

SENATE FILE NO. SF0104

Anesthesiologist assistants.

Sponsored by: Senator(s) Pappas and Furphy and
Representative(s) Hallinan, Stith, Sweeney
and Zwonitzer

A BILL

for

1 AN ACT relating to professions and occupations; providing
2 for the licensing of anesthesiologist assistants and
3 specifying scope of practice; creating and amending
4 definitions; creating an advisory committee to the board of
5 medicine; providing for the imposition of fees; creating a
6 criminal penalty; providing for a hearing; requiring
7 rulemaking; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 33-26-801 through 33-26-811 are
12 created to read:

13

14

ARTICLE 8

15

ANESTHESIOLOGISTS ASSISTANTS

1

2 **33-26-801. Definitions.**

3

4 (a) As used in this article:

5

6 (i) "Anesthesiologist" means a physician who has
7 completed a residency in anesthesiology approved by the
8 American Board of Anesthesiology, the American Osteopathic
9 Board of Anesthesiology or its predecessor or successor
10 organization and is licensed under article 3 of this
11 chapter;

12

13 (ii) "Anesthesiologist assistant" means any
14 person licensed under this article who:

15

16 (A) Graduates from an anesthesiologist
17 assistant education program approved by CAAHEP or its
18 predecessor or successor agency;

19

20 (B) Satisfactorily completes a
21 certification examination administered by NCCAA or other
22 national anesthesiologist assistant certifying agency that

1 has been reviewed and approved by the board, and is
2 currently certified; and

3

4 (C) Is approved by the board to assist in
5 the practice of medicine under the supervision of an
6 anesthesiologist or group of anesthesiologists approved by
7 the board to supervise the person.

8

9 (iii) "Assists" means the anesthesiologist
10 assistant may personally perform those duties and
11 responsibilities delegated to the anesthesiologist
12 assistant by the supervising anesthesiologist with the
13 supervising anesthesiologist being physically present in
14 the same facility;

15

16 (iv) "Back-up anesthesiologist" means an
17 anesthesiologist designated by the supervising
18 anesthesiologist to ensure supervision of the
19 anesthesiologist assistant in the supervising
20 anesthesiologist's absence. A back-up anesthesiologist is
21 subject to the same requirements imposed upon the
22 supervising anesthesiologist if the back-up

1 anesthesiologist is acting as a supervising
2 anesthesiologist;

3

4 (v) "Certification examination" means the
5 initial certifying examination approved by the board for
6 the certification of anesthesiologist assistants including
7 the examination administered by NCCAA or other national
8 anesthesiologist assistant certifying agency that has been
9 reviewed and approved by the board;

10

11 (vi) "License" means a license to practice as an
12 anesthesiologist assistant in this state;

13

14 (vii) "Licensee" means a person licensed to
15 practice as an anesthesiologist assistant under this act;

16

17 (viii) "NCCAA" means the national commission on
18 the certification of anesthesiologist assistants;

19

20 (ix) "On-site" means within the facility where
21 anesthesia services may be needed including the operating
22 room suites, intensive care unit, emergency room, obstetric

1 suite, endoscopy suite, radiology suite, cardiac services
2 suite and recovery room;

3

4 (x) "Supervising anesthesiologist" means an
5 anesthesiologist approved by the board to supervise an
6 anesthesiologist assistant and:

7

8 (A) Who agrees to be responsible for the
9 medical acts of an anesthesiologist assistant; or

10

11 (B) A back-up anesthesiologist when acting
12 in the absence of the supervising anesthesiologist.

13

14 (xi) "Supervision" means the ready, on-site
15 availability of the supervising anesthesiologist for
16 consultation and direction of the activities of the
17 anesthesiologist assistant.

18

19 **33-26-802. Scope.**

20

21 (a) This article does not apply to persons enrolled
22 in an anesthesiologist assistant program.

