

By: Representative Powell

To: Public Health and Human Services

HOUSE BILL NO. 1339

1 AN ACT TO PROVIDE FOR THE LICENSURE AND REGULATION OF
2 ANESTHESIOLOGIST ASSISTANTS BY THE STATE BOARD OF MEDICAL
3 LICENSURE; TO DEFINE CERTAIN TERMS; TO PROVIDE THAT THE BOARD
4 SHALL REVIEW AND DETERMINE THE QUALIFICATIONS OF PERSONS APPLYING
5 FOR A LICENSE TO PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT; TO
6 PROVIDE THE POWERS OF THE BOARD REGARDING LICENSURE OF
7 ANESTHESIOLOGIST ASSISTANTS AND PRESCRIBE THE QUALIFICATIONS FOR
8 LICENSURE; TO AUTHORIZE THE BOARD TO ISSUE TEMPORARY LICENSES; TO
9 PROVIDE THAT ANESTHESIOLOGIST ASSISTANTS MAY ASSIST IN THE
10 PRACTICE OF MEDICINE ONLY UNDER THE SUPERVISION OF AN
11 ANESTHESIOLOGIST; TO PROVIDE THAT ANESTHESIOLOGIST ASSISTANTS MAY
12 PERFORM ONLY THOSE DUTIES DELEGATED TO THEM BY A SUPERVISING
13 ANESTHESIOLOGIST; TO LIST THE DUTIES THAT A SUPERVISING
14 ANESTHESIOLOGIST MAY DELEGATE TO AN ANESTHESIOLOGIST ASSISTANT; TO
15 AUTHORIZE THE BOARD TO REVOKE LICENSES AND TAKE OTHER DISCIPLINARY
16 ACTION AGAINST LICENSEES AND TO REINSTATE LICENSES AFTER
17 REVOCATION; TO PROHIBIT PRACTICING AS AN ANESTHESIOLOGIST
18 ASSISTANT WITHOUT A LICENSE, AND PROVIDE A CRIMINAL PENALTY FOR
19 PERSONS CONVICTED OF UNAUTHORIZED PRACTICE; AND FOR RELATED
20 PURPOSES.

21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

22 **SECTION 1. Definitions.** As used in this act, unless the
23 context otherwise requires:

24 (a) "Anesthesiologist" means a physician who is
25 licensed under Section 73-25-1 et seq. and who has completed a
26 residency in anesthesiology approved by the American Board of



27 Anesthesiology or the American Osteopathic Board of
28 Anesthesiology.

29 (b) "Anesthesiologist assistant" means a person who
30 meets the requirements of Section 3 of this act and is
31 board-approved to assist in the practice of medicine under the
32 delegation of an anesthesiologist.

33 (c) "Assists" means the anesthesiologist assistant
34 personally performs those duties and responsibilities delegated by
35 the anesthesiologist.

36 (d) "Board" means the State Board of Medical Licensure.

37 (e) "Supervision" means the availability of a physician
38 anesthesiologist who can delegate, coordinate, direct or consult,
39 and oversee the implementation of the anesthesiologist's
40 intentions.

41 (f) "Certification examination" means the initial
42 certifying examination approved by the board for the certification
43 of anesthesiologist assistants, including the examination
44 administered by the National Commission for the Certification of
45 Anesthesiologist Assistants or another national anesthesiologist
46 assistant certifying agency that has been reviewed and approved by
47 the board.

48 **SECTION 2. Board; powers and duties.** (1) The board shall
49 review and determine the qualifications and fitness of all persons
50 applying for a license to practice as an anesthesiologist
51 assistant.



52 (2) The board shall:
53 (a) Grant, deny, revoke and reinstate licenses;
54 (b) Investigate allegations that an anesthesiologist
55 assistant or the supervising anesthesiologist has engaged in
56 conduct constituting a ground for revocation;
57 (c) Conduct informal interviews and hearings;
58 (d) Adopt rules governing the practice of
59 anesthesiologist assistants; and

60 (e) Retain jurisdiction over only those licensees to
61 whom temporary or full licenses are granted under this act,
62 regardless of whether the license has expired, has lapsed or was
63 relinquished during or after any alleged occurrence of conduct.

64 (3) The board shall establish a position to be filled by an
65 anesthesiologist assistant licensed under this act.

66 **SECTION 3. Licensure; use of title; temporary license;**

67 **temporary licensure; fees.** (1) A person may not practice in this
68 state as an anesthesiologist assistant or use the title or
69 represent that the person is a certified anesthesiologist
70 assistant, anesthesiologist assistant or use the abbreviation
71 "C.A.A." or "A.A." without having a license granted by the board
72 under this act.

