

By Senator Wasserman Schultz

32-287A-02

See HB 599

1 A bill to be entitled
2 An act relating to anesthesiologist assistants;
3 creating ss. 458.3475 and 459.023, F.S. ;
4 providing definitions; providing performance
5 standards for anesthesiologist assistants and
6 supervising anesthesiologists; providing for
7 the approval of training programs and for
8 services authorized to be performed by
9 trainees; providing licensing procedures;
10 providing for fees; providing for additional
11 membership, powers, and duties of the Council
12 on Physician Assistants; providing penalties;
13 providing for disciplinary actions; providing
14 for the adoption of rules; prescribing
15 liability; providing for the allocation of
16 fees; providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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

22 458.3475 Anesthesiologist assistants.--

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

24 (a) "Anesthesiologist" means an allopathic physician
25 licensed under this chapter who has successfully completed an
26 anesthesiology training program approved by the Accreditation
27 Committee on Graduate Medical Education, or its equivalent,
28 and who is certified by the American Board of Anesthesiology
29 or is eligible to take that board's examination.

30 (b) "Anesthesiologist assistant" means a graduate of
31 an approved program who is licensed to perform medical

1 services delegated and directly supervised by a supervising
2 anesthesiologist.

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

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

12 (e) "Boards" means the Board of Medicine and the Board
13 of Osteopathic Medicine.

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

21 (g) "Council" means the Council on Physician
22 Assistants.

23 (h) "Direct supervision" means supervision by an
24 anesthesiologist who is present in the office or surgical or
25 obstetrical suite and is immediately available to provide
26 assistance and direction while anesthesiology services are
27 being performed.

28 (i) "Proficiency examination" means an entry-level
29 examination approved by the boards, including examination
30 administered by the National Commission on Certification of
31 Anesthesiologist Assistants.

1 (j) "Trainee" means a person who is currently enrolled
2 in an approved program.

3 (2) PERFORMANCE OF SUPERVISING ANESTHESIOLOGIST.--

4 (a) An anesthesiologist who directly supervises an
5 anesthesiologist assistant must be qualified in the medical
6 areas in which the anesthesiologist assistant performs and is
7 liable for the performance of the anesthesiologist assistant.
8 An anesthesiologist may not supervise more than four
9 anesthesiologist assistants at a time.

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

17 (3) PERFORMANCE OF ANESTHESIOLOGIST ASSISTANTS.--

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

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

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1 (c) An anesthesiologist assistant must clearly convey
2 to the patient that he or she is an anesthesiologist
3 assistant.

4 (d) An anesthesiologist assistant may perform
5 anesthesia tasks and services within the framework of a
6 written practice protocol developed between the supervising
7 anesthesiologist and the anesthesiologist assistant.

8 (e) An anesthesiologist assistant may not prescribe
9 legend drugs or medical devices, compound medicines for
10 patients, or dispense sample drugs to patients. Nothing in
11 this paragraph prohibits an anesthesiologist assistant from
12 administering legend drugs, narcotics or scheduled drugs,
13 intravenous drugs, fluids, or blood products, or inhalation or
14 other anesthetic agents to patients while under the direct
15 supervision of an anesthesiologist.

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

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

27 (6) ANESTHESIOLOGIST ASSISTANT LICENSURE.--

28 (a) Any person desiring to be licensed as an
29 anesthesiologist assistant must apply to the department. The
30 department shall issue a license to any person certified by
31 the council to:

