

In: 11/20/08 Wanted: 12/1/08, if possible

State of Wisconsin
2009 - 2010 LEGISLATURE

2
LRB-0354/8
CTS:jld:rs
PMA/12

2009 BILL

X Regen

1 AN ACT *to renumber* 448.015 (1); *to amend* 448.02 (1), 448.03 (2) (c), 448.03 (2)
2 (e), 448.03 (2) (k), 448.05 (1) (d) and 448.05 (6) (a); and *to create* 15.407 (9),
3 448.015 (1b), 448.015 (1c), 448.03 (1) (d), 448.03 (3) (g), 448.03 (7), 448.04 (1) (g),
4 448.05 (5w), 448.05 (6) (ar), 448.13 (3), 448.22 and 448.23 of the statutes;
5 **relating to:** licensing anesthesiologist assistants and creating the Council on
6 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

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NO 3) pretesting and calibrating anesthesia delivery systems

only the supervising

is immediately available and able to intervene if needed. The scope of an anesthesiologist assistant's practice is limited to assisting an anesthesiologist in delivering specific medical care, including the following: 1) developing and implementing an anesthesia care plan; 2) implementing monitoring techniques; 3) administering vasoactive drugs and starting and adjusting vasoactive infusions; 4) administering intermittent anesthetic, adjuvant, and accessory drugs; 5) performing epidural anesthetic procedures and spinal anesthetic procedures; and 6) 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 the practice of student anesthesiologist assistants under the medical direction of an anesthesiologist and under the supervision of a qualified anesthesiology provider. The bill also creates a five-member Council on Anesthesiologist Assistants to advise and make recommendations to the board.

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

INS
A-1
INS
A-2

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

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 licensing 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 recommendations of the Wisconsin academy of anesthesiologist assistants, and who shall be appointed by the medical examining board for 3-year terms:

(a) One member of the medical examining board.

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

2 (c) Two anesthesiologists.

3 (d) One lay member.

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

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

6 448.015 (1b) "Anesthesiologist" means a physician who has completed a
7 residency in anesthesiology approved by the American Board of Anesthesiology or
8 the American Osteopathic Board of Anesthesiology, holds an unrestricted license,
9 and is actively engaged in clinical practice.

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

11 448.015 (1c) "Anesthesiologist assistant" means an individual licensed by the
12 board to ~~provide~~ certain medical care with anesthesiologist supervision. ✓

13 *assist an anesthesiologist in the delivery of*
SECTION 5. 448.02 (1) of the statutes is amended to read:

14 448.02 (1) LICENSE. The board may grant licenses, including various classes
15 of temporary licenses, to practice medicine and surgery, to practice perfusion, to
16 practice as an anesthesiologist assistant, and to practice as a physician assistant.

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

18 448.03 (1) (d) No person may practice as an anesthesiologist assistant unless
19 he or she is licensed by the board as an anesthesiologist assistant.

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

21 448.03 (2) (c) The activities of a medical student, respiratory care student,
22 perfusion student, anesthesiologist assistant student, or physician assistant student
23 required for such student's education and training, or the activities of a medical
24 school graduate required for training as required in s. 448.05 (2).

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

BILL**SECTION 8**

1 448.03 (2) (e) Any person other than a physician assistant or an
2 anesthesiologist assistant who is providing patient services as directed, supervised
3 and inspected by a physician who has the power to direct, decide and oversee the
4 implementation of the patient services rendered.

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

6 448.03 (2) (k) Any persons, other than physician assistants, anesthesiologist
7 assistants, or perfusionists, who assist physicians.

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

9 448.03 (3) (g) No person may designate himself or herself as an
10 “anesthesiologist assistant” or use or assume the title “anesthesiologist assistant” or
11 append to the person’s name the words or letters “anesthesiologist assistant” or
12 “A.A.” or any other titles, letters, or designation that represents or may tend to
13 represent the person as an anesthesiologist assistant unless he or she is licensed as
14 an anesthesiologist assistant by the board. An anesthesiologist assistant shall be
15 clearly identified as an anesthesiologist assistant.

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

17 448.03 (7) SUPERVISION OF ANESTHESIOLOGIST ASSISTANTS. An anesthesiologist
18 may not supervise more than the number of anesthesiologist assistants permitted
19 by reimbursement standards for Part A or Part B of the federal Medicare program
20 under Title XVIII of the federal Social Security Act, 42 USC 1395 to 1395hhh.

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

22 448.04 (1) (g) *Anesthesiologist assistant license.* The board shall license as an
23 anesthesiologist assistant an individual who meets the requirements for licensure
24 under s. 448.05 (5w).[✓] The board may, by rule, provide for a temporary license to
25 practice as an anesthesiologist assistant. The board may issue a temporary license

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1 to a person who meets the requirements under s. 448.05 (5w) and who is eligible to
2 take, but has not passed, the examination under s. 448.05 (6). A temporary license
3 expires on the date on which the board grants or denies an applicant permanent
4 licensure or on the date of the next regularly scheduled examination required under
5 s. 448.05 (6) if the applicant is required to take, but has failed to apply for, the
6 examination. An applicant who continues to meet the requirements for a temporary
7 license may request that the board renew the temporary license, but an
8 anesthesiologist assistant may not practice under a temporary license for a period
9 of more than 3 years.

