

Senate Bill 111

By: Senators Hufstetler of the 52nd, Watson of the 1st and Kirkpatrick of the 32nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to enact the "Anesthesiologist Assistant Act"; to provide for an
3 anesthesiologist assistant to be appointed in an advisory capacity to the Georgia Composite
4 Medical Board; to provide for definitions; to provide for powers and duties of the Georgia
5 Composite Medical Board as they relate to anesthesiologist assistants; to provide for
6 licensure rules and requirements; to define the scope of practice for anesthesiologist
7 assistants; to provide for regulation of the profession; to provide for rules and requirements
8 for licensure reinstatement; to provide for penalties for unauthorized practice; to provide for
9 practice during emergencies; to provide for related matters; to repeal conflicting laws; and
10 for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
14 is amended in Chapter 34, relating to physicians, acupuncture, physician assistants, cancer
15 and glaucoma treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics
16 practice, by revising subsection (e) of Code Section 43-34-2, relating to creation of board,

"ARTICLE 13

43-34-320.

This article shall be known and may be cited as the 'Anesthesiologist Assistant Act.'

43-34-321.

As used in this article, the term:

(1) 'Alternate supervising anesthesiologist' means an anesthesiologist to whom a board approved supervising anesthesiologist has delegated the responsibility of supervising an anesthesiologist assistant and who agrees to supervise the anesthesiologist assistant for the supervising anesthesiologist and who is on record with the board.

(2) 'Anesthesiologist' means a physician licensed pursuant to this chapter who has completed a residency in anesthesiology approved by the American Board of Anesthesiology or the American Osteopathic Board of Anesthesiology.

(3) 'Anesthesiologist assistant' means a person who has met the requirements of Code Section 43-34-323 and is licensed to practice medicine under the supervision of an anesthesiologist.

(4) 'Certification examination' means the initial certifying examination approved by the board for the certification of anesthesiologist assistants, which may include the examination administered by the National Commission for the Certification of Anesthesiologist Assistants or other national anesthesiologist assistant certifying agency that has been reviewed and approved by the board.

(5) 'Immediately available' means that a supervising anesthesiologist is immediately available if he or she is in physical proximity that allows the anesthesiologist to reestablish direct contact with the patient to meet medical needs and any urgent or emergent clinical problems. These responsibilities may also be met through coordination among anesthesiologists of the same group or department.

(6) 'Job description' means a document, signed by the supervising anesthesiologist and the anesthesiologist assistant whom the supervising anesthesiologist is supervising, in which the supervising anesthesiologist delegates to that anesthesiologist assistant authority to perform certain medical acts and which describes the professional background and specialty of the supervising anesthesiologist; describes the qualifications, including related experience of the anesthesiologist assistant; and includes a general description of how the anesthesiologist assistant will be utilized in the practice. A job description shall not be required to contain every activity the anesthesiologist deems the anesthesiologist assistant qualified to perform but shall confine the activities of the anesthesiologist assistant to those in the scope of practice of the supervising anesthesiologist.

(7) 'Supervising anesthesiologist' means the anesthesiologist who has the primary responsibility for supervising the practice of an anesthesiologist assistant pursuant to that anesthesiologist assistant's job description.

(8) 'Supervision' means the availability of an anesthesiologist to delegate, coordinate, direct, and consult on the implementation of his or her intentions.

43-34-322.

(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 regarding improper conduct by anesthesiologist assistants that would be grounds for revocation of licensure;

(3) Conduct informal interviews and hearings;

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

(5) Retain jurisdiction over all licensees who receive temporary or full licenses under this article, regardless of whether the license has expired or lapsed, or was relinquished during or after any alleged occurrence of conduct.

43-34-323.

(a) A person shall not practice in this state as an anesthesiologist assistant or use the title or otherwise represent that the person is a licensed anesthesiologist assistant or use the credentials 'A.A.', 'C.A.A.', or anesthesiologist without having a license granted by the board pursuant to this article.

(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) Successfully completed a certification examination and that is or was certified as of July 1, 2023, or was licensed in this state as a physician assistant in anesthesiology as of July 1, 2023;

(3) Completes an application form prescribed by the board; and

(4) Pays the required application fees as prescribed by the board in its rules.

(c) A license issued pursuant to this article, other than a temporary license, shall be valid for a period of two years. A licensee shall renew the license every other year 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 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) Any person who has not successfully completed a certification examination may be issued a temporary license by the board if such person:

116 (1) Completes a temporary license application;

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

118 (3) Has successfully graduated from a program accredited by the Commission on

119 Accreditation of Allied Health Education Programs, or another board approved program

120 for educating and training anesthesiologist assistants.

121 Such person shall take the next available certification examination after receiving a

122 temporary license. A temporary license shall not be issued for a period of more than one

123 year and is subject to any other requirements the board adopts by rule.

124 43-34-324.

125 (a) This Code section shall not apply to persons who are enrolled in an anesthesiologist

126 assistant education program approved by the board.

127 (b) An anesthesiologist assistant may practice medicine only under the supervision of an

128 anesthesiologist. The anesthesiologist assistant may perform only those duties and

129 responsibilities delegated to the anesthesiologist assistant by the supervising

130 anesthesiologist pursuant to a job description.

131 (c) The supervising anesthesiologist or an alternate supervising anesthesiologist shall be

132 allowed to supervise anesthesiologist assistants in a manner consistent with federal rules

133 or regulations for reimbursement for anesthesia services.

