STATE OF NEW YORK

10498

IN ASSEMBLY

May 29, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Buttenschon) -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to licensure of anesthesiologist assistants

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative findings. The legislature hereby finds and declares that the public interest requires the regulation of the practice of anesthesiologist assistant and the establishment of clear licensure standards for anesthesiologist assistants; and that the health and welfare of the residents of the state will be protected by identifying to the public those individuals who are qualified and legally authorized to practice as anesthesiologist assistants.

§ 2. The education law is amended by adding a new article 131-D to read as follows:

ARTICLE 131-D
ANESTHESIOLOGIST ASSISTANTS

Section 6549-j. Definitions.
6549-k. Practice of anesthesiologist assistant and use of title "anesthesiologist assistant".
6549-l. Requirements for licensure as an anesthesiologist assistant.
6549-m. Special provisions.
6549-n. State committee for anesthesiologist assistants.
6549-o. Limited permits.
6549-p. Exempt persons.

§ 6549-j. Definitions. As used in this article, the following terms shall have the following meanings: 1. "Anesthesiologist assistant" means an individual who is licensed to practice as an anesthesiologist assistant pursuant to this article and provides anesthesia care pursuant to the order and direction of, and under the direct supervision of, a licensed physician anesthesiologist.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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2. "Committee" means the state committee for anesthesiologist assistants created under section sixty-five hundred forty-nine-n of this article.

3. "NCCAA" means the national commission for certification of anesthesiologist assistants.

§ 6549-k. Practice of anesthesiologist assistant and use of title "anesthesiologist assistant". Only an individual licensed or exempt under this article shall practice as an anesthesiologist assistant. Only individuals licensed as anesthesiologist assistants may use the title "anesthesiologist assistant".

§ 6549-l. Requirements for licensure as an anesthesiologist assistant. To qualify for licensure as an anesthesiologist assistant, an applicant shall fulfill the following requirements:

1. Application: file an application with the department;

2. Education: successfully complete (a) (i) an accredited baccalaureate or higher accredited educational program; and (ii) an anesthesiologist assistant training program accredited by the commission on accreditation of allied health education programs; or (b) a program determined by the department to be equivalent to the requirements under paragraph (a) of this subdivision and in accordance with the commissioner's regulations;

3. Credentials: (a) complete and maintain the credential of certified anesthesiologist assistant from a national certifying body specializing in the certification of anesthesiologist assistants such as the NCCAA or one approved by the department; or (b) submit evidence of license or certification, the educational preparation for which is determined by the department to be equivalent to the credentials under paragraph (a) of this subdivision, from any state or country, satisfactory to the department and in accordance with the commissioner's regulations;

4. Age: at the time of application is at least twenty-one years of age;

5. Character: be of good moral character as determined by the department; and

6. Fees: pay a fee of one hundred dollars to the department for an initial license and a fee of fifty dollars for each triennial registration period.

§ 6549-m. Special provisions. An individual who meets the requirements for a license as an anesthesiologist assistant except for examination, experience, and education, and who meets the requirements enumerated under subdivisions one or two of this section may be licensed without meeting additional requirements, provided that such individual submits an application to the department within two years of the effective date of this section:

1. Applicants may be licensed if they have been practicing as an anesthesiologist assistant in another jurisdiction for five years out of the prior ten years in an inpatient unit that provides anesthesia care services in a hospital approved by the department of health and acceptable to the committee and the department, at least three of such years of experience having occurred during the prior five years; or

2. Applicants who possess certification from a national certification organization such as the NCCAA or one found acceptable to the committee and the department may be licensed if they have been employed as an anesthesiologist assistant in another jurisdiction for three of the prior five years.

§ 6549-n. State committee for anesthesiologist assistants. 1. A state committee for anesthesiologist assistants shall be appointed by the

board of regents upon the recommendation of the commissioner as a committee of the board for medicine to advise solely in matters relating to the practice of anesthesiologist assistant and shall assist on matters of licensure and professional conduct.

2. The committee shall consist of no fewer than eight individuals, to be composed of a minimum of the following:

a. four licensed anesthesiologist assistants;

b. two licensed physicians board certified in anesthesiology by a national certifying body recognized by the department; and

c. two representatives of the public at large.

§ 6549-o. Limited permits. 1. Eligibility. A person who fulfills all requirements for licensure as an anesthesiologist assistant under this article except those relating to the examination shall be eligible for a limited permit.

2. Limit of practice. A permittee shall be authorized to practice as an anesthesiologist assistant only pursuant to the order and direction and under the direct supervision of a licensed physician board certified in anesthesiology by a national certifying organization recognized by the department.

3. Duration. A limited permit shall expire one year from the date of issuance. A limited permit may be extended for one additional year for good cause as determined by the department.

4. Fees. The fee for each limited permit shall be forty dollars.

§ 6549-p. Exempt persons. This article shall not prohibit: 1. The anesthesiology care services by any student who is engaged in clinical training in a general hospital licensed pursuant to article twenty-eight of the public health law and who is enrolled in an anesthesiologist assistant program found acceptable by the department, provided such practice is limited to such clinical training which shall be carried out pursuant to the order and direction and under the direct supervision of a licensed physician board certified in anesthesiology by a national certifying body recognized by the department;

2. The performance of any of the tasks or responsibilities included in the definition of the practice of anesthesiologist assistant by any other individual licensed under this title, provided that such tasks or responsibilities are authorized by the article governing the profession pursuant to which such individual is licensed; or

3. The practice of anesthesiology care by any legally qualified anesthesiologist assistant of any other jurisdiction who is serving in the armed forces or the public health service of the United States or who is employed by the veterans administration, while engaged in the performance of such anesthesiologist assistant's duties.

§ 3. This act shall take effect immediately.