73 (2) The board may grant an anesthesiologist assistant
74 license to an applicant who:

75 (a) Graduated from an anesthesiologist assistant
76 program accredited by the Commission on Accreditation of Allied



77 Health Education Programs or its predecessor or successor
78 organization;

79 (b) Satisfactorily completed a certification
80 examination administered by the National Commission for the
81 Certification of Anesthesiologist Assistants or another national
82 certifying agency that has been reviewed and approved by the board
83 and that is currently certified;

84 (c) Completes an application form; and

85 (d) Pays the required application and licensure fees as
86 prescribed by the board in rule.

87 (3) A license issued under this act, other than a temporary
88 license, is valid for a period of two (2) years. A licensee shall
89 renew the license every other year on or before January 31 by
90 completing and submitting to the board a renewal application form
91 as prescribed by the board and the prescribed renewal fee before
92 the current license expires. The board shall provide renewal
93 notices to licensees at least one (1) month before the expiration
94 date.

95 (4) The board may reinstate a lapsed license if the
96 applicant pays a reinstatement fee as prescribed by the board in
97 rule and meets the requirements for initial licensure.

98 (5) The board may issue a temporary license to any person
99 who:

100 (a) Completes a temporary license application;



101 (b) Pays the required temporary license fee as
102 prescribed by the board in rule; and

103 (c) Successfully completes a Commission on
104 Accreditation of Allied Health Education program or another
105 board-approved program for educating and training anesthesiologist
106 assistants but who has not passed a certification examination.

107 The person shall take the next available certification
108 examination after receiving a temporary license. A temporary
109 license may not be issued for a period of more than one (1) year
110 and is subject to any other requirements that the board adopts by
111 rule.

112 **SECTION 4. Scope of practice.** (1) This section does not
113 apply to persons who are enrolled in an anesthesiologist assistant
114 education program approved by the board.

115 (2) An anesthesiologist assistant may assist in the practice
116 of medicine only under the supervision of an anesthesiologist.
117 The anesthesiologist assistant may perform only those duties and
118 responsibilities delegated to the anesthesiologist assistant by
119 the supervising anesthesiologist.

120 (3) The supervising anesthesiologist shall be allowed to
121 supervise anesthesiologist assistants in a manner consistent with
122 federal rules or regulations for reimbursement for anesthesia
123 services.

124 (4) The supervising anesthesiologist shall be immediately
125 available to the anesthesiologist assistant who assists in the



126 delivery of medical care such that the supervising
127 anesthesiologist is able to intervene if needed.

128 (5) An anesthesiologist assistants' practice may not exceed
129 his or her education and training, and the scope of practice of
130 the supervising anesthesiologist. A medical care task assigned by
131 the supervising anesthesiologist to the anesthesiologist assistant
132 may not be delegated by the anesthesiologist assistant to another
133 person.

134 (6) A supervising anesthesiologist may delegate to an
135 anesthesiologist assistant any of the following duties:

136 (a) Developing and implementing an anesthesia care plan
137 for a patient;

138 (b) Obtaining a comprehensive patient history and
139 performing relevant elements of a physical exam;

140 (c) Performing preoperative and post-operative
141 anesthetic evaluations and maintaining patient progress notes;

142 (d) Ordering and performing preoperative patient
143 consultations;

144 (e) Ordering preoperative medications, including
145 controlled substances, which may be administered before the
146 supervising anesthesiologist cosigns;

147 (f) Changing or discontinuing a medical treatment plan
148 after consulting with the supervising anesthesiologist;

149 (g) Obtaining informed consent for anesthesia or
150 related procedures;



151 (h) Ordering the perioperative continuation of current
152 medications, which may be administered before the supervising
153 anesthesiologist cosigns;

154 (i) Pretesting and calibrating anesthesia delivery
155 systems and obtaining and interpreting information from the
156 systems and from monitors;

157 (j) Implementing medically accepted monitoring
158 techniques;

159 (k) Performing basic and advanced airway interventions,
160 including, but not limited to, endotracheal intubation, laryngeal
161 mask insertion and other advanced airways techniques;

162 (l) Establishing peripheral intravenous lines,
163 including subcutaneous lidocaine use;

164 (m) Performing invasive procedures, including, but not
165 limited to, arterial lines, central lines, transesophageal
166 echocardiograms, and Swan Ganz catheters;

