

BILL ANALYSIS

C.S.H.B. 2525
By: Zerwas
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that anesthesiologist assistants undergo extensive training in both academic and clinical settings, but have no regulatory oversight outside of national certification and exam and continuing education requirements. C.S.H.B. 2525 seeks to provide oversight of anesthesiologist assistants through optional licensure so that anesthesiologist assistants continue to deliver safe anesthesia care to patients as part of an anesthesia care team.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2525 amends the Occupations Code to provide for the licensing of an anesthesiologist assistant under the Physician Assistant Licensing Act in substantially the same manner as a physician assistant is licensed under that act. The bill sets out the eligibility requirements for an anesthesiologist assistant license but establishes that an anesthesiologist assistant is not required to obtain a license and may practice as an anesthesiologist assistant under the delegated authority of a licensed physician. The bill requires the Texas Medical Board to adopt rules consistent with the act to regulate anesthesiologist assistants and physician anesthesiologists who supervise anesthesiologist assistants. The bill extends the applicability of the requirement for a licensed physician assistant to provide certain notice of intent to practice to any person licensed under the act.

C.S.H.B. 2525 establishes that the practice of an anesthesiologist assistant includes providing medical services delegated by a supervising physician anesthesiologist that are within the education, training, and experience of the anesthesiologist assistant. The bill sets out certain specified medical services that an anesthesiologist assistant may provide and requires an anesthesiologist assistant to be supervised by a supervising physician anesthesiologist in the same manner that a physician assistant is supervised by a supervising physician, except that during the provision of any anesthesia service by an anesthesiologist assistant, the supervising physician anesthesiologist is required to maintain a physical proximity that enables the supervising physician anesthesiologist to be immediately available if needed.

C.S.H.B. 2525 establishes the anesthesiologist assistant advisory committee and provides for the committee's composition. The bill requires the presiding officer of the Texas Physician Assistant Board to appoint the committee members and establishes that the committee members serve at

the will of the physician assistant board's presiding officer and without compensation or reimbursement for expenses incurred in the performance of duties as a committee member. The bill requires the committee to meet at the call of the physician assistant board's presiding officer and to provide recommendations to the physician assistant board on matters related to the regulation of anesthesiologist assistants as requested by the presiding officer.

C.S.H.B. 2525 changes the accreditation criteria for the educational program that an applicant for a physician assistance license must successfully complete from accreditation by the Committee on Allied Health Education and Accreditation or by that committee's predecessor or successor entities to accreditation by the Accreditation Review Commission on Education for the Physician Assistant or by that commission's predecessor or successor entities.

C.S.H.B. 2525 requires the Texas Physician Assistant Board or Texas Medical Board, as appropriate, to adopt rules necessary to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2525 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter B, Chapter 204, Occupations Code, is amended by adding Section 204.060 to read as follows:

Sec. 204.060. ANESTHESIOLOGIST ASSISTANT ADVISORY COMMITTEE.

(a) The anesthesiologist assistant advisory committee consists of seven members appointed by the presiding officer of the physician assistant board.

(b) The committee consists of:

(1) four anesthesiologist assistants; and

(2) three physician anesthesiologists.

(c) The committee members serve:

(1) at the will of the presiding officer of the physician assistant board; and

(2) without compensation or reimbursement for expenses incurred in the performance of duties as a committee member.

(d) The committee shall:

(1) meet at the call of the presiding officer of the physician assistant board; and

(2) provide recommendations to the physician assistant board on matters related to the regulation of anesthesiologist assistants as requested by the presiding officer of the physician assistant board.

No equivalent provision.

SECTION 2. The heading to Section 204.102, Occupations Code, is amended to read as follows:

Sec. 204.102. POWERS AND DUTIES OF MEDICAL BOARD RELATING TO PHYSICIAN ASSISTANTS AND ANESTHESIOLOGIST ASSISTANTS.

No equivalent provision.

SECTION 3. Section 204.102(a), Occupations Code, is amended to read as follows:

(a) The medical board shall adopt rules consistent with this chapter to regulate:

(1) physician assistants;

(2) [~~and~~] physicians who supervise physician assistants;

(3) anesthesiologist assistants; and

(4) physician anesthesiologists who supervise anesthesiologist assistants.

No equivalent provision.

SECTION 4. Section 204.151, Occupations Code, is amended to read as follows:

Sec. 204.151. LICENSE REQUIRED; EXCEPTION. (a) A person may not practice as a physician assistant in this state unless the person holds a physician assistant license issued under this chapter.

(b) An anesthesiologist assistant is not required to obtain a license under this chapter and may practice as an anesthesiologist assistant under the delegated authority of a licensed physician.