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

11 448.05 (1) (d) Be found qualified by three-fourths of the members of the board,
12 except that an applicant for a temporary license under s. 448.04 (1) (b) 1. and 3. and,
13 (e), and (g) must be found qualified by 2 members of the board.

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

15 448.05 (5w) ANESTHESIOLOGIST ASSISTANT LICENSE. An applicant for a license
16 to practice as an anesthesiologist assistant shall submit evidence satisfactory to
17 board that the applicant has done all of the following:

18 (a) Obtained a bachelor's degree.

19 (b) Satisfactorily completed an anesthesiologist assistant program that is
20 accredited by the Commission on Accreditation of Allied Health Education
21 Programs, or by a predecessor or successor entity.

22 (c) Passed the certifying examination administered by, or obtained active
23 certification from, the National Commission on Certification of Anesthesiologist
24 Assistants or a successor entity.

25 **SECTION 15.** 448.05 (6) (a) of the statutes is amended to read:

BILL**SECTION 15**

1 448.05 (6) (a) Except as provided in ~~par. pars.~~ (am) [✓] and (ar), the board shall
2 examine each applicant it finds eligible under this section in such subject matters as
3 the board deems applicable to the class of license or certificate which the applicant
4 seeks to have granted. Examinations may be both written and oral. In lieu of its own
5 examinations, in whole or in part, the board may make such use as it deems
6 appropriate of examinations prepared, administered, and scored by national
7 examining agencies, or by other licensing jurisdictions of the United States or
8 Canada. The board shall specify passing grades for any and all examinations
9 required.

10 **SECTION 16.** 448.05 (6) (ar) of the statutes is created to read:

11 448.05 (6) (ar) When examining an applicant for a license to practice as an
12 anesthesiologist assistant under par. (a), [✓] the board shall use the certification
13 examination administered by the National Commission on Certification of
14 Anesthesiologist Assistants or a successor entity. The board may license without
15 additional examination any qualified applicant who is licensed in any state or
16 territory of the United States or the District of Columbia and whose license
17 authorizes the applicant to practice in the same manner and to the same extent as
18 an anesthesiologist assistant is authorized to practice under s. 448.22 (2).

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

20 448.13 (3) Each person licensed as an anesthesiologist assistant shall, in each
21 2nd year at the time of application for a certificate of registration under s. 448.07,
22 submit proof of meeting the criteria for recertification by the National Commission
23 on Certification of Anesthesiologist Assistants or by a successor entity, including any
24 continuing education requirements.

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

BILL

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

5 (2) An anesthesiologist assistant may [✓] assistant [Ⓟ] an anesthesiologist in the
6 delivery of medical care only under the supervision of an anesthesiologist and only
7 as described in a supervision agreement between the anesthesiologist assistant and
8 an [Ⓟ] anesthesiologist [Ⓟ] who represents the anesthesiologist assistant's employer. The

9 supervision agreement shall do all of the following:

10 (a) [✓] Provides ^{under sub. (2)} that the anesthesiologist assistant may practice only under the
11 supervision of an anesthesiologist identified in the agreement as the supervising
12 anesthesiologist. ^{described}

13 (4) [✓] Defines the practice of the anesthesiologist assistant consistent with sub. [Ⓟ]
14 [Ⓟ] (3) ^{and (5)} and (5) ^{assists in the delivery of}

15 (c) Requires that the supervising anesthesiologist be immediately available in
16 the same physical location or facility in which the anesthesiologist assistant provides
17 medical care and that the supervising anesthesiologist be able to intervene if needed.

18 (3) An anesthesiologist assistant's practice may not exceed his or her education
19 and training, the scope of practice of the supervising anesthesiologist, and the
20 practice outlined in the anesthesiologist assistant supervision agreement. A medical
21 care task assigned by the supervising anesthesiologist to the anesthesiologist
22 assistant may not be delegated by the anesthesiologist assistant to another person.

23 An anesthesiologist assistant may assist [✓] an anesthesiologist in the delivery of only
24 the following medical care: ^{only the supervising}

25 (a) Developing and implementing an anesthesia care plan for a patient.

[✓] and may perform only the following
medical care tasks as assigned by the
supervising anesthesiologist

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SECTION 18

(a) Pretesting and calibrating anesthesia delivery systems and obtaining and interpreting information from the systems and from monitors.

(b) Obtaining a comprehensive patient history and performing relevant elements of a physical exam.

(d) Implementing medically accepted monitoring techniques.

(e) Establishing basic and advanced airway interventions, including intubation of the trachea and performing ventilatory support.

(f) Administering intermittent vasoactive drugs and starting and adjusting vasoactive infusions.

(g) Administering anesthetic drugs, adjuvant drugs, and accessory drugs.

