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HOUSE BILL

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

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO ANESTHESIOLOGIST ASSISTANTS; REVISING PRACTICE
REQUIREMENTS AND EMPLOYMENT CONDITIONS; REMOVING THE
REQUIREMENT OF EMPLOYMENT IN A UNIVERSITY SETTING; INCREASING
THE NUMBER OF ANESTHESIOLOGIST ASSISTANTS THAT AN
ANESTHESIOLOGIST MAY SUPERVISE; REMOVING LIMITATIONS ON
COUNTIES WHERE AN ANESTHESIOLOGIST ASSISTANT MAY PRACTICE;
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

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

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

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

20 D. "board" means the New Mexico medical board; and

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

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

25 "61-6D-8. RULES.--

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1 A. The board may adopt in accordance with the State
2 Rules Act and enforce in accordance with the Uniform Licensing
3 Act reasonable rules:

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

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

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

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

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

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

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

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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 anesthesiologist 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~~

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1 ~~when the anesthetic procedure is being performed and requiring~~
2 ~~that the anesthesiologist assistant comply with the above~~
3 ~~restrictions]~~ in-person participation in the most demanding
4 aspects of the anesthesia plan, including, if applicable,
5 induction and emergence;

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

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

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

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

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1 ~~(9)~~ (8) within twelve months of the date on
2 which the Anesthesiologist Assistants Act becomes effective,
3 providing for enhanced supervision at the commencement of an
4 anesthesiologist assistant's practice."

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

7 "61-6D-10. ANESTHESIOLOGIST ASSISTANTS--EMPLOYMENT
8 CONDITIONS.--An anesthesiologist assistant shall:

9 ~~[A. be a current or future employee of a university~~
10 ~~in New Mexico with a medical school; or~~

11 ~~B. in a practice other than one at a university in~~
12 ~~New Mexico with a medical school:~~

13 ~~(1)~~ A. be certified as an anesthesiologist
14 assistant by the national commission for certification of
15 anesthesiologist assistants;

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

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

23 ~~(4)~~ C. be supervised ~~[only]~~ by an anesthesiologist
24 who is:

25 (1) a licensed physician; ~~[and who is]~~

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