

HOUSE BILL 1146

By Vital

AN ACT to amend Tennessee Code Annotated, Title 63
and Title 68, relative to anesthesiology.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, is amended by adding Sections 2 through 7 as a new chapter.

SECTION 2. **Definitions.**

As used in this chapter:

(1) "Anesthesiologist" means a physician who is licensed pursuant to chapters 6 or 9 of this title and who has completed a residency in anesthesiology approved by the American Board of Anesthesiology or the American Osteopathic Board of Anesthesiology;

(2) "Anesthesiologist assistant" means a person who meets the requirements of Section 4 and is board-approved to assist in the practice of medicine under delegation of an anesthesiologist;

(3) "Assists" means, in regard to an anesthesiologist assistant, that the assistant personally performs those duties and responsibilities delegated by the anesthesiologist;

(4) "Board" means the board of medical examiners established by chapter 6, part 1 of this title;

(5) "Certification examination" means the initial certifying examination approved by the board for the certification of anesthesiologist assistants, including the examination administered by the National Commission for the

Certification of Anesthesiologist Assistants or another national anesthesiologist assistant certifying agency that has been reviewed and approved by the board; and

(6) "Supervision" means the availability of a physician anesthesiologist who can delegate, coordinate, direct, consult, or oversee the implementation of the physician anesthesiologist's intentions.

SECTION 3. Board; powers and duties.

(a) The board shall review and determine the qualifications and fitness of all persons applying for a license to practice as an anesthesiologist assistant.

(b) The board shall:

(1) Grant, deny, revoke, and reinstate licenses;

(2) Investigate allegations that an anesthesiologist assistant or the supervising anesthesiologist has engaged in conduct constituting a ground for revocation;

(3) Conduct informal interviews and hearings;

(4) Adopt rules governing the practice of anesthesiologist assistants; and

(5) Retain jurisdiction over only those licensees to whom temporary or full licenses are granted pursuant to this chapter, regardless of whether the license has expired or lapsed or was relinquished during or after any alleged occurrence of conduct.

(c) The board shall establish a position to be filled by an anesthesiologist assistant licensed under this chapter.

SECTION 4. Licensure; unauthorized practice; use of title; duplicate license; temporary licensure; fees.

(a) A person shall not practice in this state as an anesthesiologist assistant or use the title or represent that the person is a certified anesthesiologist assistant, anesthesiologist assistant, or use the abbreviations "C.A.A." or "A.A." without having a license granted by the board pursuant to this chapter. A violation of this subsection (a) is a Class B misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000) or by a term of imprisonment for not more than one (1) year, or both. Each violation of this subsection (a) constitutes a separate offense.

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

(1) Graduated from an anesthesiologist assistant program accredited by the Commission on Accreditation of Allied Health Education Programs or its predecessor or successor organization;

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

(3) Completes an application form; and

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

(c) A license issued pursuant to this chapter, other than a temporary license, is valid for a period of two (2) years. A licensee shall renew the license every other year on or before January 31 by completing and submitting to the board a renewal application form as prescribed by the board and the prescribed renewal fee before the current license expires. The board shall provide renewal notices to licensees at least one (1) month before the expiration date.

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

(e) The board may issue a temporary license to any person who:

(1) Completes a temporary license application;

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

(3) Successfully completes a Commission on Accreditation of Allied Health Education program or another board-approved program for educating and training anesthesiologist assistants but who has not passed a certification examination. The person shall take the next available certification examination after receiving a temporary license. A temporary license must not be issued for a period of more than one (1) year and is subject to other requirements the board adopts by rule.

SECTION 5. Scope of practice.

(a) This section does not apply to persons who are enrolled in an anesthesiologist assistant education program approved by the board.

(b) An anesthesiologist assistant may assist in the practice of medicine only under the supervision of an anesthesiologist. The anesthesiologist assistant may perform only those duties and responsibilities delegated to the anesthesiologist assistant by the supervising anesthesiologist.

(c) The supervising anesthesiologist may supervise anesthesiologist assistants in a manner consistent with federal rules or regulations for reimbursement for anesthesia services.

(d) The supervising anesthesiologist shall be immediately available to the anesthesiologist assistant who assists in the delivery of medical care such that the supervising anesthesiologist is able to intervene if needed.

(e) An anesthesiologist assistant's practice shall not exceed the assistant's education and training, and the scope of practice of the supervising anesthesiologist. A medical care task assigned by the supervising anesthesiologist to the anesthesiologist assistant shall not be delegated by the anesthesiologist assistant to another person.