23

1 (b) The anesthesiologist assistant may perform those
2 duties and responsibilities delegated to the
3 anesthesiologist assistant by the supervising
4 anesthesiologist under the supervision of a supervising
5 anesthesiologist. A supervising anesthesiologist may
6 delegate duties to an anesthesiologist assistant within the
7 scope of the supervising anesthesiologist's practice and
8 expertise and within the skills of the anesthesiologist
9 assistant including the following:

10

11 (i) Perform preoperative anesthetic evaluations,
12 postoperative anesthetic evaluations and patient progress
13 notes, all to be cosigned by the supervising
14 anesthesiologist within twenty-four (24) hours;

15

16 (ii) Order and perform preoperative
17 consultations;

18

19 (iii) Order preoperative medications, including
20 controlled substances, which may be administered prior to
21 the co-signature by the supervising anesthesiologist;

22

1 (iv) Change or discontinue a medical treatment
2 plan after consultation with the supervising
3 anesthesiologist;

4

5 (v) Obtain informed consent for anesthesia or
6 related procedures;

7

8 (vi) Order the perioperative continuation of
9 current medications, which may be administered prior to the
10 co-signature by the supervising anesthesiologist;

11

12 (vii) Calibrate anesthesia delivery systems and
13 obtain and interpret information from the systems and
14 monitors, in consultation with the supervising
15 anesthesiologist;

16

17 (viii) Assist the supervising anesthesiologist
18 with the implementation of medically accepted monitoring
19 techniques;

20

21 (ix) Perform basic and advanced airway
22 interventions, including endotracheal intubation, laryngeal
23 mask insertion, and other advanced airways techniques;

1

2 (x) Establish peripheral intravenous lines,
3 including subcutaneous lidocaine use;

4

5 (xi) Establish radial and dorsalis pedis
6 arterial lines and central lines;

7

8 (xii) Perform general anesthesia, including
9 induction, maintenance and emergence;

10

11 (xiii) Perform procedures associated with
12 general anesthesia, such as gastric intubation;

13

14 (xiv) Administer intermittent vasoactive drugs
15 and start and titrate vasoactive infusions for the
16 treatment of patient responses to anesthesia;

17

18 (xv) Perform epidural, spinal and intravenous
19 regional anesthesia;

20

21 (xvi) Maintain and manage established neuraxial
22 and regional anesthesia;

23

1 (xvii) Perform monitored anesthesia care;

2

3 (xviii) Evaluate and manage patient controlled
4 analgesia, epidural catheters and peripheral nerve
5 catheters;

6

7 (xix) Obtain venous and arterial blood samples;

8

9 (xx) Perform, order and interpret appropriate
10 preoperative, point of care, intraoperative or
11 postoperative diagnostic tests or procedures as authorized
12 by the supervising anesthesiologist;

13

14 (xxi) Obtain and administer perioperative
15 anesthesia and related pharmaceutical agents including
16 intravenous fluids and blood products;

17

18 (xxii) Participate in management of the patient
19 while in the preoperative suite and recovery area;

20

21 (xxiii) Order postoperative sedation, anxiolysis
22 and analgesia that may be administered prior to the
23 co-signature by the supervising anesthesiologist;

1

2 (xxiv) Order postoperative oxygen therapy,
3 including initial ventilator therapy, which may be
4 administered prior to the co-signature by the supervising
5 anesthesiologist;

6

7 (xxv) Order post-operative respiratory therapy
8 and medicines for the treatment of patient responses to
9 anesthesia, which may be administered prior to the
10 co-signature by the supervising anesthesiologist;

11

12 (xxvi) Provide assistance to a cardiopulmonary
13 resuscitation team in response to a life-threatening
14 situation;

15

16 (xxvii) Participate in administrative, research
17 and clinical teaching activities as authorized by the
18 supervising anesthesiologist;

19

20 (xxviii) Perform other tasks not prohibited by
21 law under the supervision of the supervising
22 anesthesiologist that an anesthesiologist assistant has
23 been trained and is proficient to perform.

1

2 (c) Nothing in this article shall be construed to
3 prevent an anesthesiologist assistant from having access to
4 and being able to obtain drugs as directed by the
5 supervising anesthesiologist.

6

7 (d) Nothing in this article shall be construed to
8 conflict with or alter the provisions and requirements of
9 W.S. 33-26-101 through 33-26-410 and 33-26-601 through
10 33-26-703.

11

12 **33-26-803. Board powers and duties.**

13

14 (a) The board shall pass upon the qualifications and
15 determine the fitness of all persons desiring to practice
16 as anesthesiologist assistants.

