

BILL ANALYSIS

Senate Research Center
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S.B. 1314
By: Uresti
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Anesthesiologist assistants (AAs) are allied health care providers who work under the direction of licensed anesthesiologists to develop and implement anesthesia care plans. AAs are licensed and regulated in 15 states and the District of Columbia, are recognized for compensation as approved health care providers by Medicare, Medicaid, and Tricare, and are employed in the Veterans Administration hospital system. Currently, there is a shortage of AAs practicing in Texas. This bill will ensure patient safety and promote AA practice in Texas.

As proposed, S.B. 1314 requires AAs to obtain a license in Texas, and provides certain requirements relating to their practice.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Anesthesiologist Assistant Board in SECTION 4 (Section 207.104, Section 207.156, Section 205.157, Section 205.158, Section 207.306, and Section 207.351, Occupations Code) of this bill.

Rulemaking authority is expressly granted to the Texas Medical Board in SECTION 4 (Sections 207.103 and 207.107, Occupations Code) and SECTION 6 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Subchapter B, Chapter 157, Occupations Code, to read as follows:

SUBCHAPTER B. DELEGATION TO ADVANCED PRACTICE NURSES, PHYSICIAN ASSISTANTS, AND ANESTHESIOLOGIST ASSISTANTS

SECTION 2. Amends Section 157.051, Occupations Code, by adding Subdivision (1-a), to define "anesthesiologist assistant."

SECTION 3. Amends Subchapter B, Chapter 157, Occupations Code, by adding Section 157.061, as follows:

Sec. 157.061. DELEGATION TO ANESTHESIOLOGIST ASSISTANTS. (a) Authorizes a board certified anesthesiologist to delegate to an anesthesiologist assistant the ordering of drugs and devices necessary for the anesthesiologist assistant to administer an anesthetic or an anesthesia-related service in a licensed hospital or ambulatory surgical center.

(b) Authorizes an anesthesiologist assistant to select, obtain, and administer the drugs and apply the medical devices appropriate to accomplish the anesthesiologist's order and maintain the patient within a sound physiological status under the anesthesiologist's order and in accordance with facility policies or medical staff bylaws.

(c) Requires this section to be liberally construed to permit the full use of safe and effective medication orders to use the skills and services of anesthesiologist assistants.

SECTION 4. Amends Subtitle C, Title 3, Occupations Code, by adding Chapter 207, as follows:

CHAPTER 207. ANESTHESIOLOGIST ASSISTANTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 207.001. **SHORT TITLE.** Authorizes this chapter to be cited as the Anesthesiologist Assistant Licensing Act.

Sec. 207.002. **DEFINITIONS.** Defines "anesthesiologist," "anesthesiologist assistant," "anesthesiologist assistant board," "anesthesiologist assistant practice protocol," "anesthesiology," "direct supervision," "immediately available," "medical board," and "physician."

Sec. 207.003. **APPLICATION OF SUNSET ACT.** Provides that the Texas Anesthesiologist Assistant Board (board) is subject to Chapter 325 (Texas Sunset Act), Government Code. Abolishes the board and provides that this chapter expires September 1, 2019, unless continued in existence as provided by that chapter.

Sec. 207.004. **APPLICABILITY OF CHAPTER.** (a) Sets forth certain professions for which a person is not required to hold a license issued under this chapter to practice.

(b) Provides that this chapter does not limit the employment arrangement of an anesthesiologist assistant.

[Reserves Sections 207.005-207.050 expansion.]

SUBCHAPTER B. TEXAS ANESTHESIOLOGIST ASSISTANT BOARD

Sec. 207.051. **ANESTHESIOLOGIST ASSISTANT BOARD.** (a) Provides that the board is an advisory board to the Texas Medical Board (medical board).

(b) Requires the board to provide certain assistance to the medical board.

(c) Provides that the medical board is responsible for the ongoing examination of the scope of practice and promoting the continuing role of anesthesiologist assistants in the delivery of health care services.

Sec. 207.052. **APPOINTMENT OF BOARD.** Provides that the board consists of six certain members appointed by the governor with the advice and consent of the senate.

Sec. 207.053. **PUBLIC MEMBER ELIGIBILITY.** Provides that a person is not eligible for appointment as a public member of the board under certain conditions relating to the person or the person's spouse.

Sec. 207.054. **MEMBERSHIP AND EMPLOYEE RESTRICTIONS.** (a) Defines "Texas trade association."

(b) Prohibits a person from being a member of the board or an employee of the medical board employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) under certain circumstances.