(h) Performing of epidural anesthetic procedures, spinal anesthetic procedures.

(i) Administering blood, blood products, and supportive fluids.

(j) Assisting a cardiopulmonary resuscitation team in response to a life threatening situation.

(k) Participating in administrative, research, and clinical teaching activities specified in the supervision agreement.

(L) Supervising student anesthesiologist assistants.

An anesthesiologist who represents an anesthesiologist assistant's employer shall review a supervision agreement with the anesthesiologist assistant

at least every 2 years. The supervision agreement shall be available for inspection at the location where the anesthesiologist assistant practices. The supervision

agreement may limit the practice of an anesthesiologist assistant to less than the full scope of practice authorized under sub. (3).

An anesthesiologist assistant shall be employed by a health care provider, as defined in s. 655.001 (8), that is operated in this state for the primary purpose of providing the medical services of physicians or that is an entity described in s.

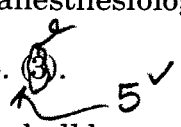
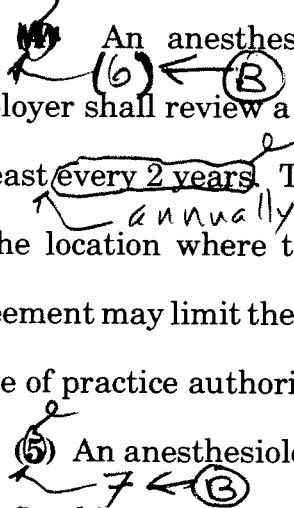
(12)

(17)

(19)

(22)

(23)



BILL

(9) - and may perform only medical care tasks assigned by the

1 655.002 (1) (g), (h), or (i). An anesthesiologist assistant's employer shall ensure
2 compliance with ch. 655. If an anesthesiologist assistant's employer is not an
3 anesthesiologist, the employer shall provide for, and not interfere with, an
4 anesthesiologist's supervision of the anesthesiologist assistant.

only

5 (6) A student in an anesthesiologist assistant training program may assist an
6 anesthesiologist in the delivery of medical care only under the medical direction of
7 an anesthesiologist and under the supervision of a qualified anesthesia provider. For
8 purposes of this subsection, a "qualified anesthesia provider" is an anesthesiologist,
9 an anesthesiology fellow, an anesthesiology resident who has completed his or her
10 first year of anesthesiology residency, a certified registered nurse anesthetist or an
11 anesthesiologist assistant. This section shall not be interpreted to limit the number
12 of other qualified anesthesia providers an anesthesiologist may supervise. A student
13 in an anesthesiologist assistant training program shall be identified as a student
14 anesthesiologist assistant or an anesthesiologist assistant student and may not be
15 identified as an "intern," "resident," or "fellow."

An anesthesiologist may delegate the supervision of a

student in an anesthesiologist assistant training program

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

17 **448.23 Council on anesthesiologist assistants.** The council on
18 anesthesiologist assistants shall guide, advise, and make recommendations to the
19 board regarding the scope of anesthesiologist assistant practice and the promotion
20 of the role of anesthesiologist assistants in the delivery of health care services.

21 **SECTION 20. Nonstatutory provisions.**

22 (1) Notwithstanding section 15.407 (9) (b) of the statutes, as created by this act,
23 the initial member of the council on anesthesiology assistants appointed under
24 section 15.407 (9) (b) of the statutes, as created by this act, is not required to be a
25 licensed anesthesiologist assistant under section 448.04 (1) (g) of the statutes, as

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BILL

1 created by this act, but shall be an individual who meets the criteria specified under
2 section 448.05 (5w) of the statutes, as created by this act.

3 (2) Notwithstanding section 15.407 (9) of the statutes, as created by this act,
4 one of the initial members of the council on [✓]anesthesiology assistants appointed
5 under section 15.407 (9) (c) of the statutes, as created by this act, shall be appointed
6 for a 2-year term.

7

(END)

ist

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0354/2ins
CTS:.....

1 **Insert A-1:**

~~NO~~ and performing only certain medical care tasks assigned by the supervising anesthesiologist. The medical care tasks are specified in the bill and include ~~NO~~

2 **Insert A-2:**

~~NO~~ to perform only medical care tasks assigned by an anesthesiologist, who may delegate the supervision of a student to ~~NO~~

Sundberg, Christopher

From: Leitch, Laura J. [lleitch@hallrender.com]
Sent: Thursday, December 18, 2008 2:33 PM
To: Sundberg, Christopher
Subject: RE: AA licensure bill

Sounds good to me. Thanks!

From: Sundberg, Christopher [mailto:Christopher.Sundberg@legis.wisconsin.gov]
Sent: Thu 12/18/2008 2:25 PM
To: Leitch, Laura J.
Subject: RE: AA licensure bill

That's a good question. Instead of trying to come up with a plausible answer, I'd say make (a) and (c) explicit statutory requirements. Agreed?

