

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 35

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

AN ACT

RELATING TO ANESTHESIOLOGIST ASSISTANTS; REVISING PRACTICE
REQUIREMENTS AND EMPLOYMENT CONDITIONS; INCREASING THE NUMBER
OF ANESTHESIOLOGIST ASSISTANTS THAT AN ANESTHESIOLOGIST MAY
SUPERVISE; REQUIRING IN-PERSON SUPERVISION; REPEALING LAWS
2015, CHAPTER 52, SECTION 5.

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

SECTION 1. That version of Section 61-6D-2 NMSA 1978
(being Laws 2015, Chapter 52, Section 4, as amended) that is to
become effective July 1, 2025 is amended to read:

"61-6D-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

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1 program, who is board certified by the American board of
2 anesthesiology, the American osteopathic board of
3 anesthesiology or is board eligible, who has completed a
4 residency in anesthesiology within the last three years or who
5 has foreign certification determined by the board to be the
6 substantial equivalent and who is an employee of the department
7 of anesthesiology of a medical school in New Mexico;

8 B. "anesthesiologist assistant" means a skilled
9 person [~~employed or to be employed by a university in New~~
10 ~~Mexico with a medical school~~] licensed by the board as being
11 qualified 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 medical board; and

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

21 SECTION 2. Section 61-6D-8 NMSA 1978 (being Laws 2001,
22 Chapter 311, Section 9, as amended) is amended to read:

23 "61-6D-8. RULES.--

24 A. The board may adopt in accordance with the State
25 Rules Act and enforce in accordance with the Uniform Licensing

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1 Act reasonable rules:

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

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

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

11 (4) for allowing a supervising
12 anesthesiologist to temporarily delegate supervisory
13 responsibilities for an anesthesiologist assistant to another
14 anesthesiologist;

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

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

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

24 C. The board shall adopt rules:

25 (1) establishing requirements for

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1 anesthesiologist assistant licensing, including:

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

5 (b) successful completion of a
6 certifying examination for anesthesiologist assistants
7 administered by the national commission for the certification
8 of anesthesiologist assistants; and

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

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

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

17 (4) requiring the presence, except in cases of
18 emergency, and the documentation of the presence, of the
19 supervising anesthesiologist in the operating room during
20 induction of a general [~~or regional~~] anesthetic and during
21 emergence from a general anesthetic, the presence of the
22 supervising anesthesiologist within the operating suite and
23 immediate availability to the operating room at other times
24 when the anesthetic procedure is being performed and requiring
25 that the anesthesiologist assistant comply with the above

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1 restrictions;

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

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

11 (7) establishing [~~with respect to practice~~
12 ~~outside of a university in New Mexico with a medical school~~]
13 that the number of anesthesiologist assistants a supervising
14 anesthesiologist may supervise at one time, except in emergency
15 cases, shall not exceed [~~three~~] four anesthesiologist
16 assistants; and

17 [~~(8) establishing, with respect to practice at~~
18 ~~a university in New Mexico with a medical school, that an~~
19 ~~anesthesiologist shall not supervise, except in emergency~~
20 ~~cases, more than four anesthesia providers if at least one~~
21 ~~anesthesia provider is an anesthesiologist assistant; and~~

22 ~~(9)]~~ (8) within twelve months of the date on
23 which the Anesthesiologist Assistants Act becomes effective,
24 providing for enhanced supervision at the commencement of an
25 anesthesiologist assistant's practice."

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1 SECTION 3. Section 61-6D-10 NMSA 1978 (being Laws 2015,
2 Chapter 52, Section 3, as amended) is amended to read:

3 "61-6D-10. ANESTHESIOLOGIST ASSISTANTS--EMPLOYMENT
4 CONDITIONS.--An anesthesiologist assistant shall:

5 A. be a current or future employee of a university
6 in New Mexico with a medical school; or

7 B. in a practice other than one at a university in
8 New Mexico with a medical school:

9 (1) be certified as an anesthesiologist
10 assistant by the national commission for certification of
11 anesthesiologist assistants;

12 (2) practice only in a health facility
13 licensed by the department of health where [~~at the time the~~
14 ~~anesthesiologist assistant begins practicing there, at least~~
15 ~~three~~] anesthesiologists who are licensed physicians and who
16 are board-certified as anesthesiologists by the American board
17 of anesthesiology are on staff as employees or contractors;

18 (3) practice only in a class A county; and

19 (4) be supervised [~~only~~] by [~~an~~] a licensed
20 anesthesiologist who is [a licensed physician; and who is
21 board-certified as an anesthesiologist by the American board of
22 anesthesiology] physically present at all times in the health
23 facility while supervising an anesthesiologist assistant."

24 SECTION 4. REPEAL.--Laws 2015, Chapter 52, Section 5 is
25 repealed.