

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

The Committee on Health Regulation offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 458.3475, Florida Statutes, is
created to read:

458.3475 Anesthesiologist assistants.--

(1) DEFINITIONS.--As used in this section, the term:

(a) "Anesthesiologist" means an allopathic physician
who holds an active, unrestricted license, who has
successfully completed an anesthesiology training program
approved by the Accreditation Committee on Graduate Medical
Education, or its equivalent, and who is certified by the
American Board of Anesthesiology or is eligible to take that
board's examination.

(b) "Anesthesiologist assistant" means a graduate of
an approved program who is licensed to perform medical
services delegated and directly supervised by a supervising
anesthesiologist.

Amendment No. 1 (for drafter's use only)

1 (c) "Anesthesiology" means the practice of medicine
2 that specializes in the relief of pain during and after
3 surgical procedures and childbirth, during certain chronic
4 disease processes, and during resuscitation and critical care
5 of patients in the operating room and intensive care
6 environments.

7 (d) "Approved program" means a program for the
8 education and training of anesthesiologist assistants that has
9 been approved by the boards as provided in subsection (5).

10 (e) "Boards" means the Board of Medicine and the Board
11 of Osteopathic Medicine.

12 (f) "Continuing medical education" means courses
13 recognized and approved by the boards, the American Academy of
14 Physician Assistants, the American Medical Association, the
15 American Osteopathic Association, the American Academy of
16 Anesthesiologist Assistants, the American Society of
17 Anesthesiologists, or the Accreditation Council on Continuing
18 Medical Education.

19 (g) "Direct supervision" means supervision by an
20 anesthesiologist who is present in the office or surgical or
21 obstetrical suite and is immediately available to provide
22 assistance and direction while anesthesiology services are
23 being performed.

24 (h) "Proficiency examination" means an entry-level
25 examination approved by the boards, including examination
26 administered by the National Commission on Certification of
27 Anesthesiologist Assistants.

28 (i) "Trainee" means a person who is currently enrolled
29 in an approved program.

30 (2) PERFORMANCE OF SUPERVISING ANESTHESIOLOGIST.--

31 (a) An anesthesiologist who directly supervises an

Amendment No. 1 (for drafter's use only)

1 anesthesiologist assistant must be qualified in the medical
2 areas in which the anesthesiologist assistant performs and is
3 liable for the performance of the anesthesiologist assistant.
4 An anesthesiologist may only supervise two anesthesiologist
5 assistants at the same time. The board may, by rule, allow an
6 anesthesiologist to supervise up to four anesthesiologist
7 assistants, after July 1, 2006.

8 (b) An anesthesiologist, within 30 days after
9 establishing a supervisory relationship with an
10 anesthesiologist assistant, must file with the board a
11 protocol similar to that in s. 458.348, which must be updated
12 upon the addition or termination of any party or at least
13 annually thereafter. Each anesthesiologist or each member of a
14 group of anesthesiologists must sign the protocol.

15 (3) PERFORMANCE OF ANESTHESIOLOGIST ASSISTANTS.--

16 (a) The boards shall adopt by rule the general
17 principles that supervising anesthesiologists must use in
18 developing the scope of practice of anesthesiologist
19 assistants, but an anesthesiologist assistant may practice
20 only under the direct supervision of a supervising
21 anesthesiologist. These principles shall recognize the
22 diversity of practice settings in which anesthesiologist
23 assistants are used.

24 (b) Nothing in this section or chapter prevents
25 third-party payors from reimbursing employers of
26 anesthesiologist assistants for covered services rendered by
27 such anesthesiologist assistants.

28 (c) An anesthesiologist assistant must clearly convey
29 to the patient that he or she is an anesthesiologist
30 assistant.

31 (d) An anesthesiologist assistant may perform

Amendment No. 1 (for drafter's use only)

1 anesthesia tasks and services within the framework of a
2 written practice protocol developed between the supervising
3 anesthesiologist and the anesthesiologist assistant.