You're right -- we did move things around so that (2) would contain only the supervision and the supervision agreement requirements. I'm wondering if the requirements in (a) and (c) (the supervising anesthesiologist being immediately available and that the supervision must be by the supervising anesthesiologist described in the agreement) should be straight up in the statutes rather than requirements of a required agreement in the statutes. Or are they considered statutory requirements either way so it doesn't really matter?

Sundberg, Christopher

From: Leitch, Laura J. [lleitch@hallrender.com]
Sent: Wednesday, December 17, 2008 5:29 PM
To: Sundberg, Christopher
Subject: RE: AA licensure bill

Christopher,

Re "implementing" and "performing," the intent is to make sure that the anesthesiologist decides the degree of the AA's involvement in the procedure. As you said, given the other language in the bill, that seems to be accomplished using "implementing" and "performing." If you agree, those sections are fine.

Thank you!

Laura

From: Sundberg, Christopher [mailto:Christopher.Sundberg@legis.wisconsin.gov]
Sent: Wed 12/10/2008 1:51 PM
To: Leitch, Laura J.
Subject: RE: AA licensure bill

See my comments below.

- Section 1. WSA would like the requirement that the president of the WSA consider the recommendations of the Wisconsin Academy of Anesthesiologist Assistants to be limited to recommendations concerning the AA council member. Possible?

OK.

- Section 18. On page 7, line 10, WSA would like the "or" to be an "and." The sentence would read: In this section, "supervision" means the use of the powers of direction and decision to coordinate, direct, and inspect the accomplishments of another, and to oversee the implementation of the anesthesiologist's intentions.

OK.

- Section 18. Should the requirements in 448.22(3)(a) and (c) be included with the requirements in 448.22 (2)? Then the supervision agreement would:
 - Describe the supervising anesthesiologist.
 - Define the practice consistent with (2), (4), and (5).

I'm not sure I understand this one. If I remember right, we moved some things around so that sub. (2) would only contain the supervision and supervision agreement requirements.

- Section 18. Can s. 448.22(5)(d) be amended to read: Participating in the implementation of medically accepted monitoring techniques.

Sure, though is "participating in the implementation of" intended to have a different substantive meaning than "implementing"? If the change is really just additional verbage intended to highlight the fact that an AA works at the direction of, and under the supervision of, an anesthesiologist, I'd recommend against it. A court or agency

12/18/2008

Sundberg, Christopher

From: Leitch, Laura J. [lleitch@hallrender.com]
Sent: Tuesday, December 16, 2008 1:36 PM
To: Sundberg, Christopher
Subject: RE: AA licensure bill

Thanks, Christopher.

I'll respond under your responses:

- Section 18. Should the requirements in 448.22(3)(a) and (c) be included with the requirements in 448.22 (2)? Then the supervision agreement would:
 - Describe the supervising anesthesiologist.
 - Define the practice consistent with (2), (4), and (5).

I'm not sure I understand this one. If I remember right, we moved some things around so that sub. (2) would only contain the supervision and supervision agreement requirements.

You're right -- we did move things around so that (2) would contain only the supervision and the supervision agreement requirements. I'm wondering if the requirements in (a) and (c) (the supervising anesthesiologist being immediately available and that the supervision must be by the supervising anesthesiologist described in the agreement) should be straight up in the statutes rather than requirements of a required agreement in the statutes. Or are they considered statutory requirements either way so it doesn't really matter?

- Section 18. Can s. 448.22(5)(d) be amended to read: Participating in the implementation of medically accepted monitoring techniques.

Sure, though is "participating in the implementation of" intended to have a different substantive meaning than "implementing"? If the change is really just additional verbage intended to highlight the fact that an AA works at the direction of, and under the supervision of, an anesthesiologist, I'd recommend against it. A court or agency trying to figure out what the statutory language means may decide that "participating" means something less than "implementing" and, based on that interpretation, impose a limitation on the practice of AAs that you do not intend to create. Same comment for the next item.

My understanding is that WSA would like to limit both (d) and (h) to less than "implementing" -- but I'll confirm and let you know.

Thank you!

Laura

From: Sundberg, Christopher [mailto:Christopher.Sundberg@legis.wisconsin.gov]
Sent: Wed 12/10/2008 1:51 PM
To: Leitch, Laura J.
Subject: RE: AA licensure bill

See my comments below.

- Section 1. WSA would like the requirement that the president of the WSA consider the recommendations of the Wisconsin Academy of Anesthesiologist Assistants to be limited to recommendations concerning the AA council member. Possible?

12/16/2008

OK.

- Section 18. On page 7, line 10, WSA would like the "or" to be an "and." The sentence would read: In this section, "supervision" means the use of the powers of direction and decision to coordinate, direct, and inspect the accomplishments of another, and to oversee the implementation of the anesthesiologist's intentions.

OK.

- Section 18. Should the requirements in 448.22(3)(a) and (c) be included with the requirements in 448.22(2)? Then the supervision agreement would:
 - Describe the supervising anesthesiologist.
 - Define the practice consistent with (2), (4), and (5).