17

18 (b) The board shall:

19

20 (i) Grant, renew, refuse to grant or renew,
21 suspend, restrict, revoke and reinstate licenses;

22

1 (ii) Investigate allegations that an
2 anesthesiologist assistant or supervising anesthesiologist
3 has engaged in conduct constituting a ground for revocation
4 in W.S. 33-26-402 or 33-26-808(c);

5

6 (iii) Conduct informal interviews and contested
7 cases;

8

9 (iv) Promulgate rules governing the licensure
10 and practice of anesthesiologist assistants;

11

12 (v) Appoint members to serve on an advisory
13 committee to the board of medicine. At least two (2) of
14 the members shall be anesthesiologist assistants and two
15 (2) members shall be anesthesiologists. The committee
16 members are responsible to and shall serve at the board's
17 pleasure. The advisory committee shall review and make
18 recommendations to the board regarding all matters relating
19 to anesthesiologist assistants that come before the board,
20 including:

21

22 (A) Applications for licensure, renewals or
23 reinstatements;

1

2

(B) Education standards;

3

4

(C) Scope of practice;

5

6

(D) Licensure requirements;

7

8

(E) Continuing medical education.

9

10

(vi) Retain jurisdiction over only those licensees to whom temporary or full licenses were granted, regardless of whether the license expired, lapsed or was relinquished during or after the alleged occurrence of conduct proscribed in W.S. 33-26-402 by the licensee or after the board receives a court order pursuant to W.S. 33-26-808(c) for the licensee;

17

18

(vii) Pass upon the qualifications and ability of physicians desiring to serve as a supervising anesthesiologist or back-up anesthesiologist including the compatibility of the supervising anesthesiologist's or back-up anesthesiologist's specialty and scope of practice

22

1 with that of the anesthesiologist assistant to be
2 supervised.

3

4 **33-26-804. License required; application;**
5 **qualifications; consideration of applications.**

6

7 (a) No person shall practice as an anesthesiologist
8 assistant or represent that he is a "certified
9 anesthesiologist assistant", "licensed anesthesiologist
10 assistant", "anesthesiologist assistant", "C.A.A." or
11 "A.A." without a license granted by the board.

12

13 (b) The board may grant an anesthesiologist assistant
14 license to an applicant who:

15

16 (i) Has graduated from an anesthesiologist
17 assistant program accredited by CAAHEP or its predecessor
18 or successor organization;

19

20 (ii) Has satisfactorily completed a
21 certification examination administered by NCCAA or other
22 national certifying agency that has been reviewed and
23 approved by the board and is currently certified;

1

2 (iii) Completes an application on a form
3 approved by the board; and

4

5 (iv) Pays the fees set forth in W.S. 33-26-807.

6

7 (c) The board may issue a temporary license to any
8 person who successfully completes a CAAHEP or other board
9 approved program for the education and training of an
10 anesthesiologist assistant but has not yet passed a
11 certification examination. To allow the opportunity to
12 take the next available certification examination, any
13 temporary license issued pursuant to this subsection shall
14 be issued for a period not to exceed one (1) year and under
15 conditions as the board determines pursuant to W.S.
16 33-26-805.

17

18 (d) The board shall promulgate rules governing the
19 board's consideration of applications by an
20 anesthesiologist to supervise anesthesiologist assistants.
21 Any application shall include at a minimum:

22

1 (i) The qualifications of the anesthesiologist
2 assistant to be employed, including experience;

3
4 (ii) The professional background of the
5 anesthesiologist;

6
7 (iii) A description by the anesthesiologist of
8 that anesthesiologist's practice and the way in which the
9 anesthesiologist assistant will be utilized, including
10 method of supervision.

11
12 (e) The board, with the concurrence of the advisory
13 committee, shall approve an application by an
14 anesthesiologist to supervise anesthesiologist assistants
15 if the board is satisfied that each proposed
16 anesthesiologist assistant is fully qualified to assist in
17 the practice of medicine under the responsible supervision
18 of a licensed anesthesiologist and that the supervising
19 anesthesiologist is compatible in specialty scope and is
20 responsible and qualified to supervise an anesthesiologist
21 assistant. The board shall provide by rule for requirements
22 and limitations on the practice by and supervision of
23 anesthesiologist assistants including the number of

1 anesthesiologist assistants who may be supervised
2 concurrently, but the board shall not allow an
3 anesthesiologist to supervise more than four (4)
4 anesthesiologist assistants at any time.