No equivalent provision. (*But see SECTION 1 below.*)

SECTION 5. Section 204.152(a), Occupations Code, is amended to read as follows:

(a) The physician assistant board shall issue a physician assistant or anesthesiologist assistant license to an applicant who:

(1) meets the eligibility requirements of Section 204.153 or 204.1535, as applicable;

(2) submits an application on a form prescribed by the board;

(3) pays the required application fee;

(4) certifies that the applicant is mentally and physically able to function safely as a physician assistant; and

(5) submits to the board any other information the board considers necessary to evaluate the applicant's qualifications.

No equivalent provision.

SECTION 1. Section 204.153(a), Occupations Code, is amended to read as follows:

(a) To be eligible for a license under this chapter, an applicant must:

(1) successfully complete an educational program for physician assistants, anesthesiologist assistants, or surgeon assistants accredited by the Accreditation Review Commission on Education for the Physician Assistant or the Commission on Accreditation of [Committee on] Allied Health Education Programs [and Accreditation] or by those commissions' [that committee's] predecessor or successor entities;

(2) pass the Physician Assistant National Certifying Exam [Examination] administered by the National Commission on Certification of Physician Assistants or the Certifying Examination for Anesthesiologist Assistants administered by the National Commission for Certification of Anesthesiologist Assistants;

(3) hold a certificate issued by the National Commission on Certification of Physician Assistants or the National Commission for Certification of Anesthesiologist Assistants;

(4) be of good moral character;

(5) meet any other requirement established by physician assistant board rule; and

(6) pass a jurisprudence examination approved by the physician assistant board as provided by Subsection (a-1).

SECTION 2. Section 204.154, Occupations Code, is amended to read as follows:

Sec. 204.154. EXEMPTIONS FROM LICENSING REQUIREMENT FOR CERTAIN PHYSICIAN ASSISTANTS. A person is not required to hold a license issued under this chapter to practice as:

(1) a physician assistant student enrolled in a physician assistant, anesthesiologist assistant, or surgeon assistant educational

SECTION 6. The heading to Section 204.153, Occupations Code, is amended to read as follows:

Sec. 204.153. ELIGIBILITY REQUIREMENTS FOR PHYSICIAN ASSISTANT LICENSE.

SECTION 7. Section 204.153(a), Occupations Code, is amended to read as follows:

(a) To be eligible for a physician assistant license under this chapter, an applicant must:

(1) successfully complete an educational program for physician assistants or surgeon assistants accredited by the Accreditation Review Commission on Education for the Physician Assistant [Committee on Allied Health Education and Accreditation] or by that commission's [committee's] predecessor or successor entities;

(2) pass the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physician Assistants or the commission's successor entity;

(3) hold a certificate issued by the National Commission on Certification of Physician Assistants or the commission's successor entity;

(4) be of good moral character;

(5) meet any other requirement established by physician assistant board rule; and

(6) pass a jurisprudence examination approved by the physician assistant board as provided by Subsection (a-1).

No equivalent provision.

program accredited by the Accreditation Review Commission on Education for the Physician Assistant or the Commission on Accreditation of [Committee on] Allied Health Education Programs [~~and Accreditation of the American Medical Association~~] or by successor entities as approved and designated by physician assistant board rule; or

(2) a physician assistant employed in the service of the federal government while performing duties related to that employment.

SECTION 3. Section 204.155(a), Occupations Code, is amended to read as follows:

(a) The physician assistant board may issue a temporary license to an applicant who:

(1) meets all the qualifications for a license under this chapter but is waiting for the license to be issued at the next scheduled meeting of the board;

(2) seeks to temporarily substitute for a licensed physician assistant during the license holder's absence, if the applicant:

(A) is licensed or registered in good standing in another state;

(B) submits an application on a form prescribed by the board; and

(C) pays the appropriate fee prescribed by the board; or

(3) has graduated from an educational program for physician assistants, anesthesiologist assistants, or surgeon assistants described by Section 204.153(a)(1) not later than six months before applying for a temporary license and is waiting for examination results from the National Commission on Certification of Physician Assistants or the National Commission for Certification of Anesthesiologist Assistants.

No equivalent provision. (*But see SECTION 1 above.*)

No equivalent provision.

SECTION 8. Subchapter D, Chapter 204, Occupations Code, is amended by adding Section 204.1535 to read as follows:

Sec. 204.1535. ELIGIBILITY REQUIREMENTS FOR ANESTHESIOLOGIST ASSISTANT LICENSE. To be eligible for an anesthesiologist assistant license under this chapter, an applicant must:

- (1) successfully complete an educational program for anesthesiologist assistants accredited by the Commission on Accreditation of Allied Health Education Programs or by that commission's predecessor or successor entities;
- (2) pass the Certifying Examination for Anesthesiologist Assistants administered by the National Commission for Certification of Anesthesiologist Assistants or the commission's successor entity;
- (3) hold a certificate issued by the National Commission for Certification of Anesthesiologist Assistants or the commission's successor entity;
- (4) be of good moral character;
- (5) meet any other requirement established by physician assistant board rule; and
- (6) pass a jurisprudence examination approved by the physician assistant board that is comparable to the examination under Section 204.153(a-1).