I'm not sure I understand this one. If I remember right, we moved some things around so that sub. (2) would only contain the supervision and supervision agreement requirements.

- Section 18. Can s. 448.22(5)(d) be amended to read: Participating in the implementation of medically accepted monitoring techniques.

Sure, though is "participating in the implementation of" intended to have a different substantive meaning than "implementing"? If the change is really just additional verbage intended to highlight the fact that an AA works at the direction of, and under the supervision of, an anesthesiologist, I'd recommend against it. A court or agency trying to figure out what the statutory language means may decide that "participating" means something less than "implementing" and, based on that interpretation, impose a limitation on the practice of AAs that you do not intend to create. Same comment for the next item.

- Section 18. Can s. 448.22(5)(h) be amended to read: Participating in the performance of epidural anesthetic procedures, spinal anesthetic procedures.
- Section 18. On page 9 lines 13-14. You had previously recommended deleting "An anesthesiologist assistant's employer shall ensure compliance with ch. 655" because it is unnecessary. WSA agreed.

OK- sorry I missed that one.

- The last bullet point of WSA's October 29 memo requested a new section requiring the Board of Regents to direct the University of Wisconsin Medical School to study the feasibility of establishing a School of Anesthesiologist Assistant at the University of Wisconsin-Madison. Can that new section be added?

OK.

Thank you for you work on this.

Laura

Laura J. Leitch
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12/16/2008

Sundberg, Christopher

From: Leitch, Laura J. [lleitch@hallrender.com]
Sent: Monday, December 08, 2008 4:46 PM
To: Sundberg, Christopher
Subject: AA licensure bill

Christopher,

I've received the most recent draft of the anesthesiologist assistant licensure bill and have a few more questions:

- Section 1. WSA would like the requirement that the president of the WSA consider the recommendations of the Wisconsin Academy of Anesthesiologist Assistants to be limited to recommendations concerning the AA council member. Possible?
- Section 18. On page 7, line 10, WSA would like the "or" to be an "and." The sentence would read: In this section, "supervision" means the use of the powers of direction and decision to coordinate, direct, and inspect the accomplishments of another, and to oversee the implementation of the anesthesiologist's intentions.
- Section 18. Should the requirements in 448.22(3)(a) and (c) be included with the requirements in 448.22 (2)? Then the supervision agreement would:
 - Describe the supervising anesthesiologist.
 - Define the practice consistent with (2), (4), and (5).
- Section 18. Can s. 448.22(5)(d) be amended to read: Participating in the implementation of medically accepted monitoring techniques.
- Section 18. Can s. 448.22(5)(h) be amended to read: Participating in the performance of epidural anesthetic procedures, spinal anesthetic procedures.
- Section 18. On page 9 lines 13-14. You had previously recommended deleting "An anesthesiologist assistant's employer shall ensure compliance with ch. 655" because it is unnecessary. WSA agreed.
- The last bullet point of WSA's October 29 memo requested a new section requiring the Board of Regents to direct the University of Wisconsin Medical School to study the feasibility of establishing a School of Anesthesiologist Assistant at the University of Wisconsin-Madison. Can that new section be added?

Thank you for you work on this.

Laura

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12/09/2008



DUE TUES A.M.
2009 BILL

X

Regen

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Analysis by the Legislative Reference Bureau

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BILL

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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:

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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.

BILL

1 (b) Satisfactorily completed an anesthesiologist assistant program that is
2 accredited by the 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 obtained active
5 certification from, the National Commission on Certification of Anesthesiologist
6 Assistants or a successor entity.

7 **SECTION 15.** 448.05 (6) (a) of the statutes is amended to read:

8 448.05 (6) (a) Except as provided in ~~par.~~ pars. (am) and (ar), the board shall
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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) 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), the board shall use the certification
20 examination administered by the National Commission on Certification of
21 Anesthesiologist Assistants 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 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).

BILL

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, ^{or} to oversee the implementation of the
11 anesthesiologist's intentions. _{and}

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. ✓

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

17 (a) Provide that the anesthesiologist assistant may practice only under the
18 supervision of an anesthesiologist described in the agreement as the supervising
19 anesthesiologist. _{Describe}

20 (b) Define the practice of the anesthesiologist assistant consistent with subs.
21 (4) and (5). _{more}

22 (c) Require that the supervising anesthesiologist be immediately available in (2) ✓
23 the same physical location or facility in which the anesthesiologist assistant assists
24 in the delivery of medical care and that the supervising anesthesiologist be able to
25 intervene if needed. _{shall} _{such} ₁₆

BILL

1 (4) An anesthesiologist assistant's practice may not exceed his or her education
2 and training, the scope of practice of the supervising anesthesiologist, and the
3 practice outlined in the anesthesiologist assistant supervision agreement. A medical
4 care task assigned by the supervising anesthesiologist to the anesthesiologist
5 assistant may not be delegated by the anesthesiologist assistant to another person.

6 (5) An anesthesiologist assistant may assist only the supervising
7 anesthesiologist in the delivery of medical care and may perform only the following
8 medical care tasks as assigned by the supervising anesthesiologist:

9 (a) Developing and implementing an anesthesia care plan for a patient.