5

6 (f) The board may provide by rule for arrangements
7 for other anesthesiologists to serve as back-up or on call
8 anesthesiologists for multiple anesthesiologist assistants.

9

10 **33-26-805. Temporary licenses.**

11

12 (a) The board may grant a temporary license to
13 practice as an anesthesiologist assistant to a person who:

14

15 (i) Completes a temporary license application;

16

17 (ii) Meets the requirements of W.S.
18 33-26-804(b); and

19

20 (iii) Pays the temporary license fee set forth
21 in W.S. 33-26-807.

22

1 (b) Unless revoked, a temporary license is valid
2 until the next board meeting following the date of
3 issuance. The board may extend the temporary license at its
4 discretion upon a showing of good cause for a period not to
5 exceed one (1) year from the original date of issuance of
6 the temporary license.

7

8 **33-26-806. Term of license; renewal; duplicates.**

9

10 (a) All licenses other than temporary licenses expire
11 annually on December 31. An anesthesiologist assistant may
12 renew a license by completing and submitting a renewal
13 application form published by the board and paying a
14 renewal fee to the board prior to expiration of the current
15 license.

16

17 (b) The board may reinstate a lapsed license if the
18 applicant pays a reinstatement fee and meets the
19 requirements for the granting of an initial license.

20

21 (c) An anesthesiologist assistant may apply to the
22 board for a duplicate license if the anesthesiologist
23 assistant's license is stolen, lost or destroyed. Upon

1 proof of proper identification and submission of other
2 information as the board may require, the board shall issue
3 a duplicate license bearing on its face the word
4 "DUPLICATE" and shall establish and require payment of
5 appropriate charges for a duplicate license.

6

7 **33-26-807. License fees.**

8

9 (a) The board shall by rule set appropriate license
10 application, renewal and reinstatement fees, examination
11 fees and fees for information verification or document
12 production and other services of the board under this
13 chapter.

14

15 (b) Fees shall be deposited as provided in W.S.
16 33-26-307(b).

17

18 **33-26-808. Suspension, restriction, revocation or**
19 **nonrenewal of license.**

20

21 (a) The board may refuse to renew and may revoke,
22 suspend or restrict a license or take other disciplinary
23 action, including the imposition of conditions or

1 restrictions upon a license on one (1) or more of the
2 grounds enumerated under W.S. 33-26-402(a)(i) through (x),
3 (xii) and (xiv) through (xxxiv) except that for purposes of
4 this section, "practice of medicine" or "practice
5 medicine," as used in W.S. 33-26-402(a) means "practice as
6 an anesthesiologist assistant."

7

8 (b) Upon a finding of ineligibility for licensure,
9 refusal to grant, suspension, restriction, refusal to renew
10 or revocation of a license under subsection (a) of this
11 section, the board shall adopt and enter its written order
12 and findings.

13

14 (c) Upon receipt from the department of family
15 services of a certified copy of an order from a court to
16 withhold, suspend or otherwise restrict a license issued by
17 the board, the board shall notify the party named in the
18 court order of the withholding, suspension or restriction
19 of the license in accordance with the terms of the court
20 order. No appeal under the Wyoming Administrative Procedure
21 Act shall be allowed for a license withheld, suspended or
22 restricted under this subsection.

23

1 **33-26-809. Reinstatement.**

2

3 (a) Except as provided in subsection (b) of this
4 section, any person whose license has been revoked,
5 restricted or suspended under this chapter, voluntarily or
6 by action of the board, may petition for reinstatement of
7 the license or for removal of any restrictions or
8 conditions placed upon the license pursuant to W.S.
9 33-26-808 not less than six (6) months after final judicial
10 review of a board order revoking, restricting or suspending
11 the petitioner's license or six (6) months after the date
12 of the board order if there is no judicial review or six
13 (6) months after the date of the board agreement to accept
14 a relinquished, restricted or conditioned license. The
15 petitioner shall submit a written petition to the board
16 that, at a minimum, sets forth and provides information
17 regarding the petitioner's fulfillment of all conditions or
18 compliance with all restrictions imposed upon petitioner by
19 any prior order of the board or success in correcting the
20 conduct that formed the basis for revocation of the
21 petitioner's license.