(c) Prohibits a person from being a member of the board if the person is required to register as a lobbyist under Chapter 305 (Registration of Lobbyists), Government Code.

Sec. 207.055. **MEMBERSHIP REQUIREMENTS.** Requires each member of the board to be a citizen of the United States and a resident of this state. Requires each physician member of the board to be licensed to practice medicine in this state.

Sec. 207.056. TERMS; VACANCIES. (a) Provides that members of the board serve staggered three-year terms. Provides that the terms of two members expire on January 31 each year.

(b) Prohibits a board member who is an anesthesiologist assistant or a physician from serving more than two consecutive terms.

(c) Requires the president of the Texas Society of Anesthesiologists, or its successor, at least 90 days before the expiration of a term of a member who is an anesthesiologist or anesthesiologist assistant or as soon as possible after a vacancy occurs, to submit a list to the medical board of not more than three qualified and willing individuals for each vacancy on the board with a request and recommendation that the governor appoint one of the individuals listed to each vacancy as indicated on the list. Requires the president of the Texas Society of Anesthesiologists, or its successor, to include a letter of transmittal with the list that describes the method by which the individuals were chosen.

(d) Requires the governor to appoint a new member to serve the unexpired term if a vacancy occurs during a term.

Sec. 207.057. OFFICERS; MEETINGS. (a) Requires the board to hold an open annual meeting and elect a presiding officer and secretary from among its members.

(b) Authorizes the board to hold additional meetings as necessary provided that notice of each meeting is given to each member not less than 10 days before the date of the meeting.

Sec. 207.058. APPLICABILITY OF OTHER LAW. (a) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the board.

(b) Provides that the board is subject to Chapters 551 (Open Meetings) and 2001 (Administrative Procedures), Government Code, except as otherwise provided by this chapter.

Sec. 207.059. GROUNDS FOR REMOVAL. (a) Sets forth grounds for removal from the board.

(b) Provides that the validity of an action of the board is not affected by the fact that it is taken when a ground for removal of a board member exists.

(c) Requires the executive director and the presiding officer to take certain actions set forth in this subsection if grounds for removal from office exist.

Sec. 207.060. TRAINING. (a) Prohibits a person who is appointed to and qualifies for office as a member of the board from voting, deliberating, or being counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(b) Requires the training program to provide the person with information regarding certain matters.

(c) Entitles a person appointed to the board to reimbursement, as provided by the General Appropriations Act, for travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Sec. 207.061. QUALIFICATIONS AND STANDARDS OF CONDUCT INFORMATION. Requires the executive director of the medical board or the executive director's designee to provide, as often as necessary, to members of the board certain information.

Sec. 207.062. COMPENSATION; REIMBURSEMENT. Prohibits a board member from receiving compensation for service on the board, but entitles a board member to receive reimbursement under the General Appropriations Act for transportation and related expenses incurred while conducting the anesthesiologist assistant board's business.

[Reserves Sections 207.063-207.100 for expansion.]

SUBCHAPTER C. POWERS AND DUTIES OF ANESTHESIOLOGIST ASSISTANT BOARD AND MEDICAL BOARD

Sec. 207.101. GENERAL POWERS AND DUTIES OF ANESTHESIOLOGIST ASSISTANT BOARD. Requires the board to perform certain tasks.

Sec. 207.102. GUIDELINES FOR EARLY INVOLVEMENT IN RULEMAKING PROCESS. (a) Requires the board to adopt guidelines to establish procedures for receiving input during the rulemaking process from individuals and groups that have an interest in matters under the anesthesiologist assistant board's jurisdiction. Requires that the guidelines provide an opportunity for those individuals and groups to provide input before the board submits the rule to the medical board for approval.

(b) Prohibits a rule adopted by the medical board from being challenged on the grounds that the board did not comply with this section. Requires the board to state in writing the reasons why the board was unable to do so if the board was unable to solicit a significant amount of input from the public or affected persons early in the rulemaking process.

Sec. 207.103. POWERS AND DUTIES OF MEDICAL BOARD RELATING TO ANESTHESIOLOGIST ASSISTANTS. (a) Requires the medical board to adopt rules consistent with this chapter to regulate anesthesiologist assistants and anesthesiologists who supervise anesthesiologist assistants.

(b) Requires the medical board to approve or reject each rule adopted by the board by a majority vote. Authorizes the rule to take effect if approved. Requires the medical board to return the rule to the board for revision if the rule is rejected.

