

SENATE FILE NO. SF0112

Anesthesiologist assistants licensing.

Sponsored by: Senator(s) Schuler and Pappas and
Representative(s) Storer and Wylie

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; providing for temporary licenses as specified;
5 providing for the imposition of fees; providing for the
6 suspension, restriction, revocation or nonrenewal of
7 licenses as specified; providing for license reinstatement
8 and reactivation; creating a criminal penalty; providing
9 for a hearing; amending the composition of the board of
10 medicine; requiring rulemaking; and providing for an
11 effective date.

12

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

14

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

3

4

ARTICLE 8

5

ANESTHESIOLOGIST ASSISTANTS

6

7

33-26-801. Definitions.

8

9

(a) As used in this article:

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(i) "Alternate anesthesiologist" means an anesthesiologist designated by the supervising anesthesiologist to ensure supervision of the anesthesiologist assistant in the supervising anesthesiologist's absence. An alternate anesthesiologist is subject to the same requirements imposed upon the supervising anesthesiologist;

(ii) "Anesthesiologist" means a physician who has completed a residency in anesthesiology approved by the American board of anesthesiology, the American osteopathic board of anesthesiology or its predecessor or successor

1 organization and is licensed under article 3 of this
2 chapter;

3

4 (iii) "Anesthesiologist assistant" means any
5 person licensed under this article who:

6

7 (A) Has graduated from an anesthesiologist
8 assistant education program approved by the CAAHEP or its
9 predecessor or successor agency;

10

11 (B) Has satisfactorily completed a
12 certification examination administered by the NCCAA or
13 other national anesthesiologist assistant certifying agency
14 that has been reviewed and approved by the board and is
15 currently certified; and

16

17 (C) Is approved by the board to assist in
18 the practice of medicine under the supervision of an
19 anesthesiologist or group of anesthesiologists approved by
20 the board to supervise the person.

21

22 (iv) "Assist" means the anesthesiologist
23 assistant may personally perform those duties and

1 responsibilities delegated to the anesthesiologist
2 assistant by the supervising anesthesiologist with the
3 supervising anesthesiologist being physically on-site;

4

5 (v) "Board" means the Wyoming board of medicine;

6

7 (vi) "Certification examination" means the
8 initial certifying examination approved by the board for
9 the certification of anesthesiologist assistants including,
10 but not limited to, the examination administered by the
11 NCCAA or other national anesthesiologist assistant
12 certifying agency established for such purpose that has
13 been reviewed and approved by the board;

14

15 (vii) "License" means a license to practice as
16 an anesthesiologist assistant in this state;

17

18 (viii) "Licensee" means a person licensed to
19 practice as an anesthesiologist assistant under this
20 article;

21

22 (ix) "NCCAA" means the national commission on
23 the certification of anesthesiologist assistants;

1

2 (x) "On-site" means within the facility where
3 anesthesia services may be needed including the operating
4 room suites, intensive care unit, emergency room, obstetric
5 suite, endoscopy suite, radiology suite, cardiac services
6 suite and recovery room;

7

8 (xi) "Supervising anesthesiologist" means an
9 anesthesiologist approved by the board to supervise an
10 anesthesiologist assistant and who agrees to be responsible
11 for the medical acts of an anesthesiologist assistant;

12

13 (xii) "Supervision" means the ready, on-site
14 availability of the supervising anesthesiologist or
15 certified registered nurse anesthetist for consultation and
16 direction of the activities of the anesthesiologist
17 assistant.

18

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

20

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

23

1 (b) A certified registered nurse anesthetist approved
2 by the state board of nursing to supervise anesthesiologist
3 assistants may perform all of the duties and
4 responsibilities authorized by this article for a
5 supervising anesthesiologist, except that certified
6 registered nurse anesthetists may be prohibited from
7 supervising anesthesiologist assistants during or on
8 procedures where the federal center for Medicare and
9 Medicaid services has lawful authority to regulate the
10 payment for the procedure and where the use of
11 anesthesiologist assistants supervised by a certified
12 registered nurse anesthetist is not allowed or authorized
13 or would result in the reduction or elimination of
14 reimbursement amounts.