134 (d) The supervising anesthesiologist or an alternate supervising anesthesiologist shall be

135 immediately available to the anesthesiologist assistant such that the supervising

136 anesthesiologist or an alternate supervising anesthesiologist is able to intervene if needed

137 in the delivery of medical care.

138 (e) An anesthesiologist assistant's practice may not exceed his or her education, training,

139 or the scope of practice of the supervising anesthesiologist or an alternate supervising

140 anesthesiologist.

(f) Nothing in this article shall prevent an anesthesiologist assistant from having access to and being able to administer prescription drugs as directed by the supervising anesthesiologist or an alternate supervising anesthesiologist.

43-34-325.

(a) A supervising anesthesiologist or an alternate supervising anesthesiologist may delegate the authority contained in subsection (b) of this Code section to an anesthesiologist assistant in accordance with a job description.

(b) A supervising anesthesiologist or an alternate supervising anesthesiologist may delegate to an anesthesiologist assistant:

(1) The authority to order controlled substances selected from a formulary of such drugs established by the board and the authority to order dangerous drugs, medical treatments, and diagnostic studies;

(2) The authority to request, receive, and sign for professional samples and to distribute professional samples to patients. The office or facility at which the anesthesiologist assistant is working shall maintain a general list of the professional samples approved by the delegating anesthesiologist for request, receipt, and distribution by the anesthesiologist assistant as well as a complete list of the specific number and dosage of each professional sample and medication voucher received. Professional samples that are distributed by an anesthesiologist assistant shall be so noted in the patient's medical record. In addition to the requirements of this Code section, all professional samples shall be maintained as required by applicable state and federal laws and regulations; and

(3) The authority to sign, certify, and endorse all documents relating to health care provided to a patient within his or her scope of authorized practice, including, but not limited to, documents relating to physical examination forms of all state agencies and verification and evaluation forms of the Department of Human Services, the State Board of Education, local boards of education, the Department of Community Health, and the

167 Department of Corrections; provided, however, that an anesthesiologist assistant shall not
168 have the authority to sign death certificates or assign a percentage of a disability rating.

169 (c) An anesthesiologist assistant authorized by a supervising anesthesiologist to order
170 controlled substances pursuant to this Code section is authorized to register with the United
171 States Drug Enforcement Administration.

172 43-34-326.

173 The board shall have all authority to impose on an anesthesiologist assistant any sanction
174 authorized under Code Section 43-34-8 upon a finding of any conduct specified in Code
175 Section 43-34-8.

176 43-34-327.

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

182 (1) Whether the applicant has engaged in any conduct during the revocation period that
183 would constitute a basis for revocation pursuant to rules adopted by the board;

184 (2) If a criminal conviction was a basis of the revocation, whether the applicant's civil
185 rights have been fully restored pursuant to statute or judicial or executive order;

186 (3) Whether the applicant has made restitution to any aggrieved person as ordered by a
187 court of competent jurisdiction; and

188 (4) Whether the applicant demonstrates any other standard of rehabilitation the board
189 determines is appropriate.

190 (b) Except as provided in subsection (c) of this Code section, a person shall not apply for
191 license reinstatement until two years after the date of revocation.

192 (c) If a license revocation was based on a conviction of a felony or an offense involving
193 moral turpitude and that conviction has been reversed on appeal, the board shall reverse its
194 previous order to revoke the license, and the anesthesiologist assistant may apply for
195 reinstatement as soon as the court enters its reversal.

196 (d) An application for reinstatement shall comply with all initial licensure requirements
197 prescribed by this article and rules and regulations adopted by the board pursuant to this
198 article.

199 43-34-328.

200 Any person practicing as an anesthesiologist assistant or representing that he or she is an
201 anesthesiologist assistant without a license, or any person employing an unlicensed person
202 to practice as an anesthesiologist assistant, is guilty of a misdemeanor and upon conviction
203 shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not more
204 than one year, or both. Each violation constitutes a separate offense for which the penalty
205 in this Code section may be assessed.

206 43-34-329.

207 (a) Notwithstanding any provision of this article to the contrary, an anesthesiologist
208 assistant licensed pursuant to this article or licensed, certified, or otherwise authorized to
209 practice in any other state or federal jurisdiction and whose license, certification, or
210 authorization is in good standing who responds to a need for medical care created by
211 conditions which characterize those of a state of emergency or public health emergency
212 may render such care that the anesthesiologist assistant is able to provide with such
213 supervision as is available at the immediate scene or at the local site where such need for
214 medical care exists or at a relief site established as part of a state or local safety plan
215 established pursuant to Chapter 3 of Title 38. Such services shall be provided by an
216 anesthesiologist assistant in response to the request of an appropriate state or local official

217 implementing a state or local emergency management plan or program, and in accordance
218 with applicable guidelines established by such officials or plans. The authority granted by
219 this Code section shall last no longer than 48 hours or such time as the board may establish
220 under guidelines for supervision of the anesthesiologist assistant rendering medical care.
221 (b) For the purposes of this Code section, the term 'public health emergency' has the same
222 meaning as in paragraph (6) of Code Section 38-3-3, and the term 'state of emergency' has
223 the same meaning as in paragraph (7) of Code Section 38-3-3."

224 **SECTION 4.**

225 All laws and parts of laws in conflict with this Act are repealed.