4 (e) An anesthesiologist assistant may not prescribe,
5 order or compound any controlled substance, legend drug or
6 medical device, nor may an anesthesiologist assistant dispense
7 sample drugs to patients. Nothing in this paragraph prohibits
8 an anesthesiologist assistant from administering legend drugs
9 or controlled substances, intravenous drugs, fluids, or blood
10 products, or inhalation or other anesthetic agents to patients
11 that are ordered by the supervising anesthesiologist, and
12 administered while under the direct supervision of the
13 supervising anesthesiologist.

14 (4) PERFORMANCE BY TRAINEES.--Notwithstanding any
15 other law, a trainee may perform medical services that are
16 rendered within the scope of an approved program.

17 (5) PROGRAM APPROVAL.--The boards shall approve
18 programs for the education and training of anesthesiologist
19 assistants which meet standards established by board rules.
20 The boards may recommend only those anesthesiologist assistant
21 training programs that hold full accreditation or provisional
22 accreditation from the Commission on Accreditation of Allied
23 Health Education Programs.

24 (6) ANESTHESIOLOGIST ASSISTANT LICENSURE.--

25 (a) Any person desiring to be licensed as an
26 anesthesiologist assistant must apply to the department. The
27 department shall issue a license to any person certified by
28 the board to:

29 1. Be at least 18 years of age.

30 2. Have satisfactorily passed a proficiency
31 examination with a score established by the National

Amendment No. 1 (for drafter's use only)

- 1 Commission on Certification of Anesthesiologist Assistants.
2 3. Be certified in advanced cardiac life support.
3 4. Have completed the application form and remitted an
4 application fee, not to exceed \$1,000, as set by the boards.
5 An application must include:
6 a. A certificate of completion of an approved graduate
7 level program.
8 b. A sworn statement of any prior felony convictions.
9 c. A sworn statement of any prior discipline or denial
10 of licensure or certification in any state.
11 d. Two letters of recommendation from
12 anesthesiologists.
13 (b) A license must be renewed biennially. Each renewal
14 must include:
15 1. A renewal fee, not to exceed \$1,000, as set by the
16 boards.
17 2. A sworn statement of no felony convictions in the
18 immediately preceding 2 years.
19 (c) Each licensed anesthesiologist assistant must
20 biennially complete 40 hours of continuing medical education
21 or hold a current certificate issued by the National
22 Commission on Certification of Anesthesiologist Assistants or
23 its successor.
24 (d) An anesthesiologist assistant must notify the
25 department in writing within 30 days after obtaining
26 employment and after any subsequent change in his or her
27 supervising anesthesiologist. The notification must include
28 the full name, license number, specialty, and address of the
29 supervising anesthesiologist. Submission of the required
30 protocol satisfies this requirement.
31 (e) The Board of Medicine may impose upon an

Amendment No. 1 (for drafter's use only)

1 anesthesiologist assistant any penalty specified in s. 456.072
2 or s. 458.331(2) if the anesthesiologist assistant or the
3 supervising anesthesiologist is found guilty of or is
4 investigated for an act that constitutes a violation of this
5 chapter or chapter 456.

6 (7) ANESTHESIOLOGIST AND ANESTHESIOLOGIST ASSISTANT TO
7 ADVISE THE BOARD.--

8 (a) The Chairman of the board may appoint an
9 anesthesiologist and an anesthesiologist assistant to advise
10 the board as to the promulgation of rules for the licensure of
11 anesthesiologist assistants. The board may utilize a committee
12 structure that is most practicable in order to receive any
13 recommendations to the board regarding rules and all matters
14 relating anesthesiologist assistants, including but not
15 limited to recommendations to improve safety in the clinical
16 practices of licensed anesthesiologist assistants.

17 (b) In addition to its other duties and
18 responsibilities as prescribed by law, the board shall:

19 1. Recommend to the department the licensure of
20 anesthesiologist assistants.

21 2. Develop all rules regulating the use of
22 anesthesiologist assistants by qualified anesthesiologists
23 under this chapter and chapter 459, except for rules relating
24 to the formulary developed under s. 458.347(4)(f). The board
25 shall also develop rules to ensure that the continuity of
26 supervision is maintained in each practice setting. The boards
27 shall consider adopting a proposed rule at the regularly
28 scheduled meeting immediately following the submission of the
29 proposed rule. A proposed rule may not be adopted by either
30 board unless both boards have accepted and approved the
31 identical language contained in the proposed rule. The

Amendment No. 1 (for drafter's use only)

1 language of all proposed rules must be approved by both boards
2 pursuant to each respective board's guidelines and standards
3 regarding the adoption of proposed rules.

