

2011 DRAFTING REQUEST

Bill

Received: 11/02/2011

Received By: rnelson

Wanted: As time permits

Companion to LRB:

For: Jennifer Shilling (608) 266-5490

By/Representing: Tony

May Contact:

Drafter: rnelson

Subject: Occupational Reg. - prof lic

Addl. Drafters:

Extra Copies: M Gallegher

Submit via email: YES

Requester's email: Sen.Shilling@legis.wisconsin.gov

Carbon copy (CC:) to:

Sent to Rep. Severson (see attached)

Pre Topic:

No specific pre topic given

Topic:

Licensing of anesthesiologist assistants

Instructions:

See attached resdraft 2009 AB 671, with AA1 and AA3

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson 11/03/2011	jdye 12/02/2011		_____			State
/1			rschluet 12/02/2011	_____	sbasford 12/02/2011	mbarman 01/09/2012	

FE Sent For:

<END>

↳ At Intro.

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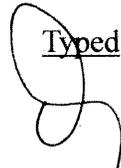
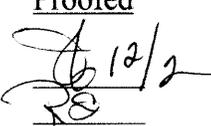
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1/?	rnelson	12/2 jld		 12/2			

FE Sent For:

<END>

12211

10/1/11

Tony P of Sen Schilling's  
office

Re Draft of DA AB 671

with amendments 123

Licensure of Anes---



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa1615/1  
CTS:kjf.md

**ASSEMBLY AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 671**

February 26, 2010 - Offered by Representative SHILLING.

1 At the locations indicated, amend the bill as follows:

2 ✓ **1.** Page 5, line 14: delete "3 years" and substitute "18 months".

3 ✓ **2.** Page 6, line 4: delete "or" and substitute "and".

4 ✓ **3.** Page 10, line 16: delete lines 16 to 22.

5 (END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa1728/1  
CTS:nwn:rs

**ASSEMBLY AMENDMENT 3,  
TO 2009 ASSEMBLY BILL 671**

March 2, 2010 - Offered by Representatives SHILLING and NYGREN.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 9, line 15: delete the material beginning with "For" and ending with  
"assistant." on line 18.

3 (END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

7/11/13

3383/1  
LRB-0354/B  
CTS:jld:md  
RPN:jld

2011  
2009 ASSEMBLY BILL 671

LOS  
PWF  
please

January 22, 2010 - Introduced by Representatives SHILLING, PASCH, PETROWSKI, SMITH, TOWNSEND, VRUWINK and ZEPNICK, cosponsored by Senators TAYLOR, DARLING, KAPANKE, KEDZIE and PLALE. Referred to Committee on Health and Healthcare Reform.

4

AN ACT <sup>WTA</sup> to renumber 448.015 (1); to amend 448.02 (1), 448.03 (2) (c), 448.03 (2) (e), 448.03 (2) (k), 448.05 (1) (d) and 448.05 (6) (a); and to create 15.407 (9), 448.015 (1b), 448.015 (1c), 448.03 (1) (d), 448.03 (3) (g), 448.03 (7), 448.04 (1) (g), 448.05 (5w), 448.05 (6) (ar), 448.13 (3), 448.22 and 448.23 of the statutes; relating to: licensing anesthesiologist assistants and creating the Council on Anesthesiologist Assistants and granting rule-making authority.

**Analysis by the Legislative Reference Bureau**

This bill creates licensure requirements and practice standards for anesthesiologist assistants.

The bill prohibits a person from practicing as an anesthesiologist assistant or representing or implying that the person is an anesthesiologist assistant unless the person holds a license to practice as an anesthesiologist assistant granted by the Medical Examining Board (board). The bill requires the board to issue a license to a person who has: 1) obtained a bachelor's degree; 2) completed an accredited anesthesiologist assistant program; and 3) passed a certifying examination. The board may also issue a license to a person who is licensed as an anesthesiologist assistant in another state, if that state authorizes a licensed anesthesiologist assistant to practice in the same manner and to the same extent as this state.

Under the bill, an anesthesiologist assistant may assist an anesthesiologist in the delivery of medical care only under the supervision of an anesthesiologist who

**ASSEMBLY BILL 671**

is immediately available and able to intervene if needed. ✓ The scope of an anesthesiologist assistant's practice is limited to assisting only the supervising anesthesiologist and performing only certain medical care tasks assigned by the supervising anesthesiologist. ✓ The medical care tasks are specified in the bill and include the following: ✓ 1) developing and implementing an anesthesia care plan; 2) implementing monitoring techniques; 3) pretesting and calibrating anesthesia delivery systems; 4) administering vasoactive drugs and starting and adjusting vasoactive infusions; 5) administering intermittent anesthetic, adjuvant, and accessory drugs; 6) implementing spinal, epidural, and regional anesthetic procedures; ✓ and 7) administering blood, blood products, and supportive fluids.

