the American board of  
4 anesthesiology or board eligible, who has completed a residency  
5 in anesthesiology within the last three years and who is an  
6 employee of the department of anesthesiology of a medical  
7 school in New Mexico;

8 B. "anesthesiologist assistant" means a skilled  
9 person employed or to be employed by a university in New Mexico  
10 with a medical school certified by the board as being qualified  
11 by academic and practical training to assist an  
12 anesthesiologist in developing and implementing anesthesia care  
13 plans for patients under the supervision and direction of the  
14 anesthesiologist who is responsible for the performance of that  
15 anesthesiologist assistant;

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

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

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

22 Section 3. A new section of Chapter 61, Article 6 NMSA  
23 1978 is enacted to read:

24 " [NEW MATERIAL] LICENSURE-- REGISTRATION-- ANESTHESIOLOGIST  
25

## 1 ASSISTANT-- SCOPE OF AUTHORITY. --

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

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

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

14 (1) obtain a comprehensive patient history and  
15 present the history to the supervising anesthesiologist who  
16 must conduct a pre-anesthetic interview and evaluation;

17 (2) pretest and calibrate anesthesia delivery  
18 systems;

19 (3) monitor, obtain and interpret information  
20 from anesthesia delivery systems and anesthesia monitoring  
21 equipment;

22 (4) assist the supervising anesthesiologist  
23 with the implementation of medically accepted monitoring  
24 techniques;

25 . 137589. 2

1 (5) establish basic and advanced airway  
2 interventions, including intubation of the trachea and  
3 performing ventilatory support;

4 (6) administer intermittent vasoactive drugs;

5 (7) start and adjust vasoactive infusions;

6 (8) administer anesthetic drugs, adjuvant  
7 drugs and accessory drugs;

8 (9) assist the supervising anesthesiologist  
9 with the performance of epidural anesthetic procedures and  
10 spinal anesthetic procedures;

11 (10) administer blood, blood products and  
12 supportive fluids;

13 (11) participate in administrative activities  
14 and clinical teaching activities;

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

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

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

23 Section 4. A new section of Chapter 61, Article 6 NMSA  
24 1978 is enacted to read:

1           " [NEW MATERIAL] ANNUAL REGISTRATION OF EMPLOYMENT--  
2       EMPLOYMENT CHANGE. --

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

8           B. Annually, each anesthesiologist assistant shall  
9       register with the board, providing the anesthesiologist  
10      assistant's current name and address, the name and address of  
11      the supervising anesthesiologist for whom he is working and any  
12      additional information required by the board. Failure to  
13      register annually will result in the anesthesiologist assistant  
14      being required to pay a late fee or having his license placed  
15      on inactive status.

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

19          D. The registration of an anesthesiologist  
20      assistant shall be void upon changing his supervising  
21      anesthesiologist, until the anesthesiologist assistant  
22      registers a new supervising anesthesiologist with the board,  
23      accompanied by a change in supervision fee, in an amount to be  
24      determined by the board. "  
25

. 137589. 2

1 Section 5. A new section of Chapter 61, Article 6 NMSA  
2 1978 is enacted to read:

3 "[NEW MATERIAL] FEES. -- The following fees shall be  
4 submitted as appropriate to the board:

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

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

10 C. a late fee not to exceed twenty-five dollars  
11 (\$25.00), if the anesthesiologist assistant fails to renew his  
12 license by July 1 of his renewal year; and

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

16 Section 6. A new section on Chapter 61, Article 6 NMSA  
17 1978 is enacted to read:

18 "[NEW MATERIAL] INACTIVE LICENSE. --

19 A. An anesthesiologist assistant who notifies the  
20 board in writing on forms prescribed by the board may elect to  
21 place his license on inactive status. An anesthesiologist  
22 assistant with an inactive license shall be excused from  
23 payment of renewal fees and shall not practice as an  
24 anesthesiologist assistant.  
25

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

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

9           Section 7. A new section of Chapter 61, Article 6 NMSA  
10 1978 is enacted to read:

11           "[NEW MATERIAL] EXEMPTION FROM LICENSURE. --

12           A. An anesthesiologist assistant student enrolled  
13 in an anesthesiologist assistant educational program accredited  
14 by the ~~commission~~ on accreditation of the allied health  
15 education programs or its successor is ~~exempt~~ from licensure  
16 while functioning as an anesthesiologist assistant student. If  
17 the student is providing anesthesia, the student shall be  
18 supervised on a one-to-one basis by an anesthesiologist who is  
19 continuously present in the operating suite.