- 1 1. Be at least 18 years of age.
- 2 2. Have satisfactorily passed a proficiency
3 examination with a score established by the National
4 Commission on Certification of Anesthesiologist Assistants. An
5 applicant who does not hold a current certificate issued by
6 the commission or its successor and has not actively practiced
7 as an anesthesiologist assistant within the immediately
8 preceding 4 years must pass the entry-level examination of the
9 National Commission on Certification of Anesthesiologist
10 Assistants in order to be licensed.
- 11 3. Be certified in advanced cardiac life support.
- 12 4. Have completed the application form and remitted an
13 application fee, not to exceed \$1,000, as set by the boards.
14 An application must include:
- 15 a. A certificate of completion of an approved program.
16 b. A sworn statement of any prior felony convictions.
17 c. A sworn statement of any prior revocation or denial
18 of licensure or certification in any state.
- 19 d. Two letters of recommendation from
20 anesthesiologists.
- 21 (b) A license must be renewed biennially. Each renewal
22 must include:
- 23 1. A renewal fee, not to exceed \$1,000, as set by the
24 boards.
- 25 2. A sworn statement of no felony convictions in the
26 immediately preceding 2 years.
- 27 (c) Each licensed anesthesiologist assistant must
28 biennially complete 40 hours of continuing medical education
29 or hold a current certificate issued by the National
30 Commission on Certification of Anesthesiologist Assistants or
31 its successor.

1 (d) An anesthesiologist assistant must notify the
2 department in writing within 30 days after obtaining
3 employment and after any subsequent change in his or her
4 supervising anesthesiologist. The notification must include
5 the full name, license number, specialty, and address of the
6 supervising anesthesiologist. Submission of the required
7 protocol satisfies this requirement.

8 (e) Notwithstanding subparagraph (a)2., the department
9 may grant to a recent graduate of an approved program a
10 temporary license that expires upon receipt of scores of the
11 proficiency examination administered by the National
12 Commission on Certification of Anesthesiologist Assistants.
13 Between meetings of the council, the department may grant a
14 temporary license to applicants based upon completion of all
15 temporary licensure requirements. Such licenses must be
16 reviewed and acted on at the next regular meeting of the
17 council. The licensure of an applicant who fails the
18 proficiency examination becomes void immediately, but the
19 applicant may reapply for a 1-year temporary license. An
20 applicant may not be granted more than two temporary licenses
21 and may not be licensed as an anesthesiologist assistant until
22 the applicant passes the examination administered by the
23 National Commission on Certification of Anesthesiologist
24 Assistants. As prescribed by board rule, the council may
25 require an applicant who does not pass the examination after
26 five or more attempts to complete additional remedial
27 education or training. The council shall prescribe additional
28 requirements that permit the applicant to be reexamined within
29 2 years after the date the applicant petitions the council to
30 retake the examination a sixth or subsequent time.

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

7 (7) DELEGATION OF POWERS AND DUTIES.--The boards may
8 delegate such powers and duties to the council as they may
9 deem proper.

10 (8) ANESTHESIOLOGIST AND ANESTHESIOLOGIST ASSISTANT TO
11 SERVE ON COUNCIL.--

12 (a) In addition to the members appointed pursuant to
13 ss. 458.347(9) and 459.022(9), the council shall include two
14 members appointed as follows:

15 1. The secretary of the department or his or her
16 designee shall appoint an anesthesiologist assistant fully
17 licensed under this chapter or chapter 459.

18 2. The secretary of the department or his or her
19 designee shall appoint a qualified anesthesiologist who
20 supervises an anesthesiologist assistant in the qualified
21 anesthesiologist's office.

22 (b) In addition to its other duties and
23 responsibilities as prescribed by law, the council shall:

24 1. Recommend to the department the licensure of
25 anesthesiologist assistants.

26 2. Develop all rules regulating the use of
27 anesthesiologist assistants by qualified anesthesiologists
28 under this chapter and chapter 459, except for rules relating
29 to the formulary developed under s. 458.347(4)(f). The council
30 shall also develop rules to ensure that the continuity of
31 supervision is maintained in each practice setting. The boards

1 shall consider adopting a proposed rule developed by the
2 council at the regularly scheduled meeting immediately
3 following the submission of the proposed rule by the council.
4 A proposed rule submitted by the council may not be adopted by
5 either board unless both boards have accepted and approved the
6 identical language contained in the proposed rule. The
7 language of all proposed rules submitted by the council must
8 be approved by both boards pursuant to each respective board's
9 guidelines and standards regarding the adoption of proposed
10 rules. If either board rejects the council's proposed rule,
11 that board must specify its objections to the council with
12 particularity and include any recommendations it may have for
13 modification of the proposed rule.