Sec. 207.104. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION. Requires the board to adopt rules and guidelines as necessary to comply with Chapter 53 (Consequences of Criminal Conviction), except to the extent the requirements of this chapter are stricter than the requirements of Chapter 53.

Sec. 207.105. ASSISTANCE BY MEDICAL BOARD. (a) Requires the medical board to provide administrative and clerical employees as necessary to enable the board to administer this chapter.

(b) Requires the board, subject to the advice and approval of the medical board, to develop and implement policies that clearly separate the policy-making responsibilities of the board and the management responsibilities of the executive director and the staff of the medical board.

Sec. 207.106. FEES. Requires the medical board to set and collect fees in amounts that are reasonable and necessary to cover the costs of administering and enforcing this chapter without the use of any other funds generated by the medical board.

Sec. 207.107. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING. (a) Prohibits the medical board from adopting rules under this chapter restricting advertising or competitive bidding by a license holder except under certain circumstances.

(b) Prohibits the medical board, in its rules from prohibiting false, misleading, or deceptive practices from including certain rules relating to advertising.

Sec. 207.108. ANNUAL REPORT. (a) Requires the medical board to annually prepare a complete and detailed written report accounting for all funds received and disbursed by the medical board or the board under this chapter during the preceding fiscal year.

(b) Requires the annual report to meet the reporting requirements applicable to financial reporting provided in the General Appropriations Act.

Sec. 207.109. TECHNOLOGY POLICY. Requires the medical board to implement a policy requiring the board to use appropriate technological solutions to improve the board's ability to perform its functions. Requires the policy to ensure that the public is able to interact with the board on the Internet.

Sec. 207.110. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION POLICY. Requires the medical board to develop and implement a policy to encourage the use of certain procedures.

Sec. 207.111. PUBLIC INTEREST INFORMATION. (a) Requires the board to prepare information of public interest describing the functions of the board and the procedures by which complaints are filed with and resolved by the board.

(b) Requires the board to make the information available to the public and appropriate state agencies.

Sec. 207.112. PUBLIC PARTICIPATION. Requires the board to develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board subject to the advice and approval of the medical board.

Sec. 207.113. RECORDS OF COMPLAINTS. (a) Requires the board to maintain a system to promptly and efficiently act on complaints filed with the board. Requires the board to maintain certain information.

(b) Requires the board to make information available describing its procedures for complaint investigation and resolution.

(c) Requires the board to periodically notify the parties of the status of the complaint until final disposition of the complaint, unless the notice would jeopardize an investigation.

[Reserves Sections 207.114-207.150 expansion.]

SUBCHAPTER D. LICENSE REQUIREMENTS; EXEMPTIONS; RENEWALS

Sec. 207.151. LICENSE REQUIRED. Prohibits a person from practicing as an anesthesiologist assistant in this state unless the person holds an anesthesiologist assistant license issued under this chapter.

Sec. 207.152. ISSUANCE OF LICENSE. (a) Requires the board to issue a license to an applicant under certain circumstances.

(b) Authorizes the board to delegate authority to medical board employees to issue licenses under this chapter to applicants who clearly meet all licensing requirements. Requires the application to be returned to the board if the medical board employees determine that the applicant does not clearly meet all licensing requirements. Provides that a license issued under this subsection does not require formal board approval.

Sec. 207.153. ELIGIBILITY REQUIREMENTS. (a) Sets forth certain eligibility requirements of an applicant under this chapter.

(b) Sets forth certain circumstances under which an applicant is not eligible for a license, in addition to the requirements of Subsection (a).

Sec. 207.154. EXEMPTION FROM LICENSING REQUIREMENT FOR CERTAIN ANESTHESIOLOGIST ASSISTANTS. Sets forth certain circumstances under which a person is not required to hold a license issued under this chapter.

Sec. 207.155. TEMPORARY LICENSE. (a) Authorizes the board to issue a temporary license to an applicant who meets certain criteria.

(b) Authorizes a temporary license to be valid for not more than one year after the date issued as determined by board rule.

Sec. 207.156. LICENSE RENEWAL. (a) Provides for certain procedures for renewing a license on notification from the board.

(b) Authorizes the board, by rule, to adopt a system under which licenses expire on various dates during the year.

(c) Authorizes a person who is otherwise eligible to renew a license to renew an unexpired license by paying the required renewal fee to the board before the expiration date of the license. Prohibits a person whose license has expired from engaging in activities that require a license until the license has been renewed.