10 (b) Obtaining a comprehensive patient history and performing relevant
11 elements of a physical exam.

12 (c) Pretesting and calibrating anesthesia delivery systems and obtaining and
13 interpreting information from the systems and from monitors.

14 (d) Implementing medically accepted monitoring techniques.

15 (e) Establishing basic and advanced airway interventions, including
16 intubation of the trachea and performing ventilatory support.

17 (f) Administering intermittent vasoactive drugs and starting and adjusting
18 vasoactive infusions.

19 (g) Administering anesthetic drugs, adjuvant drugs, and accessory drugs.

20 (h) Performing of epidural anesthetic procedures, spinal anesthetic
21 procedures.

22 (i) Administering blood, blood products, and supportive fluids.

23 (j) Assisting a cardiopulmonary resuscitation team in response to a life
24 threatening situation.

BILL

1 (k) Participating in administrative, research, and clinical teaching activities
2 specified in the supervision agreement.

3 (L) Supervising student anesthesiologist assistants.

4 (6) An anesthesiologist who represents an anesthesiologist assistant's
5 employer shall review a supervision agreement with the anesthesiologist assistant
6 at least annually. The supervision agreement shall be available for inspection at the
7 location where the anesthesiologist assistant practices. The supervision agreement
8 may limit the practice of an anesthesiologist assistant to less than the full scope of
9 practice authorized under sub. (5).

10 (7) An anesthesiologist assistant shall be employed by a health care provider,
11 as defined in s. 655.001 (8), that is operated in this state for the primary purpose of
12 providing the medical services of physicians or that is an entity described in s.
13 655.002 (1) (g), (h), or (i). An anesthesiologist assistant's employer shall ensure

14 compliance with ch. 655. If an anesthesiologist assistant's employer is not an
15 anesthesiologist, the employer shall provide for, and not interfere with, an
16 anesthesiologist's supervision of the anesthesiologist assistant.

17 (8) A student in an anesthesiologist assistant training program may assist only
18 an anesthesiologist in the delivery of medical care and may perform only medical
19 care tasks assigned by the anesthesiologist. An anesthesiologist may delegate the
20 supervision of a student in an anesthesiologist assistant training program to a
21 qualified anesthesia provider. For purposes of this subsection, a "qualified
22 anesthesia provider" is an anesthesiologist, an anesthesiology fellow, an
23 anesthesiology resident who has completed his or her first year of anesthesiology
24 residency, a certified registered nurse anesthetist or an anesthesiologist assistant.
25 This section shall not be interpreted to limit the number of other qualified anesthesia

BILL

1 providers an anesthesiologist may supervise. A student in an anesthesiologist
2 assistant training program shall be identified as a student anesthesiologist assistant
3 or an anesthesiologist assistant student and may not be identified as an "intern,"
4 "resident," or "fellow."

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

6 **448.23 Council on anesthesiologist assistants.** The council on
7 anesthesiologist assistants shall guide, advise, and make recommendations to the
8 board regarding the scope of anesthesiologist assistant practice and the promotion
9 of the role of anesthesiologist assistants in the delivery of health care services.

10 **SECTION 20. Nonstatutory provisions.**

11 (1) Notwithstanding section 15.407 (9) (b) of the statutes, as created by this act,
12 the initial member of the council on anesthesiologist assistants appointed under
13 section 15.407 (9) (b) of the statutes, as created by this act, is not required to be a
14 licensed anesthesiologist assistant under section 448.04 (1) (g) of the statutes, as
15 created by this act, but shall be an individual who meets the criteria specified under
16 section 448.05 (5w) of the statutes, as created by this act.

17 (2) Notwithstanding section 15.407 (9) of the statutes, as created by this act,
18 one of the initial members of the council on anesthesiologist assistants appointed
19 under section 15.407 (9) (c) of the statutes, as created by this act, shall be appointed
20 for a 2-year term.

(END)

(20)

21

A handwritten note in a rectangular box with a checkmark to its right. The text inside the box reads "INS" on the top line and "10-20" on the bottom line. A curved arrow points from the box towards the top left of the page.

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0354/3ins
CTS:.....

1

Insert 10-20:

2

~~(8)~~ The Board of Regents of the University of Wisconsin shall direct the Medical School ^{of Medicine and Public Health} to study the feasibility of establishing a School of Anesthesiologist Assistants

3

at the University of Wisconsin-Madison. The Medical School ^{of Medicine and Public Health} shall submit a report

4

containing the Medical School's findings to the Board of Regents and to the Council

5

on ~~Anesthesiologist Assistants~~ under section 15.407 (9) of the statutes, as created by

6

this act, not later than one [✓] year after the effective date of this [✓] subsection... [LRB

7

²
inserts date].