15

16 (c) An anesthesiologist assistant may perform those
17 duties and responsibilities delegated to the
18 anesthesiologist assistant by a supervising
19 anesthesiologist and under the supervision of the
20 supervising anesthesiologist. A supervising
21 anesthesiologist may delegate duties to an anesthesiologist
22 assistant within the scope of the supervising

1 anesthesiologist's practice and expertise and within the
2 skills and expertise of the anesthesiologist assistant.

3

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

8

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

12

13 **33-26-803. Board powers and duties.**

14

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

18

19 (b) The board shall:

20

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

23

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(a);

5

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

8

9 (iv) Promulgate rules governing the licensure
10 and practice of anesthesiologist assistants. The board
11 shall consult with the state board of nursing before
12 promulgating rules under this paragraph;

13

14 (v) Retain jurisdiction over only those
15 licensees who were granted temporary or full licenses,
16 regardless of whether the license expired, lapsed or was
17 relinquished during or after the alleged occurrence of
18 conduct prescribed in W.S. 33-26-402 by the licensee or
19 after the board receives a court order pursuant to W.S.
20 33-26-808(c) for the licensee;

21

22 (vi) Review the qualifications of
23 anesthesiologists desiring to serve as a supervising

1 anesthesiologist or alternate anesthesiologist including
2 the compatibility of the supervising anesthesiologist's or
3 alternate anesthesiologist's specialty and scope of
4 practice with that of the anesthesiologist assistant to be
5 supervised.

6

7 **33-26-804. License required; application;**
8 **qualifications; consideration of applications.**

9

10 (a) No person shall practice as an anesthesiologist
11 assistant or represent themselves as a "certified
12 anesthesiologist assistant", "licensed anesthesiologist
13 assistant", "anesthesiologist assistant", "C.A.A." or
14 "A.A." without a license granted by the board.

15

16 (b) The board shall grant an anesthesiologist
17 assistant license to an applicant who:

18

19 (i) Has graduated from an anesthesiologist
20 assistant program accredited by CAAHEP or its predecessor
21 or successor organization;

22

1 (ii) Has satisfactorily completed a
2 certification examination administered by NCCAA or other
3 national certifying agency that has been reviewed and
4 approved by the board and is currently certified;

5

6 (iii) Completes an application on a form
7 approved by the board; and

8

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

10

11 (c) No person shall act as a supervising
12 anesthesiologist or alternate anesthesiologist without a
13 license granted by the board under article 3 of this
14 chapter. The board shall promulgate rules governing the
15 board's consideration of an application by an
16 anesthesiologist to supervise anesthesiologist assistants.
17 Any application shall include at a minimum:

18

19 (i) The qualifications of the anesthesiologist
20 to be employed, including experience;

21

22 (ii) The professional background of the
23 anesthesiologist;

1

2 (iii) A description by the anesthesiologist of
3 that anesthesiologist's practice and the way in which the
4 anesthesiologist assistant will be utilized, including
5 method of supervision.

6

7 (d) The board shall approve an application by an
8 anesthesiologist to supervise anesthesiologist assistants
9 if the board is satisfied that each proposed
10 anesthesiologist assistant is fully qualified to assist in
11 the practice of medicine under the responsible supervision
12 of the applicant supervising anesthesiologist and that the
13 supervising anesthesiologist is compatible in specialty
14 scope and qualified to supervise the anesthesiologist
15 assistants. The board shall provide by rule for
16 requirements and limitations on the practice by and
17 supervision of anesthesiologist assistants including the
18 number of anesthesiologist assistants who may be supervised
19 concurrently and the board shall not allow an
20 anesthesiologist to supervise more than four (4)
21 anesthesiologist assistants concurrently.

22

1 (e) The state board of nursing shall approve an
2 application by a certified registered nurse anesthetist to
3 supervise anesthesiologist assistants if the board is
4 satisfied that each proposed anesthesiologist assistant is
5 fully qualified to assist under the responsible supervision
6 of the applicant certified registered nurse anesthetist and
7 that the certified registered nurse anesthetist is
8 compatible in specialty scope and qualified to supervise
9 the anesthesiologist assistants. The board of nursing shall
10 provide by rule for requirements and limitations on the
11 practice by and supervision of anesthesiologist assistants
12 including the number of anesthesiologist assistants who may
13 be supervised concurrently, and the board of nursing shall
14 not allow a certified registered nurse anesthetist to
15 supervise more than two (2) anesthesiologist assistants
16 during a shift.

