

1 SENATE BILL 35

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Martin Hickey and Meredith A. Dixon and Michael Padilla

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10 AN ACT

11 RELATING TO ANESTHESIOLOGIST ASSISTANTS; REVISING PRACTICE
12 REQUIREMENTS AND EMPLOYMENT CONDITIONS; INCREASING THE NUMBER
13 OF ANESTHESIOLOGIST ASSISTANTS THAT AN ANESTHESIOLOGIST MAY
14 SUPERVISE; REQUIRING IN-PERSON SUPERVISION; REMOVING
15 LIMITATIONS ON COUNTIES WHERE AN ANESTHESIOLOGIST ASSISTANT MAY
16 PRACTICE; REPEALING LAWS 2015, CHAPTER 52, SECTION 5.

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

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

22 "61-6D-2. DEFINITIONS.--As used in the Anesthesiologist
23 Assistants Act:

24 A. "anesthesiologist" means a physician licensed to
25 practice medicine in New Mexico who has successfully completed

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

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

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

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

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

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

24 "61-6D-8. RULES.--

25 A. The board may adopt in accordance with the State

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1 Rules Act and enforce in accordance with the Uniform Licensing
2 Act reasonable rules:

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

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

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

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

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

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

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

25 C. The board shall adopt rules:

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

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

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

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

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

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

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

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

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

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

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

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

25 ~~(9)]~~ (8) within twelve months of the date on

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1 which the Anesthesiologist Assistants Act becomes effective,
2 providing for enhanced supervision at the commencement of an
3 anesthesiologist assistant's practice."

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

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

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

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

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

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

21 [~~(3) practice only in a class A county]~~ and

22 [~~(4)~~] (3) be supervised ~~[only]~~ by ~~[an]~~ a
23 licensed anesthesiologist who is [a licensed physician; and who
24 is board-certified as an anesthesiologist by the American board
25 of anesthesiology] physically present at all times in the

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1 health facility while supervising an anesthesiologist
2 assistant."

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

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