(f) A supervising anesthesiologist may delegate to an anesthesiologist assistant any of the following duties:

- (1) Developing and implementing an anesthesia care plan for a patient;
- (2) Obtaining a comprehensive patient history and performing relevant elements of a physical exam;
- (3) Performing preoperative and post-operative anesthetic evaluations and maintaining patient progress notes;
- (4) Ordering and performing preoperative patient consultations;
- (5) Ordering preoperative medications, including controlled substances, which may be administered before the supervising anesthesiologist cosigns;
- (6) Changing or discontinuing a medical treatment plan after consulting with the supervising anesthesiologist;
- (7) Obtaining informed consent for anesthesia or related procedures;
- (8) Ordering the preoperative continuation of current medications, which may be administered before the supervising anesthesiologist cosigns;
- (9) Pretesting and calibrating anesthesia delivery systems and obtaining and interpreting information from the systems and from monitors;
- (10) Implementing medically accepted monitoring techniques;

(11) Performing basic and advanced airway interventions, including, but not limited to, endotracheal intubation, laryngeal mask insertion, and other advanced airways techniques;

(12) Establishing peripheral intravenous lines, including subcutaneous lidocaine use;

(13) Performing invasive procedures including, but not limited to, arterial lines, central lines, and Swan Ganz catheters;

(14) Performing general anesthesia, including induction, maintenance, emergence, and procedures associated with general anesthesia, such as gastric intubation;

(15) Administering anesthetic drugs, adjuvant drugs, and accessory drugs;

(16) Administering vasoactive drugs and starting and titrating vasoactive infusions to treat patient responses to anesthesia;

(17) Performing, maintaining, evaluating, and managing epidural, spinal, and regional anesthesia, including catheters;

(18) Performing monitored anesthesia care;

(19) Obtaining venous and arterial blood samples;

(20) Administering blood, blood products, and supportive fluids;

(21) Performing, ordering, and interpreting appropriate preoperative, point of care, intra-operative, or postoperative diagnostic tests or procedures;

(22) Obtaining and administering preoperative anesthesia and related pharmaceutical agents, including intravenous fluids and blood products;

(23) Managing the patient while in the preoperative suite, recovery area, or labor suites;

(24) Ordering postoperative sedation, anxiolysis or analgesia, postoperative respiratory therapy and medicines to treat patient responses to anesthesia and ordering postoperative oxygen therapy, including initial ventilator therapy, which may be administered before the supervising anesthesiologist cosigns;

(25) Initiating and managing cardiopulmonary resuscitation in response to a life-threatening situation;

(26) Participating in administrative, research, and clinical teaching activities, including supervising student anesthesiologist assistants and other students involved in anesthesia education; and

(27) Performing such other tasks not prohibited by law that an anesthesiologist assistant has been trained and is proficient to perform.

(g) This chapter does not prevent an anesthesiologist assistant from having access to and being able to obtain prescription drugs as directed by the supervising anesthesiologist.

(h) A supervising anesthesiologist shall not employ a person to practice as an anesthesiologist assistant who is not licensed pursuant to this chapter. A violation of this subsection (h) is a Class B misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000) or by a term of imprisonment for not more than one (1) year, or both. Each violation of this subsection (h) constitutes a separate offense.

SECTION 6. Regulation.

(a) The board may refuse to renew and may revoke, suspend, or restrict a license or take other disciplinary action, including imposing conditions or restrictions on a license pursuant to this chapter and the rules adopted pursuant to this chapter.

(b) If the board determines that a person is ineligible for licensure, that an application for licensure should be denied, that a license should be suspended, or that another action should be taken on a current license, the board shall adopt and enter its written order and findings.

SECTION 7. Reinstatement of license; requirements.

(a) The board may issue a new license to an anesthesiologist assistant whose license was previously revoked by the board if the applicant applies in writing to the board and demonstrates to the board's satisfaction that the applicant is completely rehabilitated with respect to the conduct that was the basis for the revocation. In making its decision, the board shall determine:

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

(2) If a criminal conviction was a basis of the revocation, that the applicant's civil rights have been fully restored pursuant to statute or another applicable recognized judicial or gubernatorial order;

(3) That the applicant has made restitution to an aggrieved person as ordered by a court of competent jurisdiction; and

(4) That the applicant demonstrates another standard of rehabilitation the board determines is appropriate.

(b) Except as provided in subsection (c), a person shall not apply for license reinstatement fewer than two (2) years after the date of revocation.

(c) If a license revocation was based on a conviction of a felony or an offense involving moral turpitude and that conviction has been reversed on appeal, then the

board shall vacate its previous order to revoke the license and the anesthesiologist assistant may apply for reinstatement after the court enters the reversal.

(d) An applicant for reinstatement shall comply with all initial licensure requirements prescribed by this chapter and rules adopted by the board pursuant to this chapter.

SECTION 8. Tennessee Code Annotated, Section 63-6-101(a)(2), is amended by deleting the subdivision and substituting instead:

(2) Three (3) members shall be nonphysicians as follows:

(A) Two (2) members who are consumers of health care and who neither own nor have any financial or other interest in a healthcare facility or business or school of medicine or other allied healthcare practitioner educational program and who shall represent the public at large; and

(B) One (1) member who is an anesthesiologist assistant licensed under Section 4 of this act, whose initial term begins upon the expiration of the next of the three (3) current nonphysician members' terms of office.

SECTION 9. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 10. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2024, the public welfare requiring it.