No equivalent provision.

SECTION 9. Section 204.201, Occupations Code, is amended to read as follows:

Sec. 204.201. NOTICE OF INTENT TO PRACTICE. (a) Before beginning practice, each person [~~physician assistant~~] licensed under this chapter shall submit on a form prescribed by the physician assistant board notice of the license holder's intent to practice. The notice must include:

- (1) the name, business address, license number, and telephone number of the license holder [~~physician assistant~~]; and
- (2) the name, business address, Texas license number, and telephone number of the license holder's [~~physician assistant's~~] supervising physician or supervising physician anesthesiologist, as applicable.

(b) A license holder [~~physician assistant~~] shall notify the physician assistant board of any change in, or addition to, the person acting as a supervising physician or supervising physician anesthesiologist, as applicable, [~~for the physician assistant~~] not later than the 30th day after the date the change or addition occurs.

No equivalent provision.

SECTION 10. The heading to Section 204.202, Occupations Code, is amended to read as follows:

Sec. 204.202. SCOPE OF PRACTICE FOR

PHYSICIAN ASSISTANT.

No equivalent provision.

SECTION 11. Subchapter E, Chapter 204, Occupations Code, is amended by adding Section 204.2025 to read as follows:

Sec. 204.2025. SCOPE OF PRACTICE FOR ANESTHESIOLOGIST ASSISTANT.

(a) The practice of an anesthesiologist assistant includes providing medical services delegated by a supervising physician anesthesiologist that are within the education, training, and experience of the anesthesiologist assistant.

(b) Medical services provided by an anesthesiologist assistant may include:

(1) obtaining an appropriate and accurate pre-anesthetic health history;

(2) performing an appropriate physical examination and recording pertinent information in an organized and legible manner;

(3) performing diagnostic laboratory and related studies as appropriate, including drawing arterial and venous blood samples;

(4) performing the insertion of invasive monitoring modalities, including transesophageal echocardiography probes, arterial lines, pulmonary artery catheters, and central venous lines, as delegated by the supervising physician anesthesiologist;

(5) administering anesthetic agents and controlled substances, including administering induction agents, maintaining and altering anesthesia levels, administering adjunctive treatments, and providing continuity of anesthetic care into and during the post-operative recovery period;

(6) establishing airway interventions and performing ventilation support;

(7) applying, performing, and interpreting advanced monitoring techniques;

(8) using advanced life support techniques, including high frequency ventilation and intra-arterial cardiovascular assist devices;

(9) monitoring patients after the administration of anesthesia by recording patient progress notes, compiling and recording case summaries, and transcribing standing and specific orders;

(10) evaluating and treating life-threatening situations, including performing cardiopulmonary resuscitation, on the basis of established protocols, including basic life support, advanced cardiac life support, and

pediatric advanced life support protocols;
and
(11) performing duties in intensive care
units, pain clinics, and other settings, as
delegated by the supervising physician
anesthesiologist.

SECTION 4. Section 204.204, Occupations Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Notwithstanding Subsection (b), an anesthesiologist assistant must be supervised by a physician who is an anesthesiologist and maintains a physical proximity that enables the supervising physician anesthesiologist to be immediately available if needed.

No equivalent provision.

SECTION 5. (a) Sections 204.153 and 204.155, Occupations Code, as amended by this Act, apply only to an application for a license submitted to the Texas Physician Assistant Board on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

(b) As soon as practicable after the effective date of this Act, the Texas Physician Assistant Board or Texas Medical Board, as appropriate, shall adopt rules necessary to implement the changes in law made by this Act to Chapter 204, Occupations Code.

SECTION 12. Section 204.204, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) An anesthesiologist assistant must be supervised by a supervising physician anesthesiologist in the same manner that a physician assistant is supervised by a supervising physician under Subsections (a), (b), and (c), except that during the provision of any anesthesia service by an anesthesiologist assistant, the supervising physician anesthesiologist shall maintain a physical proximity that enables the supervising physician anesthesiologist to be immediately available if needed.

SECTION 13. As soon as practicable after the effective date of this Act, the presiding officer of the Texas Physician Assistant Board shall appoint seven members to the anesthesiologist assistant advisory committee in accordance with Section 204.060, Occupations Code, as added by this Act.

SECTION 14. (a) Sections 204.152 and 204.153, Occupations Code, as amended by this Act, and Section 204.1535, Occupations Code, as added by this Act, apply only to an application for a license submitted to the Texas Physician Assistant Board on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

(b) As soon as practicable after the effective date of this Act, the Texas Physician Assistant Board or Texas Medical Board, as appropriate, shall adopt rules necessary to implement the changes in law made by this Act to Chapter 204, Occupations Code.

SECTION 6. This Act takes effect
September 1, 2017.

SECTION 15. Same as introduced version.