14 3. Make recommendations to the boards regarding all
15 matters relating to anesthesiologist assistants.

16 4. Address concerns and problems of practicing
17 anesthesiologist assistants to improve safety in the clinical
18 practices of licensed anesthesiologist assistants.

19 (c) When the council finds that an applicant for
20 licensure has failed to meet, to the council's satisfaction,
21 each of the requirements for licensure set forth in this
22 section, the council may enter an order to:

23 1. Refuse to certify the applicant for licensure;

24 2. Approve the applicant for licensure with
25 restrictions on the scope of practice or license; or

26 3. Approve the applicant for conditional licensure.

27 Such conditions may include placement of the licensee on
28 probation for a period of time and subject to such conditions
29 as the council may specify, including, but not limited to,
30 requiring the licensee to undergo treatment, to attend
31 continuing education courses, or to take corrective action.

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

5 (10) DENIAL, SUSPENSION, OR REVOCATION OF
6 LICENSURE.--The boards may deny, suspend, or revoke the
7 license of an anesthesiologist assistant who the board
8 determines has violated any provision of this section or
9 chapter or any rule adopted pursuant thereto.

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

12 (12) LIABILITY.--A supervising anesthesiologist is
13 liable for any act or omission of an anesthesiologist
14 assistant acting under the anesthesiologist's supervision and
15 control.

16 (13) FEES.--The department shall allocate the fees
17 collected under this section to the council.

18 Section 2. Section 459.023, Florida Statutes, is
19 created to read:

20 459.023 Anesthesiologist assistants.--

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

22 (a) "Anesthesiologist" means an osteopathic physician
23 licensed under this chapter who has successfully completed an
24 anesthesiology training program approved by the Accreditation
25 Committee on Graduate Medical Education, or its equivalent,
26 and who is certified by the American Osteopathic Board of
27 Anesthesiology or is eligible to take that board's
28 examination.

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

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

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

12 (e) "Boards" means the Board of Medicine and the Board
13 of Osteopathic Medicine.

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

21 (g) "Council" means the Council on Physician
22 Assistants.

23 (h) "Direct supervision" means supervision by an
24 anesthesiologist who is present in the office or surgical or
25 obstetrical suite and is immediately available to provide
26 assistance and direction while anesthesiology services are
27 being performed.

28 (i) "Proficiency examination" means an entry-level
29 examination approved by the boards, including examinations
30 administered by the National Commission on Certification of
31 Anesthesiologist Assistants.

1 (j) "Trainee" means a person who is currently enrolled
2 in an approved program.

3 (2) PERFORMANCE OF SUPERVISING ANESTHESIOLOGIST.--

4 (a) An anesthesiologist who directly supervises an
5 anesthesiologist assistant must be qualified in the medical
6 areas in which the anesthesiologist assistant performs, and is
7 liable for the performance of the anesthesiologist assistant.
8 An anesthesiologist may not supervise more than four
9 anesthesiologist assistants at a time.

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

17 (3) PERFORMANCE OF ANESTHESIOLOGIST ASSISTANTS.--

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

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

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1 (c) An anesthesiologist assistant must clearly convey
2 to the patient that she or he is an anesthesiologist
3 assistant.

4 (d) An anesthesiologist assistant may perform
5 anesthesia tasks and services within the framework of a
6 written practice protocol developed between the supervising
7 anesthesiologist and the anesthesiologist assistant.