22

1 (b) If a license is suspended under W.S.
2 33-26-808(c), the license may be reinstated without a
3 hearing as provided in this section upon receipt from the
4 department of family services of notice that the applicant
5 has complied with the terms of the court order that
6 resulted in the suspension or restriction of the license
7 under W.S. 33-26-808(c).

8

9 (c) The burden of proof upon the petitioner at the
10 hearing provided by subsection (b) of this section shall be
11 to demonstrate by a preponderance of evidence that the
12 petitioner has:

13

14 (i) Corrected the conduct that formed the basis
15 for the revocation of petitioner's license and that
16 petitioner is able to safely, skillfully and competently
17 resume practice as an anesthesiologist assistant; or

18

19 (ii) Fulfilled all conditions or complied with
20 all restrictions imposed upon petitioner by any prior order
21 of the board, has otherwise corrected the conduct or
22 condition that formed the basis for the restrictions or
23 conditions placed on petitioner's license and that

1 petitioner is able to safely, skillfully and competently
2 practice as an anesthesiologist assistant.

3

4 (d) Upon receipt of a petition that contains the
5 information required by subsection (a) of this section, the
6 board shall set the matter for a contested case hearing in
7 accordance with the Wyoming Administrative Procedure Act.

8

9 (e) After a hearing conducted pursuant to this
10 section, the board shall issue specific findings of facts,
11 conclusions of law and a final order:

12

13 (i) Reinstating the license;

14

15 (ii) Reinstating the license subject to
16 restrictions or conditions;

17

18 (iii) Removing or modifying the restrictions or
19 conditions of the license; or

20

21 (iv) Denying reinstatement of the license or
22 removal of the restrictions or conditions on the license.

23

1 (f) Any final order issued by the board shall be
2 subject to judicial review as provided for by W.S.
3 33-26-407.

4

5 (g) If the board denies a reinstatement or removal of
6 restrictions or conditions, future petitions for
7 reinstatement or removal of restrictions or conditions may
8 be submitted not less than one (1) year after the board's
9 final order denying reinstatement or removal of
10 restrictions or conditions.

11

12 **33-26-810. Penalties.**

13

14 Any person practicing as an anesthesiologist assistant or
15 representing that the person is an anesthesiologist
16 assistant or any person employing an unlicensed person to
17 practice as an anesthesiologist assistant without a license
18 is guilty of a misdemeanor and upon conviction shall be
19 punished by a fine of not more than one thousand dollars
20 (\$1,000.00), imprisonment for not more than one (1) year,
21 or both. Each violation constitutes a separate offense for
22 which the penalty in this section may be assessed.

23

1 **33-26-811. Voluntary and mandatory revocation;**
2 **restriction; suspension.**

3

4 (a) A licensee may request the board, in writing, to
5 accept the voluntary relinquishment, restriction or
6 suspension of the licensee's license. The board may accept
7 the relinquished license, grant the request for restriction
8 or suspension, attach conditions to the license or waive
9 the commencement of any proceedings under this article. The
10 board shall put in writing any agreement with the licensee.
11 Removal of a voluntary relinquishment, restriction or
12 suspension is subject to the procedure for reinstatement of
13 a license pursuant to W.S. 33-26-809.

14

15 (b) Unless the board and the licensee have agreed to
16 the relinquishment of or imposition of restrictions or
17 conditions on a license, the board shall conduct a
18 proceeding to suspend, restrict, refuse to renew or revoke
19 a license pursuant to W.S. 33-26-808(a) as a contested case
20 under the Wyoming Administrative Procedure Act.

21

22 (c) If the public health, safety or welfare requires
23 emergency action the board may temporarily suspend the

1 license of any licensee without a hearing pursuant to W.S.
2 16-3-113(c).

3

4 **Section 2.** W.S. 33-26-102(a)(intro) and by creating
5 new paragraphs (xxx) and (xxxi) is amended to read:

6

7 **33-26-102. Definitions.**

8

9 (a) Except as otherwise provided, as used in this
10 chapter:

11

12 (xxx) "CAAHEP" means the commission on
13 accreditation of allied health education programs;

14

15 (xxxi) "CAHEA" means the committee on allied
16 health education and accreditation;

17

18 **Section 3.** W.S. 33-26-501(a)(viii) and (ix) is
19 repealed.

20

21 **Section 4.** This act is effective July 1, 2021.

22

23

(END)