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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 (7),

3   440.03 (13) (b) 5r., 440.08 (2) (a) 10., 441.11, 448.015 (1b), 448.015 (1c), 448.03

4   (1) (d), 448.03 (3) (g), 448.03 (7), 448.04 (1) (g), 448.05 (5w), 448.05 (6) (ar),

5   448.13 (3), 448.22 and 448.23 of the statutes; **relating to:** licensing

6   anesthesiologist assistants and creating the Council on Anesthesiologist

7   Assistants and granting rule–making authority.

Analysis by the Legislative Reference Bureau

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

8   SECTION 1. 15.407 (7) of the statutes is created to read:

9   15.407 **(7)** COUNCIL ON ANESTHESIOLOGIST ASSISTANTS; DUTIES. There is created

10   a council on anesthesiologist assistants in the department of safety and professional

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1   services and serving the medical examining board in an advisory capacity. The

2   council's membership shall consist of the following members, who shall be selected

3   from a list of recommended appointees submitted by the president of the Wisconsin

4   Society of Anesthesiologists, Inc., after the president of the Wisconsin Society of

5   Anesthesiologists, Inc., has considered the recommendation of the Wisconsin

6   Academy of Anesthesiologist Assistants for the appointee under par. (b), and who

7   shall be appointed by the medical examining board for 3–year terms:

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

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

10   (c) Two anesthesiologists.

11   (d) One lay member.

12   **SECTION 1g.** 440.03 (13) (b) 5r. of the statutes is created to read:

13   440.03 **(13)** (b) 5r. Anesthesiologist assistant.

14   **SECTION 1j.** 440.08 (2) (a) 10. of the statutes is created to read:

15   440.08 **(2)** (a) 10. Anesthesiologist assistant: October 1 of each even–numbered

16   year.

17   **SECTION 1m.** 441.11 of the statutes is created to read:

18   **441.11 Nurse anesthetists. (1)** In this section:

19   (a) "Anesthesiologist" has the meaning given in s. 448.015 (1b).

20   (b) "Nurse anesthetist" has the meaning given in s. 655.001 (9).

21   **(2)** The provisions of s. 448.04 (1) (g) do not apply to a nurse anesthetist.

22   **(3)** A nurse who is in a training program to become a nurse anesthetist and who

23   is assisting an anesthesiologist as part of that training program must be supervised

24   by an anesthesiologist who is supervising no more than one other nurse in such a

25   training program.

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

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

3   448.015 **(1b)** "Anesthesiologist" means a physician who has completed a

4   residency in anesthesiology approved by the American Board of Anesthesiology or

5   the American Osteopathic Board of Anesthesiology, holds an unrestricted license,

6   and is actively engaged in clinical practice.

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

8   448.015 **(1c)** "Anesthesiologist assistant" means an individual licensed by the

9   board to assist an anesthesiologist in the delivery of certain medical care with

10   anesthesiologist supervision.

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

12   448.02 **(1)** LICENSE. The board may grant licenses, including various classes

13   of temporary licenses, to practice medicine and surgery, to practice perfusion, to

14   practice as an anesthesiologist assistant, and to practice as a physician assistant.

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

16   448.03 **(1)** (d) No person may practice as an anesthesiologist assistant unless

17   he or she is licensed by the board as an anesthesiologist assistant.

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

19   448.03 **(2)** (c) The activities of a medical student, respiratory care student,

20   perfusion student, anesthesiologist assistant student, or physician assistant student

21   required for such student's education and training, or the activities of a medical

22   school graduate required for training as required in s. 448.05 (2).

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

24   448.03 **(2)** (e) Any person other than a physician assistant or an

25   anesthesiologist assistant who is providing patient services as directed, supervised

1   and inspected by a physician who has the power to direct, decide and oversee the

2   implementation of the patient services rendered.

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

4   448.03 **(2)** (k) Any persons, other than physician assistants, anesthesiologist

5   assistants, or perfusionists, who assist physicians.

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

7   448.03 **(3)** (g)   No person may designate himself or herself as an

8   "anesthesiologist assistant" or use or assume the title "anesthesiologist assistant" or

9   append to the person's name the words or letters "anesthesiologist assistant" or

10   "A.A." or any other titles, letters, or designation that represents or may tend to

11   represent the person as an anesthesiologist assistant unless he or she is licensed as

12   an anesthesiologist assistant by the board. An anesthesiologist assistant shall be

13   clearly identified as an anesthesiologist assistant.

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

15   448.03 **(7)** SUPERVISION OF ANESTHESIOLOGIST ASSISTANTS. An anesthesiologist

16   may not supervise more than the number of anesthesiologist assistants permitted

17   by reimbursement standards for Part A or Part B of the federal Medicare program

18   under Title XVIII of the federal Social Security Act, 42 USC 1395 to 1395hhh.

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

20   448.04 **(1)** (g) *Anesthesiologist assistant license.* The board shall license as an

21   anesthesiologist assistant an individual who meets the requirements for licensure

22   under s. 448.05 (5w). The board may, by rule, provide for a temporary license to

23   practice as an anesthesiologist assistant. The board may issue a temporary license

24   to a person who meets the requirements under s. 448.05 (5w) and who is eligible to

25   take, but has not passed, the examination under s. 448.05 (6). A temporary license

1   expires on the date on which the board grants or denies an applicant permanent

2   licensure or on the date of the next regularly scheduled examination required under

3   s. 448.05 (6) if the applicant is required to take, but has failed to apply for, the

4   examination. An applicant who continues to meet the requirements for a temporary

5   license may request that the board renew the temporary license, but an

6   anesthesiologist assistant may not practice under a temporary license for a period

7   of more than 18 months.