8 (e) An anesthesiologist assistant may not prescribe
9 legend drugs or medical devices, compound medicines for
10 patients, or dispense sample drugs to patients. Nothing in
11 this paragraph prohibits an anesthesiologist assistant from
12 administering legend drugs, narcotics or scheduled drugs,
13 intravenous drugs, fluids, or blood products, or inhalation or
14 other anesthetic agents to patients while under the direct
15 supervision of an anesthesiologist.

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

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

27 (6) ANESTHESIOLOGIST ASSISTANT LICENSURE.--

28 (a) Any person desiring to be licensed as an
29 anesthesiologist assistant must apply to the department. The
30 department shall issue a license to any person certified by
31 the council to:

- 1 1. Be at least 18 years of age.
- 2 2. Have satisfactorily passed a proficiency
3 examination with a score established by the National
4 Commission on Certification of Anesthesiologist Assistants. An
5 applicant who does not hold a current certificate issued by
6 the commission or its successor and has not actively practiced
7 as an anesthesiologist assistant within the immediately
8 preceding 4 years must pass the entry-level examination of the
9 National Commission on Certification of Anesthesiologist
10 Assistants in order to be licensed.
- 11 3. Be certified in advanced cardiac life support.
- 12 4. Have completed the application form and remitted an
13 application fee, not to exceed \$1,000, as set by the boards.
14 An application must include:
- 15 a. A certificate of completion of an approved program.
16 b. A sworn statement of any prior felony convictions.
17 c. A sworn statement of any prior revocation or denial
18 of licensure or certification in any state.
- 19 d. Two letters of recommendation from
20 anesthesiologists.
- 21 (b) A license must be renewed biennially. Each renewal
22 must include:
- 23 1. A renewal fee, not to exceed \$1,000, as set by the
24 boards.
- 25 2. A sworn statement of no felony convictions in the
26 immediately preceding 2 years.
- 27 (c) Each licensed anesthesiologist assistant must
28 biennially complete 40 hours of continuing medical education
29 or hold a current certificate issued by the National
30 Commission on Certification of Anesthesiologist Assistants or
31 its successor.

1 (d) An anesthesiologist assistant must notify the
2 department in writing within 30 days after obtaining
3 employment and after any subsequent change in her or his
4 supervising anesthesiologist. The notification must include
5 the full name, license number, specialty, and address of the
6 supervising anesthesiologist. Submission of the required
7 protocol satisfies this requirement.

8 (e) Notwithstanding subparagraph (a)2., the department
9 may grant to a recent graduate of an approved program a
10 temporary license that expires upon receipt of scores of the
11 proficiency examination administered by the National
12 Commission on Certification of Anesthesiologist Assistants.
13 Between meetings of the council, the department may grant a
14 temporary license to applicants based upon completion of all
15 temporary licensure requirements. Such licenses must be
16 reviewed and acted on at the next regular meeting of the
17 council. The licensure of an applicant who fails the
18 proficiency examination becomes void immediately, but the
19 applicant may reapply for a 1-year temporary license. An
20 applicant may not be granted more than two temporary licenses
21 and may not be licensed as an anesthesiologist assistant until
22 the applicant passes the examination administered by the
23 National Commission on Certification of Anesthesiologist
24 Assistants. As prescribed by board rule, the council may
25 require an applicant who does not pass the examination after
26 five or more attempts to complete additional remedial
27 education or training. The council shall prescribe additional
28 requirements that permit the applicant to be reexamined within
29 2 years after the date the applicant petitions the council to
30 retake the examination a sixth or subsequent time.

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1 (f) The Board of Osteopathic Medicine may impose upon
2 an anesthesiologist assistant any penalty specified in s.
3 456.072 or s. 459.015(2) if the anesthesiologist assistant or
4 the supervising anesthesiologist is found guilty of or is
5 investigated for an act that constitutes a violation of this
6 chapter or chapter 456.

7 (7) DELEGATION OF POWERS AND DUTIES.--The boards may
8 delegate such powers and duties to the council as they may
9 deem proper.