4 (c) When the board finds that an applicant for
5 licensure has failed to meet, to the board's satisfaction,
6 each of the requirements for licensure set forth in this
7 section, the board may enter an order to:

- 8 1. Refuse to certify the applicant for licensure;
9 2. Approve the applicant for licensure with
10 restrictions on the scope of practice or license; or
11 3. Approve the applicant for conditional licensure.

12 Such conditions may include placement of the licensee on
13 probation for a period of time and subject to such conditions
14 as the board may specify, including, but not limited to,
15 requiring the licensee to undergo treatment, to attend
16 continuing education courses, or to take corrective action.

17 (9) PENALTY.--A person who falsely holds himself or
18 herself out as an anesthesiologist assistant commits a felony
19 of the third degree, punishable as provided in s. 775.082 or
20 s. 775.084 or by a fine not to exceed \$5,000.

21 (10) DENIAL, SUSPENSION, OR REVOCATION OF
22 LICENSURE.--The boards may deny, suspend, or revoke the
23 license of an anesthesiologist assistant who the board
24 determines has violated any provision of this section or
25 chapter or any rule adopted pursuant thereto.

26 (11) RULES.--The boards shall adopt rules to implement
27 this section.

28 (12) LIABILITY.--A supervising anesthesiologist is
29 liable for any act or omission of an anesthesiologist
30 assistant acting under the anesthesiologist's supervision and
31 control and shall comply with the financial responsibility

Amendment No. 1 (for drafter's use only)

1 requirements of this chapter and chapter 456, as applicable.

2 (13) FEES.--The department shall allocate the fees
3 collected under this section to the board.

4 Section 2. Section 456.048, Florida Statutes, is
5 amended

6 Section 3. Section 459.023, Florida Statutes, is
7 created to read:

8 459.023 Anesthesiologist assistants.--

9 (1) DEFINITIONS.--As used in this section, the term:

10 (a) "Anesthesiologist" means an osteopathic physician
11 who holds an active, unrestricted license, who has
12 successfully completed an anesthesiology training program
13 approved by the Accreditation Committee on Graduate Medical
14 Education, or its equivalent, or the American Osteopathic
15 Association, and who is certified by the American Osteopathic
16 Board of Anesthesiology or is eligible to take that board's
17 examination or who is certified by the American Board of
18 Anesthesiology or is eligible to take that board's
19 examination.

20 (b) "Anesthesiologist assistant" means a graduate of
21 an approved program who is licensed to perform medical
22 services delegated and directly supervised by a supervising
23 anesthesiologist.

24 (c) "Anesthesiology" means the practice of medicine
25 that specializes in the relief of pain during and after
26 surgical procedures and childbirth, during certain chronic
27 disease processes, and during resuscitation and critical care
28 of patients in the operating room and intensive care
29 environments.

30 (d) "Approved program" means a program for the
31 education and training of anesthesiologist assistants that has

Amendment No. 1 (for drafter's use only)

1 been approved by the boards as provided in subsection (5).

2 (e) "Boards" means the Board of Medicine and the Board
3 of Osteopathic Medicine.

4 (f) "Continuing medical education" means courses
5 recognized and approved by the boards, the American Academy of
6 Physician Assistants, the American Medical Association, the
7 American Osteopathic Association, the American Academy of
8 Anesthesiologist Assistants, the American Society of
9 Anesthesiologists, or the Accreditation Council on Continuing
10 Medical Education.

11 (g) "Direct supervision" means supervision by an
12 anesthesiologist who is present in the office or surgical or
13 obstetrical suite and is immediately available to provide
14 assistance and direction while anesthesiology services are
15 being performed.

16 (h) "Proficiency examination" means an entry-level
17 examination approved by the boards, including examinations
18 administered by the National Commission on Certification of
19 Anesthesiologist Assistants.