(d) Authorizes a person whose license has been expired for 90 days or less to renew the license by paying to the board a fee that is equal to 1-1/2 times the renewal fee for the license.

(e) Authorizes a person whose license has been expired for more than 90 days but less than one year to renew the license by paying to the board a fee equal to two times the renewal fee for the license.

(f) Authorizes a person who was licensed in this state, moved to another state, and is currently licensed and has been in practice in the other state for the two years preceding the date of the application to obtain a new license by paying to the board a fee that is equal to two times the normally required renewal fee for the license.

Sec. 205.157. CONTINUING EDUCATION REQUIREMENTS. Requires the board by rule to establish continuing education requirements for an anesthesiologist assistant licensed under this chapter. Authorizes the rules to require a license holder, as a condition for license renewal, to successfully complete the continuing education required to maintain certification by the National Commission for Certification of Anesthesiologist Assistants or another national certification agency selected by the board.

Sec. 205.158. INACTIVE STATUS. (a) Authorizes a person licensed under this chapter to place the person's license on inactive status by applying to the board. Provides that a person whose license is on inactive status is not required to pay renewal fees for the license.

(b) Prohibits the holder of a license on inactive status from practicing as an anesthesiologist assistant. Provides that a violation of this subsection is considered to be practicing without a license.

(c) Authorizes a person whose license is on inactive status under this section to return the person's license to active status by a certain method.

(d) Requires the board, by rule, to establish a limit on the length of time an anesthesiologist assistant's license is authorized to remain on inactive status.

[Reserves Sections 207.159-207.200 expansion.]

SUBCHAPTER E. PRACTICE BY LICENSE HOLDER

Sec. 207.201. SCOPE OF PRACTICE. (a) Authorizes an anesthesiologist assistant to assist the supervising anesthesiologist in developing and implementing an anesthesia care plan for a patient. Authorizes an anesthesiologist assistant to perform certain tasks in providing assistance to the supervising anesthesiologist.

(b) Requires an anesthesiologist at all times to accept and be responsible for the oversight of the health care services rendered by the anesthesiologist assistant.

(c) Provides that this chapter does not prevent a third-party payor from reimbursing the employer of an anesthesiologist assistant for covered services rendered by the anesthesiologist assistant.

Sec. 207.202. CERTAIN PROHIBITED PRACTICES. Prohibits an anesthesiologist assistant from performing certain practices.

Sec. 207.203. IDENTIFICATION REQUIREMENTS. (a) Requires an anesthesiologist assistant to be clearly identified as an anesthesiologist assistant. Prohibits an anesthesiologist assistant or permit to be used on the anesthesiologist assistant's behalf certain terms.

(b) Prohibits an anesthesiologist assistant from referring to a license as "board-certified" or using any other terminology that might imply that the anesthesiologist assistant is a physician or surgeon.

(c) Requires a student in an anesthesiologist assistant training program to be identified as a student anesthesiologist assistant or an anesthesiologist assistant student. Prohibits a student from using or permit to be used on the student's behalf certain terms.

Sec. 207.204. SUPERVISION REQUIREMENTS. (a) Sets forth certain authorizations and requirements relating to the supervision of an anesthesiologist assistant.

(b) Requires each anesthesiologist who agrees to act as the supervising anesthesiologist of an anesthesiologist assistant to adopt a written practice protocol that delineates the services the anesthesiologist assistant may provide and the manner in which the anesthesiologist will supervise the anesthesiologist assistant. Requires the protocol to be based on relevant quality assurance standards, including regular review by the supervising anesthesiologist of the medical records of the patients cared for by the anesthesiologist assistant.

(c) Requires a supervising anesthesiologist to oversee the anesthesiologist assistant in accordance with the terms of the protocol and rules adopted by the board for the supervision of an anesthesiologist assistant. Authorizes the board to randomly audit or inspect any written practice protocol under which an anesthesiologist assistant works.

Sec. 207.205. REQUIREMENTS OF SUPERVISING ANESTHESIOLOGIST. (a) Sets forth certain requirements of a supervising anesthesiologist.

(b) Prohibits an individual who does not meet the criteria under Subsection (a) from supervising or delegating any task to an anesthesiologist assistant.

Sec. 207.206. ASSUMPTION OF PROFESSIONAL LIABILITY. (a) Provides that each supervising anesthesiologist retains legal responsibility for an anesthesiologist

assistant's patient care activities, including the provision of care and treatment to a patient in a health care facility.