167 (n) Performing general anesthesia, including induction,
168 maintenance, emergence and procedures associated with general
169 anesthesia, such as gastric intubation;

170 (o) Administering anesthetic drugs, adjuvant drugs, and
171 accessory drugs;

172 (p) Administering vasoactive drugs and starting and
173 titrating vasoactive infusions to treat patient responses to
174 anesthesia;



175 (q) Performing, maintaining, evaluating and managing
176 epidural, spinal and regional anesthesia, including catheters;
177 (r) Performing monitored anesthesia care;
178 (s) Obtaining venous and arterial blood samples;
179 (t) Administering blood, blood products and supportive
180 fluids;
181 (u) Performing, ordering and interpreting appropriate
182 preoperative, point of care, intra-operative or postoperative
183 diagnostic tests or procedures;
184 (v) Obtaining and administering perioperative
185 anesthesia and related pharmaceutical agents, including
186 intravenous fluids and blood products;
187 (w) Managing the patient while in the preoperative
188 suite, recovery area or labor suites;
189 (x) Ordering postoperative sedation, anxiolysis or
190 analgesia, postoperative respiratory therapy and medicines to
191 treat patient responses to anesthesia and ordering postoperative
192 oxygen therapy, including initial ventilator therapy, which may be
193 administered before the supervising anesthesiologist cosigns;
194 (y) Initiating and managing cardiopulmonary
195 resuscitation in response to a life-threatening situation;
196 (z) Participating in administrative, research and
197 clinical teaching activities including supervising student
198 anesthesiologist assistants and other students involved in
199 anesthesia education; and



200 (aa) Performing such other tasks not prohibited by law
201 that an anesthesiologist assistant has been trained and is
202 proficient to perform.

203 (7) This act does not prevent an anesthesiologist assistant
204 from having access to and being able to obtain prescription drugs
205 as directed by the supervising anesthesiologist.

206 **SECTION 5. Regulation of licensure.** (1) The board may
207 refuse to renew and may revoke, suspend or restrict a license or
208 take other disciplinary action, including imposing conditions or
209 restrictions on a license under this act and the rules adopted
210 under this act.

211 (2) If the board determines that a person is ineligible for
212 licensure, that an application for licensure should be denied,
213 that a license should be suspended or that any other action should
214 be taken on a current license, the board shall adopt and enter its
215 written order and findings.

216 **SECTION 6. Reinstatement of license; requirements.** (1) The
217 board may issue a new license to an anesthesiologist assistant
218 whose license was previously revoked by the board if the applicant
219 applies in writing to the board and demonstrates to the board's
220 satisfaction that the applicant is completely rehabilitated with
221 respect to the conduct that was the basis for the revocation. In
222 making its decision, the board shall determine:



223 (a) That the applicant has not engaged in any conduct
224 during the revocation period that would constitute a basis for
225 revocation pursuant to rules adopted by the board;

226 (b) If a criminal conviction was a basis of the
227 revocation, that the applicant's civil rights have been fully
228 restored pursuant to statute or any other applicable recognized
229 judicial or gubernatorial order;

230 (c) That the applicant has made restitution to any
231 aggrieved person as ordered by a court of competent jurisdiction;
232 and

233 (d) That the applicant demonstrates any other standard
234 of rehabilitation the board determines is appropriate.

235 (2) Except as provided in subsection (3) of this section, a
236 person may not apply for license reinstatement earlier than two
237 (2) years after the date of revocation.

238 (3) If a license revocation was based on a conviction of a
239 felony or an offense involving moral turpitude and that conviction
240 has been reversed on appeal, the board shall vacate its previous
241 order to revoke the license and the anesthesiologist assistant may
242 apply for reinstatement as soon as the court enters the reversal.

243 (4) An applicant for reinstatement shall comply with all
244 initial licensure requirements prescribed by this act and rules
245 adopted by the board under this act.

246 **SECTION 7. Unauthorized practice; violation; penalties.** Any
247 person practicing as an anesthesiologist assistant or representing



248 that he or she is an anesthesiologist assistant without a license,
249 or any person employing an unlicensed person to practice as an
250 anesthesiologist assistant, is guilty of a misdemeanor and, upon
251 conviction, shall be punished by a fine of not more than One
252 Thousand Dollars (\$1,000.00) or by imprisonment in the county jail
253 for not more than one (1) year, or both. Each violation
254 constitutes a separate offense for which the penalty in this
255 section may be assessed.

256 **SECTION 8.** This act shall take effect and be in force from
257 and after July 1, 2023.