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. "

1 Section 8. A new section of Chapter 61, Article 6 NMSA  
2 1978 is enacted to read:

3 "[NEW MATERIAL] LICENSE-- DENIAL, SUSPENSION OR  
4 REVOCATION. --

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

- 11 (1) procuring, aiding or abetting a criminal  
12 abortion;
- 13 (2) soliciting patients of any practitioner of  
14 the healing arts;
- 15 (3) soliciting or receiving any form of  
16 compensation from a person other than his registered employer  
17 for performing as an anesthesiologist assistant;
- 18 (4) willfully or negligently divulging  
19 privileged information, a professional secret or discussing a  
20 patient's condition or anesthesia care plan without the express  
21 permission of the supervising anesthesiologist;
- 22 (5) conviction of an offense punishable by  
23 incarceration in a state penitentiary or federal prison; to  
24 establish such a conviction a copy of the record of conviction  
25



1 certified to by the clerk of the court entering the conviction  
2 shall be conclusive evidence;

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

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

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

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

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

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

19 (12) conduct resulting in the suspension or  
20 revocation by another state or jurisdiction of a registration,  
21 license, certification or other indicia of authorization to  
22 practice as an anesthesiologist assistant similar to acts  
23 constituting grounds for suspension or revocation in New  
24 Mexico; a certified copy of the record of the suspension or  
25

. 137589. 2

SPAC/SB 370

1 revocation from the jurisdiction imposing the penalty is  
2 conclusive evidence of the suspension or revocation;

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

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

8 (15) repeated similar negligent acts;

9 (16) injudicious administering of drugs;

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

12 (18) posing as a physician or physician  
13 assistant;

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

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

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

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

23 (23) failure to notify the board of revocation  
24 or failure to maintain certification from the national  
25

1 commission for the certification of anesthesiologist  
2 assistants;

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

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

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

13 Section 9. A new section of Chapter 61, Article 6 NMSA  
14 1978 is enacted to read:

15 " [NEW MATERIAL] RULES. --

16 A. The board may adopt and enforce reasonable  
17 rules:

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

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

23 (3) for examining and evaluating applicants  
24 for licensure as an anesthesiologist assistant regarding the  
25

. 137589. 2

1 required skill, knowledge and experience in developing and  
2 implementing anesthesia care plans under supervision;

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

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

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

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

16 C. The board shall adopt rules:

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

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

22 (b) successful completion of a  
23 certifying examination for anesthesiologist assistants  
24 administered by the national commission for the certification  
25

1 of anaesthesiologist assistants; and

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

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

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

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

20 (5) requiring the supervising anesthesiologist  
21 to ensure that all activities, functions, services and  
22 treatment measures are properly documented in written form by  
23 the anesthesiologist assistant. The anesthesia record shall be  
24 reviewed, countersigned and dated by the supervising  
25

. 137589. 2

1 anesthesiologist;

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

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

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

16 Section 10. A new section of Chapter 61, Article 6 NMSA  
17 1978 is enacted to read:

18 " [NEW MATERIAL] SUPERVISING ANESTHESIOLOGIST--  
19 RESPONSIBILITIES. --

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

23 B. The anesthesiologist actually supervising the  
24 licensed anesthesiologist assistant at the time is individually  
25

1 responsible and liable for the acts and omissions that the  
2 anesthesiologist assistant performs in the scope of his duties.  
3 Nothing in the Anesthesiologist Assistants Act relieves a  
4 supervising anesthesiologist of the responsibility and  
5 liability of his own acts or omissions.

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

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

underscored material = new  
[bracketed material] = deleted