(b) Provides that if an anesthesiologist assistant is employed by an entity, including a health care facility, the entity shares the legal responsibility for the anesthesiologist assistant's acts or omissions with the anesthesiologist assistant's supervising anesthesiologist.

Sec. 207.207. FACILITY LIMITATIONS OF FUNCTIONS. Authorizes the governing body of each facility in which anesthesiologist assistants practice to limit the functions and activities that an anesthesiologist assistant is authorized to perform in the facility.

[Reserves Sections 207.208-207.250 expansion.]

SUBCHAPTER F. COMPLAINTS AND INVESTIGATIVE INFORMATION

Sec. 207.251. COMPLAINT INFORMATION AND STATUS. (a) Requires the board to keep information on file about each complaint filed with the board.

(b) Requires the board, if a written complaint is filed with the board relating to a person licensed by the board, as often as quarterly and until final determination of the action to be taken on the complaint, to notify the parties to the complaint of the status of the complaint unless the notice would jeopardize an active investigation.

Sec. 207.252. CONDUCT OF INVESTIGATION. (a) Requires the board to complete a preliminary investigation of a complaint filed with the board not later than the 30th day after the date of receiving the complaint.

(b) Requires the board to first determine whether the anesthesiologist assistant constitutes a continuing threat to the public welfare. Requires the board to determine whether to officially proceed on the complaint on completion of the preliminary investigation.

(c) Provides that the board's official investigation of the complaint is considered to commence on that date if the board fails to complete the preliminary investigation in the time required by this section.

Sec. 207.253. LICENSE HOLDER ACCESS TO COMPLAINT INFORMATION. (a) Requires the board to provide a license holder who is the subject of a formal complaint filed under this chapter with access to all information in its possession that the board intends to offer into evidence in presenting its case at the contested hearing on the complaint, subject to any other privilege or restriction established by rule, statute, or legal precedent. Requires the board to provide the information not later than the 30th day after receipt of a written request from the license holder or the license holder's counsel, unless good cause is shown for delay.

(b) Sets forth certain information the board is not required to provide, notwithstanding Subsection (a).

(c) Provides that the provision of information does not constitute a waiver of privilege or confidentiality under this chapter or other law.

Sec. 207.254. HEALTH CARE ENTITY REQUEST FOR INFORMATION. Requires the board to provide certain information to the entity on the written request of a health care entity.

Sec. 207.255. CONFIDENTIALITY OF INVESTIGATIVE INFORMATION. Provides that a complaint, adverse report, investigation file, other report, or other investigative information in the possession of or received or gathered by the board or a board

employee or agent relating to a license holder, a license application, or a criminal investigation or proceeding is privileged and confidential.

Sec. 207.256. PERMITTED DISCLOSURE OF INVESTIGATIVE INFORMATION.

(a) Authorizes investigative information in the possession of an board employee or agent that relates to the discipline of a license holder to be disclosed to certain entities.

(b) Requires the board to report information to the proper law enforcement agency if investigative information in the possession of the board or a board employee or agent indicates that a crime may have been committed. Requires the board to cooperate with and assist each law enforcement agency conducting a criminal investigation of a license holder by providing information relevant to the investigation. Provides that confidential information disclosed by the board to a law enforcement agency under this subsection remains confidential. Prohibits confidential information from being disclosed by the law enforcement agency except as necessary to further the investigation.

[Reserves Sections 207.257-207.300 expansion.]

SUBCHAPTER G. DISCIPLINARY PROCEEDINGS

Sec. 207.301. DISCIPLINE AUTHORITY OF BOARD. (a) Requires the board by order to take certain actions on a determination that an applicant or license holder committed an act described in Section 207.302.

(b) Provides that the board retains the right to vacate the probationary stay and enforce the original order for noncompliance with the terms of probation or impose any other remedial measure or sanction authorized by this section if the board stays enforcement of an order and places a person on probation.

(c) Authorizes the board to restore or reissue a license or remove any disciplinary or corrective measure that the board has imposed.

Sec. 207.302. CONDUCT INDICATING LACK OF FITNESS. Authorizes the board to take action under Section 207.301 against an applicant or license holder under certain circumstances.

Sec. 207.303. PHYSICAL OR MENTAL EXAMINATION. (a) Requires the board to adopt guidelines, in conjunction with persons interested in or affected by this section, to enable the board to evaluate circumstances in which an anesthesiologist assistant or applicant is authorized be required to submit certain information.