20 (i) "Trainee" means a person who is currently enrolled
21 in an approved program.

22 (2) PERFORMANCE OF SUPERVISING ANESTHESIOLOGIST.--

23 (a) An anesthesiologist who directly supervises an
24 anesthesiologist assistant must be qualified in the medical
25 areas in which the anesthesiologist assistant performs, and is
26 liable for the performance of the anesthesiologist assistant.
27 An anesthesiologist may only supervise two anesthesiologist
28 assistants at the same time. The board may, by rule, allow an
29 anesthesiologist to supervise up to four anesthesiologist
30 assistants, after July 1, 2006.

31 (b) An anesthesiologist, within 30 days after

Amendment No. 1 (for drafter's use only)

1 establishing a supervisory relationship with an
2 anesthesiologist assistant, must file with the board a
3 protocol similar to that in s. 458.348, which must be updated
4 upon the addition or termination of any party or at least
5 annually thereafter. Each anesthesiologist or each member of a
6 group of anesthesiologists must sign the protocol.

7 (3) PERFORMANCE OF ANESTHESIOLOGIST ASSISTANTS.--

8 (a) The boards shall adopt by rule the general
9 principles that supervising anesthesiologists must use in
10 developing the scope of practice of anesthesiologist
11 assistants, but an anesthesiologist assistant may practice
12 only under the direct supervision of a supervising
13 anesthesiologist. These principles shall recognize the
14 diversity of practice settings in which anesthesiologist
15 assistants are used.

16 (b) Nothing in this section or chapter prevents
17 third-party payors from reimbursing employers of
18 anesthesiologist assistants for covered services rendered by
19 such anesthesiologist assistants.

20 (c) An anesthesiologist assistant must clearly convey
21 to the patient that she or he is an anesthesiologist
22 assistant.

23 (d) An anesthesiologist assistant may perform
24 anesthesia tasks and services within the framework of a
25 written practice protocol developed between the supervising
26 anesthesiologist and the anesthesiologist assistant.

27 (e) An anesthesiologist assistant may not prescribe
28 legend drugs or medical devices, compound medicines for
29 patients, or dispense sample drugs to patients. Nothing in
30 this paragraph prohibits an anesthesiologist assistant from
31 administering legend drugs, narcotics or scheduled drugs,

Amendment No. 1 (for drafter's use only)

1 intravenous drugs, fluids, or blood products, or inhalation or
2 other anesthetic agents to patients while under the direct
3 supervision of an anesthesiologist.

4 (4) PERFORMANCE BY TRAINEES.--Notwithstanding any
5 other law, a trainee may perform medical services that are
6 rendered within the scope of an approved program.

7 (5) PROGRAM APPROVAL.--The boards shall approve
8 programs for the education and training of anesthesiologist
9 assistants which meet standards established by board rules.
10 The board may recommend only those anesthesiologist assistant
11 training programs that hold full accreditation or provisional
12 accreditation from the Commission on Accreditation of Allied
13 Health Education Programs.

14 (6) ANESTHESIOLOGIST ASSISTANT LICENSURE.--

15 (a) Any person desiring to be licensed as an
16 anesthesiologist assistant must apply to the department. The
17 department shall issue a license to any person certified by
18 the board to:

19 1. Be at least 18 years of age.

20 2. Have satisfactorily passed a proficiency
21 examination with a score established by the National
22 Commission on Certification of Anesthesiologist Assistants.

23 3. Be certified in advanced cardiac life support.

24 4. Have completed the application form and remitted an
25 application fee, not to exceed \$1,000, as set by the boards.

26 An application must include:

27 a. A certificate of completion of an approved graduate
28 level program.

29 b. A sworn statement of any prior felony convictions.

30 c. A sworn statement of any prior discipline or denial
31 of licensure or certification in any state.

Amendment No. 1 (for drafter's use only)

1 d. Two letters of recommendation from
2 anesthesiologists.

3 (b) A license must be renewed biennially. Each renewal
4 must include:

5 1. A renewal fee, not to exceed \$1,000, as set by the
6 boards.

7 2. A sworn statement of no felony convictions in the
8 immediately preceding 2 years.