17

18 **33-26-805. Temporary licenses.**

19

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

22

23 (i) Completes a temporary license application;

1

2 (ii) Has graduated from an anesthesiologist
3 assistant program accredited by the CAAHEP or its
4 predecessor or successor organization;

5

6 (iii) Has not satisfactorily completed a
7 certification examination administered by the NCCAA or
8 other national certifying agency that has been reviewed and
9 approved by the board and is currently certified; and

10

11 (iv) Pays the temporary license fee prescribed
12 in W.S. 33-26-807.

13

14 (b) Unless revoked, a temporary license is valid
15 until the next board meeting following the date of
16 issuance. The board may extend the temporary license at its
17 discretion upon a showing of good cause for a period not to
18 exceed one (1) year from the original date of issuance of
19 the temporary license.

20

21 **33-26-806. Term of license; renewal; reactivation.**

22

1 (a) All licenses other than temporary licenses shall
2 expire annually on December 31. An anesthesiologist
3 assistant may renew a license by completing and submitting
4 a renewal application form published by the board and by
5 paying a renewal fee to the board before expiration of the
6 current license.

7

8 (b) The board may reactivate a lapsed license if the
9 applicant pays a reactivation fee and meets the
10 requirements for the reactivation of a license as set by
11 rule of the board.

12

13 **33-26-807. License fees.**

14

15 (a) The board shall by rule set appropriate license
16 application, renewal and reinstatement fees, examination
17 fees and fees for information verification or document
18 production and other services of the board under this
19 chapter.

20

21 (b) Fees shall be deposited as provided in W.S.
22 33-26-307(b).

23

1 33-26-808. Denial, suspension, restriction,
2 revocation or nonrenewal of license; written orders and
3 findings; department of family services actions.

4
5 (a) The board may refuse to renew and may revoke,
6 suspend or restrict a license or take other disciplinary
7 action, including the imposition of conditions or
8 restrictions upon a license on one (1) or more of the
9 grounds enumerated under W.S. 33-26-402(a)(i) through
10 (xxxvi) except that for purposes of this section, "practice
11 of medicine" or "practice medicine," as used in W.S.
12 33-26-402(a) means "practice as an anesthesiologist
13 assistant."

14
15 (b) Upon a finding of ineligibility for licensure,
16 refusal to grant, suspension, restriction, refusal to renew
17 or revocation of a license under subsection (a) of this
18 section, the board shall adopt and enter a written order
19 and findings.

20
21 (c) Upon receipt from the department of family
22 services of a certified copy of an order from a court to
23 withhold, suspend or otherwise restrict a license issued by

1 the board, the board shall notify the party named in the
2 court order of the withholding, suspension or restriction
3 of the license in accordance with the terms of the court
4 order. No appeal under the Wyoming Administrative Procedure
5 Act shall be allowed for a license withheld, suspended or
6 restricted under this subsection.

7

8 (d) If the public health, safety or welfare requires
9 emergency action the board may temporarily suspend the
10 license of any licensee without a hearing pursuant to W.S.
11 16-3-113(c).

12

13 **33-26-809. Reinstatement of license; removal of**
14 **restrictions or conditions from a license.**

15

16 (a) Except as provided in subsection (g) of this
17 section, any person whose license has been revoked,
18 restricted or suspended under this chapter, voluntarily or
19 by action of the board, may petition for reinstatement of
20 the license or for removal of any restrictions or
21 conditions placed upon the license pursuant to W.S.
22 33-26-808 not less than six (6) months after final judicial
23 review of a board order revoking, restricting, placing

1 conditions upon or suspending the petitioner's license or
2 six (6) months after the date of the board order if there
3 is no judicial review.

4

5 (b) The petitioner shall submit a petition in writing
6 to the board that, at a minimum, sets forth and provides
7 information regarding the petitioner's fulfillment of any
8 and all conditions or compliance with all restrictions
9 imposed upon petitioner by any prior order of the board or
10 success in correcting the conduct that formed the basis for
11 the revocation, restriction, conditions or suspension of
12 the petitioner's license.