The bill requires an anesthesiologist assistant to be employed by one of certain health care providers specified in the bill ✓ and to enter into a supervision agreement with an anesthesiologist who represents the anesthesiologist assistant's employer. The supervision agreement must identify the anesthesiologist assistant's supervising anesthesiologist and define the scope of the anesthesiologist assistant's practice, and may limit the anesthesiologist assistant's practice to less than the full scope of anesthesiologist assistant practice authorized by the bill. ✓

The bill authorizes a student anesthesiologist assistant to perform only medical care tasks assigned by an anesthesiologist, who may delegate the supervision of a student to a qualified anesthesiology provider. The bill also creates a five-member Council on Anesthesiologist Assistants to advise and make recommendations to the board ✓ and requires a study of the feasibility of establishing an anesthesiologist assistant school in the University of Wisconsin System. ✓

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 1
- 2
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- 8

SECTION 1. 15.407 (9) of the statutes is created to read:

15.407 (9) COUNCIL ON ANESTHESIOLOGIST ASSISTANTS; DUTIES. ✓ There is created

a council on anesthesiologist assistants in the department of regulation and safety and professional services ✓ and serving the medical examining board in an advisory capacity. ✓ The

council's membership shall consist of the following members, who shall be selected from a list of recommended appointees submitted by the president of the Wisconsin Society of Anesthesiologists, Inc., ✓ after the president of the Wisconsin Society of Anesthesiologists, Inc., has considered the recommendation of the Wisconsin

**ASSEMBLY BILL 671**

1 Academy of Anesthesiologist Assistants for the appointee under par. (b), and who  
2 shall be appointed by the medical examining board for 3-year terms:

3 (a) One member of the medical examining board.

4 (b) One anesthesiologist assistant licensed under s. 448.04 (1) (g).

5 (c) Two anesthesiologists.

6 (d) One lay member.

7 **SECTION 2.** 448.015 (1) of the statutes is renumbered 448.015 (1d).

8 **SECTION 3.** 448.015 (1b) of the statutes is created to read:

9 448.015 (1b) "Anesthesiologist" means a physician who has completed a  
10 residency in anesthesiology approved by the American Board of Anesthesiology or  
11 the American Osteopathic Board of Anesthesiology, holds an unrestricted license,  
12 and is actively engaged in clinical practice.

13 **SECTION 4.** 448.015 (1c) of the statutes is created to read:

14 448.015 (1c) "Anesthesiologist assistant" means an individual licensed by the  
15 board to assist an anesthesiologist in the delivery of certain medical care with  
16 anesthesiologist supervision.

17 **SECTION 5.** 448.02 (1) of the statutes is amended to read:

18 448.02 (1) LICENSE. The board may grant licenses, including various classes  
19 of temporary licenses, to practice medicine and surgery, to practice perfusion, to  
20 practice as an anesthesiologist assistant, and to practice as a physician assistant.

21 **SECTION 6.** 448.03 (1) (d) of the statutes is created to read:

22 448.03 (1) (d) No person may practice as an anesthesiologist assistant unless  
23 he or she is licensed by the board as an anesthesiologist assistant.

24 **SECTION 7.** 448.03 (2) (c) of the statutes is amended to read:

## ASSEMBLY BILL 671

## SECTION 7

1           448.03 (2) (c) The activities of a medical student, respiratory care student,  
2 perfusion student, anesthesiologist assistant student, or physician assistant student  
3 required for such student's education and training, or the activities of a medical  
4 school graduate required for training as required in s. 448.05 (2).

5           **SECTION 8.** 448.03 (2) (e) of the statutes is amended to read:

6           448.03 (2) (e) Any person other than a physician assistant or an  
7 anesthesiologist assistant who is providing patient services as directed, supervised  
8 and inspected by a physician who has the power to direct, decide and oversee the  
9 implementation of the patient services rendered.

10          **SECTION 9.** 448.03 (2) (k) of the statutes is amended to read:

11          448.03 (2) (k) Any persons, other than physician assistants, anesthesiologist  
12 assistants, or perfusionists, who assist physicians.