9 (c) Each licensed anesthesiologist assistant must
10 biennially complete 40 hours of continuing medical education
11 or hold a current certificate issued by the National
12 Commission on Certification of Anesthesiologist Assistants or
13 its successor.

14 (d) An anesthesiologist assistant must notify the
15 department in writing within 30 days after obtaining
16 employment and after any subsequent change in her or his
17 supervising anesthesiologist. The notification must include
18 the full name, license number, specialty, and address of the
19 supervising anesthesiologist. Submission of the required
20 protocol satisfies this requirement.

21 (e) The Board of Osteopathic Medicine may impose upon
22 an anesthesiologist assistant any penalty specified in s.
23 456.072 or s. 459.015(2) if the anesthesiologist assistant or
24 the supervising anesthesiologist is found guilty of or is
25 investigated for an act that constitutes a violation of this
26 chapter or chapter 456.

27 (7) ANESTHESIOLOGIST AND ANESTHESIOLOGIST ASSISTANT TO
28 ADVISE THE BOARD.--

29 (a)The Chairman of the board may appoint an
30 anesthesiologist and an anesthesiologist assistant to advise
31 the board as to the promulgation of rules for the licensure of

Amendment No. 1 (for drafter's use only)

1 anesthesiologist assistants. The board may utilize a committee
2 structure that is most practicable in order to receive any
3 recommendations to the board regarding rules and all matters
4 relating anesthesiologist assistants, including but not
5 limited to recommendations to improve safety in the clinical
6 practices of licensed anesthesiologist assistants.

7 (b) In addition to its other duties and
8 responsibilities as prescribed by law, the board shall:

9 1. Recommend to the department the licensure of
10 anesthesiologist assistants.

11 2. Develop all rules regulating the use of
12 anesthesiologist assistants by qualified anesthesiologists
13 under this chapter and chapter 458, except for rules relating
14 to the formulary developed under s. 458.347(4)(f). The board
15 shall also develop rules to ensure that the continuity of
16 supervision is maintained in each practice setting. The boards
17 shall consider adopting a proposed rule at the regularly
18 scheduled meeting immediately following the submission of the
19 proposed rule. A proposed rule may not be adopted by either
20 board unless both boards have accepted and approved the
21 identical language contained in the proposed rule. The
22 language of all proposed rules must be approved by both boards
23 pursuant to each respective board's guidelines and standards
24 regarding the adoption of proposed rules.

25 3. Make recommendations to the boards regarding all
26 matters relating to anesthesiologist assistants.

27 4. Address concerns and problems of practicing
28 anesthesiologist assistants to improve safety in the clinical
29 practices of licensed anesthesiologist assistants.

30 (c) When the board finds that an applicant for
31 licensure has failed to meet, to the board's satisfaction,

Amendment No. 1 (for drafter's use only)

1 each of the requirements for licensure set forth in this
2 section, the board may enter an order to:
3 1. Refuse to certify the applicant for licensure;
4 2. Approve the applicant for licensure with
5 restrictions on the scope of practice or license; or
6 3. Approve the applicant for conditional licensure.
7 Such conditions may include placement of the licensee on
8 probation for a period of time and subject to such conditions
9 as the board may specify, including, but not limited to,
10 requiring the licensee to undergo treatment, to attend
11 continuing education courses, or to take corrective action.
12 (9) PENALTY.--A person who falsely holds herself or
13 himself out as an anesthesiologist assistant commits a felony
14 of the third degree, punishable as provided in s. 775.082 or
15 s. 775.084 or by a fine not to exceed \$5,000.
16 (10) DENIAL, SUSPENSION, OR REVOCATION OF
17 LICENSURE.--The boards may deny, suspend, or revoke the
18 license of an anesthesiologist assistant who the board
19 determines has violated any provision of this section or
20 chapter or any rule adopted pursuant thereto.
21 (11) RULES.--The boards shall adopt rules to implement
22 this section.
23 (12) LIABILITY.--A supervising anesthesiologist is
24 liable for any act or omission of an anesthesiologist
25 assistant acting under the anesthesiologist's supervision and
26 control and shall comply with the financial responsibility
27 requirements of this chapter and chapter 456, as applicable.
28 (13) FEES.--The department shall allocate the fees
29 collected under this section to the board.to read:
30 456.048 Financial responsibility requirements for
31 certain health care practitioners.--