13

14 (c) Upon receipt of the petition that contains the
15 information required by subsection (b) of this section, the
16 board shall set the matter for hearing in accordance with
17 the provisions of the Wyoming Administrative Procedure Act.
18 The burden of proof upon the petitioner at the hearing
19 shall be to demonstrate by a preponderance of the evidence
20 that the petitioner has:

21

22 (i) Corrected the conduct that formed the basis
23 for the revocation, restriction, conditions or suspension

1 of the petitioner's license and that petitioner is able to
2 safely, skillfully and competently resume practice as an
3 anesthesiologist assistant; or

4

5 (ii) Fulfilled all conditions and complied with
6 all restrictions imposed upon petitioner by any prior order
7 of the board, has otherwise corrected the conduct or
8 condition that formed the basis for the restrictions or
9 conditions placed on the petitioner's license and that
10 petitioner is able to safely, skillfully and competently
11 practice as an anesthesiologist assistant.

12

13 (d) After a hearing conducted pursuant to subsection
14 (c) of this section, the board shall issue specific
15 findings of facts, conclusions of law and a final order:

16

17 (i) Reinstating the license;

18

19 (ii) Reinstating the license subject to
20 restrictions or conditions;

21

22 (iii) Removing or modifying the restrictions or
23 conditions of the license; or

1

2 (iv) Denying reinstatement of the license or
3 removal of the restrictions or conditions on the license.

4

5 (e) Any final order issued by the board shall be
6 subject to judicial review as provided by W.S. 33-26-407.

7

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

14

15 (g) Notwithstanding subsections (a) through (d) of
16 this section, if a license is suspended or restricted under
17 W.S. 33-26-808(c), the license may be reissued without a
18 hearing as provided in this section upon receipt from the
19 department of family services of notice that the applicant
20 has complied with the terms of the court order that
21 resulted in the suspension or restriction of the license
22 under W.S. 33-26-808(c).

23

1 **33-26-810. Penalties.**

2

3 Any person practicing as an anesthesiologist assistant
4 without a license or any person knowingly employing a
5 person to practice as an anesthesiologist assistant without
6 a license is guilty of a misdemeanor and upon conviction
7 shall be punished by a fine of not more than one thousand
8 dollars (\$1,000.00), imprisonment for not more than one (1)
9 year, or both.

10

11 **33-26-811. Voluntary and mandatory revocation;**
12 **restriction; suspension.**

13

14 (a) A licensee may request in writing that the board
15 accept the voluntary relinquishment, restriction or
16 suspension of the licensee's license. The board may accept
17 the relinquished license, grant the request for restriction
18 or suspension, attach conditions to the license, deny the
19 request or waive the commencement of any proceedings under
20 this article. The board shall put in writing any agreement
21 with the licensee. Removal of a voluntary relinquishment,
22 restriction or suspension is subject to the procedure for
23 reinstatement of a license pursuant to W.S. 33-26-809.

1

2 (b) Unless the board and the licensee have agreed to
3 the relinquishment of or imposition of restrictions or
4 conditions on a license under this section, the board shall
5 conduct a proceeding to suspend, restrict, refuse to renew
6 or revoke a license as a contested case under the Wyoming
7 Administrative Procedure Act.

8

9 **Section 2.** W.S. 33-26-102(a)(intro) and by creating
10 new paragraphs (xxx) and (xxxi) and 33-26-201(a) are
11 amended to read:

12

13 **33-26-102. Definitions.**

14

15 (a) Except as otherwise provided, as used in this
16 chapter:

17

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

20

21 (xxxi) "CAHEA" means the committee on allied
22 health education and accreditation.

23

1 33-26-201. State board of medicine; composition;
2 appointment; terms; qualifications; removal; vacancies;
3 quorum.

4
5 (a) The Wyoming state board of medicine shall consist
6 of ~~five (5)~~ six (6) physicians licensed to practice
7 medicine in Wyoming, not less than one (1) of whom shall
8 possess the degree of doctor of osteopathy, ~~and~~ not less
9 than two (2) of whom shall possess the degree of doctor of
10 medicine, and not less than one (1) of whom shall be an
11 anesthesiologist. The state board shall also consist of one
12 (1) physician assistant, one (1) anesthesiologist assistant
13 and two (2) lay members. All members shall be appointed by
14 the governor by and with the consent of the senate as
15 required by W.S. 28-12-101 through 28-12-103. Board members
16 appointed by the governor shall serve at the pleasure of
17 the governor. The board members shall annually elect a
18 president, a vice-president, and a secretary.

19

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

22

1 **Section 4.** This act is effective July 1, 2025.

2

3

(END)