13          **SECTION 10.** 448.03 (3) (g) of the statutes is created to read:

14          448.03 (3) (g) No person may designate himself or herself as an  
15 "anesthesiologist assistant" or use or assume the title "anesthesiologist assistant" or  
16 append to the person's name the words or letters "anesthesiologist assistant" or  
17 "A.A." or any other titles, letters, or designation that represents or may tend to  
18 represent the person as an anesthesiologist assistant unless he or she is licensed as  
19 an anesthesiologist assistant by the board. An anesthesiologist assistant shall be  
20 clearly identified as an anesthesiologist assistant.

21          **SECTION 11.** 448.03 (7) of the statutes is created to read:

22          448.03 (7) SUPERVISION OF ANESTHESIOLOGIST ASSISTANTS. An anesthesiologist  
23 may not supervise more than the number of anesthesiologist assistants permitted  
24 by reimbursement standards for Part A or Part B of the federal Medicare program  
25 under Title XVIII of the federal Social Security Act, 42 USC 1395 to 1395hhh.

ASSEMBLY BILL 671

1 SECTION 12. 448.04 (1) (g) of the statutes is created to read:

2 448.04 (1) (g) *Anesthesiologist assistant license*. The board shall license as an  
3 anesthesiologist assistant an individual who meets the requirements for licensure  
4 under s. 448.05 (5w). The board may, by rule, provide for a temporary license to  
5 practice as an anesthesiologist assistant. The board may issue a temporary license  
6 to a person who meets the requirements under s. 448.05 (5w) and who is eligible to  
7 take, but has not passed, the examination under s. 448.05 (6). A temporary license  
8 expires on the date on which the board grants or denies an applicant permanent  
9 licensure or on the date of the next regularly scheduled examination required under  
10 s. 448.05 (6) if the applicant is required to take, but has failed to apply for, the  
11 examination. An applicant who continues to meet the requirements for a temporary  
12 license may request that the board renew the temporary license, but an  
13 anesthesiologist assistant may not practice under a temporary license for a period  
14 of more than ~~3 years~~ 18 months

15 SECTION 13. 448.05 (1) (d) of the statutes is amended to read:

16 448.05 (1) (d) Be found qualified by three-fourths of the members of the board,  
17 except that an applicant for a temporary license under s. 448.04 (1) (b) 1. and 3. and,  
18 (e), and (g) must be found qualified by 2 members of the board.

19 SECTION 14. 448.05 (5w) of the statutes is created to read:

20 448.05 (5w) ANESTHESIOLOGIST ASSISTANT LICENSE. An applicant for a license  
21 to practice as an anesthesiologist assistant shall submit evidence satisfactory to  
22 board that the applicant has done all of the following:

23 (a) Obtained a bachelor's degree.

## ASSEMBLY BILL 671

## SECTION 14

1 (b) Satisfactorily completed an anesthesiologist assistant program that is  
2 accredited by the <sup>✓</sup>Commission on Accreditation of Allied Health Education  
3 Programs, or by a predecessor or successor entity.

4 (c) Passed the certifying examination administered by, ~~or~~ <sup>and</sup> obtained active  
5 certification from, the <sup>✓</sup>National Commission on Certification of Anesthesiologist  
6 Assistants or a successor entity.

7 **SECTION 15.** 448.05 (6) (a) <sup>✓</sup>of the statutes is amended to read:

8 448.05 (6) (a) Except as provided in ~~par.~~ pars. (am) <sup>✓</sup>and (ar), the board shall  
9 examine each applicant it finds eligible under this section in such subject matters as  
10 the board deems applicable to the class of license or certificate which the applicant  
11 seeks to have granted. Examinations may be both written and oral. In lieu of its own  
12 examinations, in whole or in part, the board may make such use as it deems  
13 appropriate of examinations prepared, administered, and scored by national  
14 examining agencies, or by other licensing jurisdictions of the United States or  
15 Canada. The board shall specify passing grades for any and all examinations  
16 required.

