

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:

1 Section 1. Legislative findings. The legislature hereby finds and
2 declares that the public interest requires the regulation of the prac-
3 tice of anesthesiologist assistant and the establishment of clear licen-
4 sure standards for anesthesiologist assistants; and that the health and
5 welfare of the residents of the state will be protected by identifying
6 to the public those individuals who are qualified and legally authorized
7 to practice as anesthesiologist assistants.

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

ARTICLE 131-D

ANESTHESIOLOGIST ASSISTANTS

Section 6549-j. Definitions.

13 6549-k. Practice of anesthesiologist assistant and use of title
14 "anesthesiologist assistant".

15 6549-l. Requirements for licensure as an anesthesiologist
16 assistant.

17 6549-m. Special provisions.

18 6549-n. State committee for anesthesiologist assistants.

19 6549-o. Limited permits.

20 6549-p. Exempt persons.

21 § 6549-j. Definitions. As used in this article, the following terms
22 shall have the following meanings: 1. "Anesthesiologist assistant" means
23 an individual who is licensed to practice as an anesthesiologist assist-
24 ant pursuant to this article and provides anesthesia care pursuant to
25 the order and direction of, and under the direct supervision of, a
26 licensed physician anesthesiologist.

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

LBD15772-01-4

1 2. "Committee" means the state committee for anesthesiologist assist-
2 ants created under section sixty-five hundred forty-nine-n of this arti-
3 cle.

4 3. "NCCAA" means the national commission for certification of anesthe-
5 siologist assistants.

6 § 6549-k. Practice of anesthesiologist assistant and use of title
7 "anesthesiologist assistant". Only an individual licensed or exempt
8 under this article shall practice as an anesthesiologist assistant. Only
9 individuals licensed as anesthesiologist assistants may use the title
10 "anesthesiologist assistant".

11 § 6549-l. Requirements for licensure as an anesthesiologist assistant.
12 To qualify for licensure as an anesthesiologist assistant, an applicant
13 shall fulfill the following requirements:

14 1. Application: file an application with the department;

15 2. Education: successfully complete (a) (i) an accredited baccalau-
16 reate or higher accredited educational program; and (ii) an anesthiol-
17 ogist assistant training program accredited by the commission on accred-
18 itation of allied health education programs; or (b) a program determined
19 by the department to be equivalent to the requirements under paragraph
20 (a) of this subdivision and in accordance with the commissioner's regu-
21 lations;

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

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

32 5. Character: be of good moral character as determined by the depart-
33 ment; and

34 6. Fees: pay a fee of one hundred dollars to the department for an
35 initial license and a fee of fifty dollars for each triennial registra-
36 tion period.

37 § 6549-m. Special provisions. An individual who meets the requirements
38 for a license as an anesthesiologist assistant except for examination,
39 experience, and education, and who meets the requirements enumerated
40 under subdivisions one or two of this section may be licensed without
41 meeting additional requirements, provided that such individual submits
42 an application to the department within two years of the effective date
43 of this section:

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

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

55 § 6549-n. State committee for anesthesiologist assistants. 1. A state
56 committee for anesthesiologist assistants shall be appointed by the

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

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

7 a. four licensed anesthesiologist assistants;

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

10 c. two representatives of the public at large.

11 § 6549-o. Limited permits. 1. Eligibility. A person who fulfills all
12 requirements for licensure as an anesthesiologist assistant under this
13 article except those relating to the examination shall be eligible for a
14 limited permit.

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

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

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

24 § 6549-p. Exempt persons. This article shall not prohibit: 1. The
25 anesthesiology care services by any student who is engaged in clinical
26 training in a general hospital licensed pursuant to article twenty-eight
27 of the public health law and who is enrolled in an anesthesiologist
28 assistant program found acceptable by the department, provided such
29 practice is limited to such clinical training which shall be carried out
30 pursuant to the order and direction and under the direct supervision of
31 a licensed physician board certified in anesthesiology by a national
32 certifying body recognized by the department;

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

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

43 § 3. This act shall take effect immediately.