8

(end insert)

Sundberg, Christopher

From: Leitch, Laura J. [lleitch@hallrender.com]
Sent: Wednesday, January 07, 2009 8:30 AM
To: Sundberg, Christopher
Subject: RE: Draft review: LRB 09-0354/3 Topic: Licensure of anesthesiologist assistants

That looks great.

And then one more thing... WSA is asking that the language in s. 448.22(5)(h) read:

Implementing spinal, epidural, and regional anesthetic procedures

See any issues with that change?

Thank you!

L

From: Sundberg, Christopher [mailto:Christopher.Sundberg@legis.wisconsin.gov]
Sent: Tue 1/6/2009 3:29 PM
To: Leitch, Laura J.
Subject: RE: Draft review: LRB 09-0354/3 Topic: Licensure of anesthesiologist assistants

I think I've got it:

There is created a council on anesthesiologist assistants in the department of regulation and licensing 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 Academy of Anesthesiologist Assistants for the appointee under par. (b)**, and who shall be appointed by the medical examining board for 3-year terms:

Correct?

From: Leitch, Laura J. [mailto:lleitch@hallrender.com]
Sent: Tuesday, January 06, 2009 1:49 PM
To: Sundberg, Christopher
Subject: RE: Draft review: LRB 09-0354/3 Topic: Licensure of anesthesiologist assistants

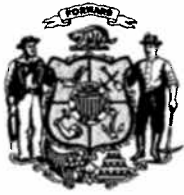
Thanks, Christopher,

Can the first section be changed so that the president of WSA considers the recommendations of the Wisconsin Academy of Anesthesiologist Assistants for the AA council member (and only for that member) before submitting his/her (WSA president's) list to the board? I think that's where we were going, but it looks like something happened to the language.

Thanks!

Laura

01/07/2009



2009 BILL

Regen

1 AN ACT *to renumber* 448.015 (1); *to amend* 448.02 (1), 448.03 (2) (c), 448.03 (2)
2 (e), 448.03 (2) (k), 448.05 (1) (d) and 448.05 (6) (a); and *to create* 15.407 (9),
3 448.015 (1b), 448.015 (1c), 448.03 (1) (d), 448.03 (3) (g), 448.03 (7), 448.04 (1) (g),
4 448.05 (5w), 448.05 (6) (ar), 448.13 (3), 448.22 and 448.23 of the statutes;
5 **relating to:** licensing anesthesiologist assistants and creating the Council on
6 Anesthesiologist Assistants and granting rule-making authority. ✓

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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.

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BILL

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BILL

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BILL**SECTION 14**

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15 Canada. The board shall specify passing grades for any and all examinations
16 required.

17 **SECTION 16.** 448.05 (6) (ar) 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), the board shall use the certification
20 examination administered by the National Commission on Certification of
21 Anesthesiologist Assistants 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 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).

BILL

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

BILL

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 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.

7 (b) Obtaining a comprehensive patient history and performing relevant
8 elements of a physical exam.

9 (c) Pretesting and calibrating anesthesia delivery systems and obtaining and
10 interpreting information from the systems and from monitors.

11 (d) Implementing medically accepted monitoring techniques.

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

14 (f) Administering intermittent vasoactive drugs and starting and adjusting
15 vasoactive infusions.

16 (g) Administering anesthetic drugs, adjuvant drugs, and accessory drugs.

17 (h) Performing of epidural anesthetic procedures, spinal anesthetic
18 procedures. *and regional*
Implementing spinal
comma

19 (i) Administering blood, blood products, and supportive fluids.

20 (j) Assisting a cardiopulmonary resuscitation team in response to a life
21 threatening situation.

22 (k) Participating in administrative, research, and clinical teaching activities
23 specified in the supervision agreement.

24 (L) Supervising student anesthesiologist assistants.

BILL

1 **(6)** An anesthesiologist who represents an anesthesiologist assistant's
2 employer shall review a supervision agreement with the anesthesiologist assistant
3 at least annually. The supervision agreement shall be available for inspection at the
4 location where the anesthesiologist assistant practices. The supervision agreement
5 may limit the practice of an anesthesiologist assistant to less than the full scope of
6 practice authorized under sub. (5).

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

13 **(8)** A student in an anesthesiologist assistant training program may assist only
14 an anesthesiologist in the delivery of medical care and may perform only medical
15 care tasks assigned by the anesthesiologist. An anesthesiologist may delegate the
16 supervision of a student in an anesthesiologist assistant training program to a
17 qualified anesthesia provider. For purposes of this subsection, a "qualified
18 anesthesia provider" is an anesthesiologist, an anesthesiology fellow, an
19 anesthesiology resident who has completed his or her first year of anesthesiology
20 residency, a certified registered nurse anesthetist or an anesthesiologist assistant.
21 This section shall not be interpreted to limit the number of other qualified anesthesia
22 providers an anesthesiologist may supervise. A student in an anesthesiologist
23 assistant training program shall be identified as a student anesthesiologist assistant
24 or an anesthesiologist assistant student and may not be identified as an "intern,"
25 "resident," or "fellow."