17 **SECTION 16.** 448.05 (6) (ar) <sup>✓</sup>of the statutes is created to read:

18 448.05 (6) (ar) When examining an applicant for a license to practice as an  
19 anesthesiologist assistant under par. (a), <sup>✓</sup>the board shall use the certification  
20 examination administered by the National Commission on Certification of  
21 Anesthesiologist Assistants <sup>✓</sup>or a successor entity. The board may license without  
22 additional examination any qualified applicant who is licensed in any state or  
23 territory of the United States or the District of Columbia <sup>✓</sup>and whose license  
24 authorizes the applicant to practice in the same manner and to the same extent as  
25 an anesthesiologist assistant is authorized to practice under s. 448.22 (2). <sup>✓</sup>

## ASSEMBLY BILL 671

1           **SECTION 17.** 448.13 (3) of the statutes is created to read:

2           448.13 (3) Each person licensed as an anesthesiologist assistant shall, in each  
3           2nd year at the time of application for a certificate of registration under s. 448.07,  
4           submit proof of meeting the criteria for recertification by the National Commission  
5           on Certification of Anesthesiologist Assistants or by a successor entity, including any  
6           continuing education requirements.

7           **SECTION 18.** 448.22 of the statutes is created to read:

8           **448.22 Anesthesiologist assistants.** (1) In this section, "supervision" means  
9           the use of the powers of direction and decision to coordinate, direct, and inspect the  
10          accomplishments of another, and to oversee the implementation of the  
11          anesthesiologist's intentions.

12          (2) An anesthesiologist assistant may assist an anesthesiologist in the  
13          delivery of medical care only under the supervision of an anesthesiologist and only  
14          as described in a supervision agreement between the anesthesiologist assistant and  
15          an anesthesiologist who represents the anesthesiologist assistant's employer. The  
16          supervising anesthesiologist shall be immediately available in the same physical  
17          location or facility in which the anesthesiologist assistant assists in the delivery of  
18          medical care such that the supervising anesthesiologist is able to intervene if needed.

19          (3) A supervision agreement under sub. (2) shall do all of the following:

20           (a) Describe the supervising anesthesiologist.

21           (b) Define the practice of the anesthesiologist assistant consistent with subs.

22          (2), (4) and (5).

23          (4) An anesthesiologist assistant's practice may not exceed his or her education  
24          and training, the scope of practice of the supervising anesthesiologist, and the  
25          practice outlined in the anesthesiologist assistant supervision agreement. A medical

**ASSEMBLY BILL 671****SECTION 18**

1 care task assigned by the supervising anesthesiologist to the anesthesiologist  
2 assistant may not be delegated by the anesthesiologist assistant to another person.

3 (5) An anesthesiologist assistant<sup>✓</sup> may assist only the supervising  
4 anesthesiologist in the delivery of medical care and may perform only the following  
5 medical care tasks as assigned by the supervising anesthesiologist:

6 (a) Developing and implementing an anesthesia care plan for a patient.<sup>✓</sup>

7 (b) Obtaining a comprehensive patient history and performing relevant  
8 elements of a physical exam.<sup>✓</sup>

9 (c) Pretesting and calibrating anesthesia delivery systems and obtaining and  
10 interpreting information from the systems and from monitors.<sup>✓</sup>

11 (d) Implementing medically accepted monitoring techniques.<sup>✓</sup>

12 (e) Establishing basic and advanced airway interventions, including  
13 intubation of the trachea and performing ventilatory support.<sup>✓</sup>

14 (f) Administering intermittent vasoactive drugs and starting and adjusting  
15 vasoactive infusions.<sup>✓</sup>

16 (g) Administering anesthetic drugs, adjuvant drugs, and accessory drugs.<sup>✓</sup>

17 (h) Implementing spinal, epidural, and regional anesthetic procedures.<sup>✓</sup>

18 (i) Administering blood, blood products, and supportive fluids.<sup>✓</sup>

19 (j) Assisting a cardiopulmonary resuscitation team in response to a life  
20 threatening situation.<sup>✓</sup>

21 (k) Participating in administrative, research, and clinical teaching activities  
22 specified in the supervision agreement.<sup>✓</sup>

23 (L) Supervising student anesthesiologist assistants.<sup>✓</sup>

24 (6) An anesthesiologist who represents an anesthesiologist assistant's  
25 employer shall review a supervision agreement with the anesthesiologist assistant

## ASSEMBLY BILL 671

1 at least annually. The supervision agreement shall be available for inspection at the  
2 location where the anesthesiologist assistant practices. ✓ The supervision agreement  
3 may limit the practice of an anesthesiologist assistant to less than the full scope of  
4 practice authorized under sub. (5). ✓

5 (7) An anesthesiologist assistant shall be employed by a health care provider,  
6 as defined in s. 655.001 (8), ✓ that is operated in this state for the primary purpose of  
7 providing the medical services of physicians or that is an entity described in s.  
8 655.002 (1) (g), (h), or (i). ✓ If an anesthesiologist assistant's employer is not an  
9 anesthesiologist, the employer shall provide for, and not interfere with, an  
10 anesthesiologist's supervision of the anesthesiologist assistant. ✓

