

By: Representative Mansell

To: Public Health and Human Services

HOUSE BILL NO. 1649

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 PROVIDE THAT A SUPERVISING ANESTHESIOLOGIST
14 SHALL DELEGATE TO AN ANESTHESIOLOGIST ASSISTANT ANY DUTIES
15 REQUIRED TO DEVELOP AND IMPLEMENT A COMPREHENSIVE ANESTHESIA CARE
16 PLAN FOR A PATIENT; TO AUTHORIZE THE BOARD TO REVOKE LICENSES AND
17 TAKE OTHER DISCIPLINARY ACTION AGAINST LICENSEES AND TO REINSTATE
18 LICENSES AFTER REVOCATION; TO PROHIBIT PRACTICING AS AN
19 ANESTHESIOLOGIST ASSISTANT WITHOUT A LICENSE, AND PROVIDE A
20 CRIMINAL PENALTY FOR PERSONS CONVICTED OF UNAUTHORIZED PRACTICE;
21 AND FOR RELATED PURPOSES.

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

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

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



28 Anesthesiology or the American Osteopathic Board of
29 Anesthesiology.

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

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

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

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

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

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



53 (2) The board shall:
54 (a) Grant, deny, revoke and reinstate licenses;
55 (b) Investigate allegations that an anesthesiologist
56 assistant or the supervising anesthesiologist has engaged in
57 conduct constituting a ground for revocation;
58 (c) Conduct informal interviews and hearings;
59 (d) Adopt rules governing the practice of
60 anesthesiologist assistants; and
61 (e) Retain jurisdiction over only those licensees to
62 whom temporary or full licenses are granted under this act,
63 regardless of whether the license has expired, has lapsed or was
64 relinquished during or after any alleged occurrence of conduct.
65 (3) The board shall establish a position to be filled by an
66 anesthesiologist assistant licensed under this act.

67 **SECTION 3. Licensure; use of title; temporary license;**
68 **temporary licensure; fees.** (1) A person may not practice in this
69 state as an anesthesiologist assistant or use the title or
70 represent that the person is a certified anesthesiologist
71 assistant, anesthesiologist assistant or use the abbreviation
72 "C.A.A." or "A.A." without having a license granted by the board
73 under this act.

74 (2) The board may grant an anesthesiologist assistant
75 license to an applicant who:
76 (a) Graduated from an anesthesiologist assistant
77 program accredited by the Commission on Accreditation of Allied



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

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

85 (c) Completes an application form; and

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

88 (3) A license issued under this act, other than a temporary
89 license, is valid for a period of one (1) year. A licensee shall
90 renew the license every other year on or before June 30 by
91 completing and submitting to the board a renewal application form
92 as prescribed by the board and the prescribed renewal fee before
93 the current license expires. The board shall provide renewal
94 notices to licensees at least one (1) month before the expiration
95 date.

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

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

101 (a) Completes a temporary license application;



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

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

108 The person shall take the next available certification
109 examination after receiving a temporary license. A temporary
110 license may not be issued for a period of more than six (6) months
111 and is subject to any other requirements that the board adopts by
112 rule.

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

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

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

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



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

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

135 (6) A supervising anesthesiologist shall delegate to an
136 anesthesiologist assistant any duties required to develop and
137 implement a comprehensive anesthesia care plan for a patient.

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

141 **SECTION 5. Regulation of licensure.** (1) The board may
142 refuse to renew and may revoke, suspend or restrict a license or
143 take other disciplinary action, including imposing conditions or
144 restrictions on a license under this act and the rules adopted
145 under this act.

146 (2) If the board determines that a person is ineligible for
147 licensure, that an application for licensure should be denied,
148 that a license should be suspended or that any other action should
149 be taken on a current license, the board shall adopt and enter its
150 written order and findings.



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

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

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

165 (c) That the applicant has made restitution to any
166 aggrieved person as ordered by a court of competent jurisdiction;
167 and

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

170 (2) Except as provided in subsection (3) of this section, a
171 person may not apply for license reinstatement earlier than one
172 (1) year after the date of revocation.

173 (3) If a license revocation was based on a conviction of a
174 felony or an offense involving moral turpitude and that conviction
175 has been reversed on appeal, the board shall vacate its previous



176 order to revoke the license and the anesthesiologist assistant may
177 apply for reinstatement as soon as the court enters the reversal.

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

181 **SECTION 7. Unauthorized practice; violation; penalties.** Any
182 person practicing as an anesthesiologist assistant or representing
183 that he or she is an anesthesiologist assistant without a license,
184 or any person employing an unlicensed person to practice as an
185 anesthesiologist assistant, is guilty of a misdemeanor and, upon
186 conviction, shall be punished by a fine of not more than One
187 Thousand Dollars (\$1,000.00) or by imprisonment in the county jail
188 for not more than one (1) year, or both. Each violation
189 constitutes a separate offense for which the penalty in this
190 section may be assessed.

191 **SECTION 8.** This act shall take effect and be in force from
192 and after July 1, 2024.