(b) Requires the board to refer an anesthesiologist assistant or applicant with a physical or mental health condition to the most appropriate medical specialist for evaluation. Prohibits the board from requiring an anesthesiologist assistant or applicant to submit to an examination by a physician having a specialty specified by the board unless medically indicated or from requiring an applicant to submit to an examination to be conducted an unreasonable distance from the person's home or place of business unless the anesthesiologist assistant or applicant resides and works in an area in which there are a limited number of appropriate medical specialists able to perform an appropriate examination.

(c) Provides that the guidelines adopted under this section do not impair or remove the board's power to make an independent licensing decision.

Sec. 207.304. PROTECTION OF PATIENT IDENTITY. Requires the board to protect the identity of each patient whose medical records are examined and used in a public proceeding in a disciplinary investigation or proceeding conducted under this chapter, unless the patient testifies in the public proceeding, or submits a written release with regard to the patient's records or identity.

Sec. 207.305. TEMPORARY SUSPENSION. (a) Requires the presiding officer of the board, with board approval, to appoint a three-member disciplinary panel consisting of board members to determine whether a person's license to practice as an anesthesiologist assistant should be temporarily suspended.

(b) Requires the disciplinary panel to temporarily suspend the license of that person if the disciplinary panel determines from the evidence or information presented to the panel that a person licensed to practice as an anesthesiologist assistant would, by the person's continuation in practice, constitute a continuing threat to the public welfare.

(c) Authorizes a license to be suspended under this section without notice or hearing on the complaint under certain circumstances.

(d) Authorizes the disciplinary panel to hold a meeting by telephone conference call if immediate action is required and convening the panel at one location is inconvenient for any member of the panel notwithstanding Chapter 551, Government Code.

Sec. 207.306. SURRENDER OF LICENSE. (a) Authorizes the board to accept the voluntary surrender of a license.

(b) Prohibits a surrendered license from being returned to the license holder unless the board determines, under board rules, that the former holder of the license is competent to resume practice.

(c) Requires the board, by rule, to establish guidelines for determining the competency of a former license holder to return to practice.

[Reserves Sections 207.307-207.350 expansion.]

SUBCHAPTER H. PENALTIES AND ENFORCEMENT PROVISIONS

Sec. 207.351. ADMINISTRATIVE PENALTY. (a) Authorizes the board, by order, to impose an administrative penalty against a person licensed under this chapter who violates this chapter or a rule or order adopted under this chapter.

(b) Authorizes the penalty to be in an amount not to exceed \$2,000. Provides that each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(c) Requires the board to base the amount of the penalty on certain criteria.

(d) Requires the board, by rule, to prescribe the procedure by which it is authorized impose an administrative penalty. Provides that a proceeding under this section is subject to Chapter 2001 (Administrative Procedure), Government Code.

(e) Requires the board to give notice to the person of the board's order if the board by order determines that a violation has occurred and imposes an administrative penalty. Requires the notice to include a statement of the person's right to judicial review of the order.

Sec. 207.352. CRIMINAL PENALTY. (a) Provides that a person commits an offense if, without holding a license, the person takes certain actions.

(b) Provides that an offense under this section is a third degree felony.

Sec. 207.353. CEASE AND DESIST ORDER. (a) Authorizes the board, after notice and opportunity for a hearing, to issue a cease and desist order prohibiting a person from engaging in an activity if it appears to the board that the person who is not licensed under

this chapter is violating this chapter, a rule adopted under this chapter, or another state statute or rule relating to anesthesiologist assistant practice.

(b) Provides that a violation of an order under this section constitutes grounds for imposing an administrative penalty under this subchapter.

SECTION 5. Requires the governor to appoint six members to the Texas Anesthesiologist Assistant Board in accordance with Chapter 207, Occupations Code, as added by this Act, as soon as practicable after the effective date of this Act. Requires the governor to designate two members for terms expiring January 31, 2010, two members for terms expiring January 31, 2011, and two members for terms expiring January 31, 2012.

SECTION 6. Requires the Texas Medical Board with the advice of the Texas Anesthesiologist Assistant Board to adopt the rules, procedures, and fees necessary to administer Chapter 207, Occupations Code, as added by this Act not later than June 1, 2008.

SECTION 7. Provides that an anesthesiologist assistant is not required to hold a license under that chapter to practice as an anesthesiologist assistant in this state before September 1, 2008, notwithstanding Chapter 207, Occupations Code, as added by this Act.

SECTION 8. (a) Effective date: September 1, 2007, except as provided by Subsection (b) of this section.

(b) Effective date, Sections 207.151 and 207.352, Occupations Code: September 1, 2008.