BILL**SECTION 19**

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

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

6 **SECTION 20. Nonstatutory provisions.**

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

13 (2) Notwithstanding section 15.407 (9) of the statutes, as created by this act,
14 one of the initial members of the council on anesthesiologist assistants appointed
15 under section 15.407 (9) (c) of the statutes, as created by this act, shall be appointed
16 for a 2-year term.

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

24

(END)

Sundberg, Christopher

From: Palese, Anthony
Sent: Friday, December 18, 2009 10:14 AM
To: Sundberg, Christopher
Subject: LRB 0354 change

Hello Chris,

Our office wanted to make a slight change to our bill draft regarding the licensure of anesthesiologist assistants (LRB 0354/4). We wanted to change the very last part of the bill pertaining to directing the Board of Regents to look into establishing a school for AA's at UW-Madison. Instead of UW-Madison, we would like the bill to say UW System so that the Board of Regents would have the flexibility to determine which campus would be best to do this at.

We were hoping to circulate this bill for co-sponsorship next week Tuesday, so if it is possible for you to make this change before that, we would really appreciate it. If you have any questions, please feel free to contact me here in our office.

Thank you!

Tony Palese
Legislative Aide
Office of Rep. Jennifer Shilling

State Capitol, Room 320 East
PO Box 8953, Madison, WI 53708
(608) 266-5780 voice
(888) 534-0095 toll free
(608) 282-3695 fax



Due today, 12/21

State of Wisconsin
2009 - 2010 LEGISLATURE

5
LRB-03544

CTS:jld:rs

↑
Stays

2009 BILL

1 AN ACT ^{Regen} *to renumber* 448.015 (1); *to amend* 448.02 (1), 448.03 (2) (c), 448.03 (2)

2 (e), 448.03 (2) (k), 448.05 (1) (d) and 448.05 (6) (a); and *to create* 15.407 (9),

3 448.015 (1b), 448.015 (1c), 448.03 (1) (d), 448.03 (3) (g), 448.03 (7), 448.04 (1) (g),

4 448.05 (5w), 448.05 (6) (ar), 448.13 (3), 448.22 and 448.23 of the statutes;

5 **relating to:** licensing anesthesiologist assistants and creating the Council on

6 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

BILL

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 at the University of Wisconsin-Madison.

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



Δ System

in

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

- 1 **SECTION 1.** 15.407 (9) of the statutes is created to read:
- 2 15.407 (9) COUNCIL ON ANESTHESIOLOGIST ASSISTANTS; DUTIES. There is created
- 3 a council on anesthesiologist assistants in the department of regulation and
- 4 licensing and serving the medical examining board in an advisory capacity. The
- 5 council's membership shall consist of the following members, who shall be selected
- 6 from a list of recommended appointees submitted by the president of the Wisconsin
- 7 Society of Anesthesiologists, Inc., after the president of the Wisconsin Society of
- 8 Anesthesiologists, Inc., has considered the recommendation of the Wisconsin

BILL

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:

BILL

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.

BILL

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.

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.

BILL**SECTION 14**

1 (b) Satisfactorily completed an anesthesiologist assistant program that is
2 accredited by the 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 obtained active
5 certification from, the National Commission on Certification of Anesthesiologist
6 Assistants or a successor entity.

7 **SECTION 15.** 448.05 (6) (a) of the statutes is amended to read:

8 448.05 (6) (a) Except as provided in ~~par. pars.~~ (am) 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) 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), the board shall use the certification
20 examination administered by the National Commission on Certification of
21 Anesthesiologist Assistants 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 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).

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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

BILL**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 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.

7 (b) Obtaining a comprehensive patient history and performing relevant
8 elements of a physical exam.

9 (c) Pretesting and calibrating anesthesia delivery systems and obtaining and
10 interpreting information from the systems and from monitors.

11 (d) Implementing medically accepted monitoring techniques.

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

14 (f) Administering intermittent vasoactive drugs and starting and adjusting
15 vasoactive infusions.

16 (g) Administering anesthetic drugs, adjuvant drugs, and accessory drugs.

17 (h) Implementing spinal, epidural, and regional anesthetic procedures.

18 (i) Administering blood, blood products, and supportive fluids.

19 (j) Assisting a cardiopulmonary resuscitation team in response to a life
20 threatening situation.

21 (k) Participating in administrative, research, and clinical teaching activities
22 specified in the supervision agreement.

23 (L) Supervising student anesthesiologist assistants.

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

BILL

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 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:

BILL

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 (9) (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 (9) (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 15.407 (9) 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 (9) (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 ^{at} the University of Wisconsin ⁱⁿ ~~Madison~~ ^{the} ~~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.

23 **(END)**

Barman, Mike

From: Palese, Anthony
Sent: Monday, January 11, 2010 3:18 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-0354/5 Topic: Licensure of anesthesiologist assistants

Please Jacket LRB 09-0354/5 for the ASSEMBLY.

note Rep. Shilling is the author of this bill. Please deliver bill jacket to Rep. Shilling office room 320 East. Thank you.



Oked by Elise
in Rep. Huebsch's office