11 (8) A student in an anesthesiologist assistant training program may assist only  
12 an anesthesiologist in the delivery of medical care and may perform only medical  
13 care tasks assigned by the anesthesiologist. ✓ An anesthesiologist may delegate the  
14 supervision of a student in an anesthesiologist assistant training program to a  
15 qualified anesthesia provider. ✓ For purposes of this subsection, a "qualified  
16 anesthesia provider" is an anesthesiologist, an anesthesiology fellow, an  
17 anesthesiology resident who has completed his or her first year of anesthesiology  
18 residency, a certified registered nurse anesthetist or an anesthesiologist assistant.

19 ~~20~~ This section shall not be interpreted to limit the number of other qualified anesthesia  
20 providers an anesthesiologist may supervise. ✓ A student in an anesthesiologist  
21 assistant training program shall be identified as a student anesthesiologist assistant  
22 or an anesthesiologist assistant student and may not be identified as an "intern,"  
23 "resident," or "fellow." ✓

24 **SECTION 19.** 448.23 of the statutes is created to read:

## ASSEMBLY BILL 671

## SECTION 19

1           **448.23 Council on anesthesiologist assistants.** ✓ The council on  
2 anesthesiologist assistants ✓ shall guide, advise, and make recommendations to the  
3 board ✓ regarding the scope of anesthesiologist assistant practice and the promotion  
4 of the role of anesthesiologist assistants in the delivery of health care services.

5           **SECTION 20. Nonstatutory provisions.**

6           (1) Notwithstanding section 15.407 ~~(a)~~ <sup>7</sup> (b) ✓ of the statutes, as created by this act,  
7 the initial member of the council on anesthesiologist assistants appointed under  
8 section 15.407 ~~(a)~~ <sup>7</sup> (b) ✓ of the statutes, as created by this act, is not required to be a  
9 licensed anesthesiologist assistant under section 448.04 (1) (g) ✓ of the statutes, as  
10 created by this act, but shall be an individual who meets the criteria specified under  
11 section 448.05 (5w) ✓ of the statutes, as created by this act.

12           (2) Notwithstanding section <sup>7</sup> 15.407 ~~(a)~~ <sup>7</sup> of the statutes, as created by this act,  
13 one of the initial members of the council on anesthesiologist assistants appointed  
14 under section 15.407 ~~(a)~~ <sup>7</sup> (c) ✓ of the statutes, as created by this act, shall be appointed  
15 for a 2-year term. ✓

16           (3) The Board of Regents of the University of Wisconsin shall direct the School  
17 of Medicine and Public Health to study the feasibility of establishing a School of  
18 Anesthesiologist Assistants in the University of Wisconsin System. The School of  
19 Medicine and Public Health shall submit a report containing the School of Medicine  
20 and Public Health's findings to the Board of Regents and to the council on  
21 anesthesiologist assistants under section 15.407 (9) of the statutes, as created by this  
22 act, not later than one year after the effective date of this subsection.

**Nelson, Robert**

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**From:** Scholz, AJ  
**Sent:** Thursday, January 05, 2012 1:37 PM  
**To:** Nelson, Robert  
**Subject:** RE: LRB 11-3383/1 Topic: Licensing of anesthesiologist assistants

Hello Robert,

If we could go ahead and Jacket this bill for the Assembly right away, I would really appreciate it. We are kind of in a rush on this legislation.

Thank you for your help!

**AJ Scholz**

Office of Representative Erik Severson

608-267-2365

312 North, State Capitol



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**From:** Palese, Tony  
**Sent:** Thursday, January 05, 2012 12:43 PM  
**To:** Nelson, Robert  
**Cc:** Scholz, AJ  
**Subject:** LRB 11-3383/1 Topic: Licensing of anesthesiologist assistants

Hello Robert,

Our office would like to release LRB 3383 to Rep. Severson's office. If you have any questions, please feel free to let me know, otherwise I believe AJ in Rep. Severson's office will likely be contacting you regarding this bill.

Thanks!

**Tony Palese**

Legislative Aide

Office of Sen. Jennifer Shilling

State Capitol, Room 106 South  
PO Box 7882, Madison, WI 53707  
(608) 266-5490 office  
(800) 385-3385 toll-free  
(608) 282-3572 fax