Amendment No. 1 (for drafter's use only)

1 (1) As a prerequisite for licensure or license
2 renewal, the Board of Acupuncture, the Board of Chiropractic
3 Medicine, the Board of Podiatric Medicine, and the Board of
4 Dentistry shall, by rule, require that all health care
5 practitioners licensed under the respective board, and the
6 Board of Medicine and Board of Osteopathic Medicine shall, by
7 rule, require that all anesthesiologist assistants licensed
8 pursuant to s. 458.3475 and s. 459.023, and the Board of
9 Nursing shall, by rule, require that advanced registered nurse
10 practitioners certified under s. 464.012, and the department
11 shall, by rule, require that midwives maintain medical
12 malpractice insurance or provide proof of financial
13 responsibility in an amount and in a manner determined by the
14 board or department to be sufficient to cover claims arising
15 out of the rendering of or failure to render professional care
16 and services in this state.

17 (2) The board or department may grant exemptions upon
18 application by practitioners meeting any of the following
19 criteria:

20 (a) Any person licensed under chapter 457, s.
21 458.3475, s. 459.023, chapter 460, chapter 461, s. 464.012,
22 chapter 466, or chapter 467 who practices exclusively as an
23 officer, employee, or agent of the Federal Government or of
24 the state or its agencies or its subdivisions. For the
25 purposes of this subsection, an agent of the state, its
26 agencies, or its subdivisions is a person who is eligible for
27 coverage under any self-insurance or insurance program
28 authorized by the provisions of s. 768.28(15) or who is a
29 volunteer under s. 110.501(1).

30 (b) Any person whose license or certification has
31 become inactive under chapter 457, s. 458.3475, s. 459.023,

Amendment No. 1 (for drafter's use only)

1 chapter 460, chapter 461, part I of chapter 464, chapter 466,
2 or chapter 467 and who is not practicing in this state. Any
3 person applying for reactivation of a license must show either
4 that such licensee maintained tail insurance coverage which
5 provided liability coverage for incidents that occurred on or
6 after October 1, 1993, or the initial date of licensure in
7 this state, whichever is later, and incidents that occurred
8 before the date on which the license became inactive; or such
9 licensee must submit an affidavit stating that such licensee
10 has no unsatisfied medical malpractice judgments or
11 settlements at the time of application for reactivation.

12 (c) Any person holding a limited license pursuant to
13 s. 456.015, and practicing under the scope of such limited
14 license.

15 (d) Any person licensed or certified under chapter
16 457, s. 458.3475, s. 459.023, chapter 460, chapter 461, s.
17 464.012, chapter 466, or chapter 467 who practices only in
18 conjunction with his or her teaching duties at an accredited
19 school or in its main teaching hospitals. Such person may
20 engage in the practice of medicine to the extent that such
21 practice is incidental to and a necessary part of duties in
22 connection with the teaching position in the school.

23 (e) Any person holding an active license or
24 certification under chapter 457, s. 458.3475, s. 459.023,
25 chapter 460, chapter 461, s. 464.012, chapter 466, or chapter
26 467 who is not practicing in this state. If such person
27 initiates or resumes practice in this state, he or she must
28 notify the department of such activity.

29 (f) Any person who can demonstrate to the board or
30 department that he or she has no malpractice exposure in the
31 state.

Amendment No. 1 (for drafter's use only)

1 (3) Notwithstanding the provisions of this section,
 2 the financial responsibility requirements of ss. 458.320 and
 3 459.0085 shall continue to apply to practitioners licensed
 4 under those chapters, except for anesthesiologist assistants
 5 licensed pursuant to s. 458.3475 and s. 459.023 who must meet
 6 the requirements of this section.

7 Section 4. This act shall take effect July 1, 2002.
 8
 9

10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 1, lines 11 through 12,
 13 remove from the title of the bill: Council on Physician
 14 Assistants
 15
 16 and insert in lieu thereof: Board of Medicine and Board of
 17 Osteopathic Medicine
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31