10 (8) ANESTHESIOLOGIST AND ANESTHESIOLOGIST ASSISTANT TO
11 SERVE ON COUNCIL.--

12 (a) In addition to the members appointed pursuant to
13 ss. 458.347(9) and 459.022(9), the council shall include two
14 members appointed as follows:

15 1. The secretary of the department or her or his
16 designee shall appoint an anesthesiologist assistant fully
17 licensed under this chapter or chapter 458.

18 2. The secretary of the department or her or his
19 designee shall appoint a qualified anesthesiologist who
20 supervises an anesthesiologist assistant in the qualified
21 anesthesiologist's office.

22 (b) In addition to its other duties and
23 responsibilities as prescribed by law, the council shall:

24 1. Recommend to the department the licensure of
25 anesthesiologist assistants.

26 2. Develop all rules regulating the use of
27 anesthesiologist assistants by qualified anesthesiologists
28 under this chapter and chapter 458, except for rules relating
29 to the formulary developed under s. 458.347(4)(f). The council
30 shall also develop rules to ensure that the continuity of
31 supervision is maintained in each practice setting. The boards

1 shall consider adopting a proposed rule developed by the
2 council at the regularly scheduled meeting immediately
3 following the submission of the proposed rule by the council.
4 A proposed rule submitted by the council may not be adopted by
5 either board unless both boards have accepted and approved the
6 identical language contained in the proposed rule. The
7 language of all proposed rules submitted by the council must
8 be approved by both boards pursuant to each respective board's
9 guidelines and standards regarding the adoption of proposed
10 rules. If either board rejects the council's proposed rule,
11 that board must specify its objections to the council with
12 particularity and include any recommendations it may have for
13 modification of the proposed rule.

14 3. Make recommendations to the boards regarding all
15 matters relating to anesthesiologist assistants.

16 4. Address concerns and problems of practicing
17 anesthesiologist assistants to improve safety in the clinical
18 practices of licensed anesthesiologist assistants.

19 (c) When the council finds that an applicant for
20 licensure has failed to meet, to the council's satisfaction,
21 each of the requirements for licensure set forth in this
22 section, the council may enter an order to:

23 1. Refuse to certify the applicant for licensure;

24 2. Approve the applicant for licensure with
25 restrictions on the scope of practice or license; or

26 3. Approve the applicant for conditional licensure.

27 Such conditions may include placement of the licensee on
28 probation for a period of time and subject to such conditions
29 as the council may specify, including, but not limited to,
30 requiring the licensee to undergo treatment, to attend
31 continuing education courses, or to take corrective action.

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

5 (10) DENIAL, SUSPENSION, OR REVOCATION OF
6 LICENSURE.--The boards may deny, suspend, or revoke the
7 license of an anesthesiologist assistant who the board
8 determines has violated any provision of this section or
9 chapter or any rule adopted pursuant thereto.

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

12 (12) LIABILITY.--A supervising anesthesiologist is
13 liable for any act or omission of an anesthesiologist
14 assistant acting under the anesthesiologist's supervision and
15 control.

16 (13) FEES.--The department shall allocate the fees
17 collected under this section to the council.

18 Section 3. This act shall take effect July 1, 2002.

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21 LEGISLATIVE SUMMARY

22
23 Provides for the regulation of anesthesiologist
24 assistants. Establishes performance standards, including
25 those for supervising anesthesiologists. Provides
26 licensing procedures. Provides for the approval of
27 training programs and for services authorized to be
28 performed by trainees. Establishes fees and provides for
29 their allocation. Adds an anesthesiologist and an
30 anesthesiologist assistant to the Council on Physician
31 Assistants and expands the council's powers and duties
 accordingly. Prescribes penalties and provides for
 disciplinary actions. Provides for the adoption of rules
 relating to licensees. Prescribes liability. See bill for
 details.