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

9   448.05 **(1)** (d) Be found qualified by three–fourths of the members of the board,

10   except that an applicant for a temporary license under s. 448.04 (1) (b) 1. and 3. ~~and,~~

11   (e)~~,~~ and (g) must be found qualified by 2 members of the board.

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

13   448.05 **(5w)** ANESTHESIOLOGIST ASSISTANT LICENSE. An applicant for a license

14   to practice as an anesthesiologist assistant shall submit evidence satisfactory to

15   board that the applicant has done all of the following:

16   (a) Obtained a bachelor's degree.

17   (b) Satisfactorily completed an anesthesiologist assistant program that is

18   accredited by the Commission on Accreditation of Allied Health Education

19   Programs, or by a predecessor or successor entity.

20   (c) Passed the certifying examination administered by, and obtained active

21   certification from, the National Commission on Certification of Anesthesiologist

22   Assistants or a successor entity.

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

24   448.05 **(6)** (a) Except as provided in ~~par.~~ pars. (am) and (ar), the board shall

25   examine each applicant it finds eligible under this section in such subject matters as

1   the board deems applicable to the class of license or certificate which the applicant

2   seeks to have granted. Examinations may be both written and oral. In lieu of its own

3   examinations, in whole or in part, the board may make such use as it deems

4   appropriate of examinations prepared, administered, and scored by national

5   examining agencies, or by other licensing jurisdictions of the United States or

6   Canada. The board shall specify passing grades for any and all examinations

7   required.

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

9   448.05 **(6)** (ar) When examining an applicant for a license to practice as an

10   anesthesiologist assistant under par. (a), the board shall use the certification

11   examination administered by the National Commission on Certification of

12   Anesthesiologist Assistants or a successor entity. The board may license without

13   additional examination any qualified applicant who is licensed in any state or

14   territory of the United States or the District of Columbia and whose license

15   authorizes the applicant to practice in the same manner and to the same extent as

16   an anesthesiologist assistant is authorized to practice under s. 448.22 (2).

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

18   448.13 **(3)** Each person licensed as an anesthesiologist assistant shall, in each

19   2nd year at the time of application for a certificate of registration under s. 448.07,

20   submit proof of meeting the criteria for recertification by the National Commission

21   on Certification of Anesthesiologist Assistants or by a successor entity, including any

22   continuing education requirements.

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

24   **448.22 Anesthesiologist assistants**. **(1)** In this section, "supervision" means

25   the use of the powers of direction and decision to coordinate, direct, and inspect the

1   accomplishments of another, and to oversee the implementation of the

2   anesthesiologist's intentions.

3   **(2)** An anesthesiologist assistant may assist an anesthesiologist in the

4   delivery of medical care only under the supervision of an anesthesiologist and only

5   as described in a supervision agreement between the anesthesiologist assistant and

6   an anesthesiologist who represents the anesthesiologist assistant's employer. The

7   supervising anesthesiologist shall be immediately available in the same physical

8   location or facility in which the anesthesiologist assistant assists in the delivery of

9   medical care such that the supervising anesthesiologist is able to intervene if needed.

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

11   (a) Describe the supervising anesthesiologist.

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

13   (2), (4), and (5).

14   **(4)** An anesthesiologist assistant's practice may not exceed his or her education

15   and training, the scope of practice of the supervising anesthesiologist, and the

16   practice outlined in the anesthesiologist assistant supervision agreement. A medical

17   care task assigned by the supervising anesthesiologist to the anesthesiologist

18   assistant may not be delegated by the anesthesiologist assistant to another person.

19   **(5)** An anesthesiologist assistant may assist only the supervising

20   anesthesiologist in the delivery of medical care and may perform only the following

21   medical care tasks as assigned by the supervising anesthesiologist:

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

23   (b) Obtaining a comprehensive patient history and performing relevant

24   elements of a physical exam.

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1   (c) Pretesting and calibrating anesthesia delivery systems and obtaining and

2   interpreting information from the systems and from monitors.

3   (d) Implementing medically accepted monitoring techniques.

4   (e) Establishing basic and advanced airway interventions, including

5   intubation of the trachea and performing ventilatory support.

6   (f) Administering intermittent vasoactive drugs and starting and adjusting

7   vasoactive infusions.

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

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

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

11   (j) Assisting a cardiopulmonary resuscitation team in response to a life

12   threatening situation.

13   (k) Participating in administrative, research, and clinical teaching activities

14   specified in the supervision agreement.

15   (L) Supervising student anesthesiologist assistants.

16   **(6)** An anesthesiologist who represents an anesthesiologist assistant's

17   employer shall review a supervision agreement with the anesthesiologist assistant

18   at least annually. The supervision agreement shall be available for inspection at the

19   location where the anesthesiologist assistant practices. The supervision agreement

20   may limit the practice of an anesthesiologist assistant to less than the full scope of

21   practice authorized under sub. (5).

22   **(7)** An anesthesiologist assistant shall be employed by a health care provider,

23   as defined in s. 655.001 (8), that is operated in this state for the primary purpose of

24   providing the medical services of physicians or that is an entity described in s.

25   655.002 (1) (g), (h), or (i). If an anesthesiologist assistant's employer is not an

1   anesthesiologist, the employer shall provide for, and not interfere with, an

2   anesthesiologist's supervision of the anesthesiologist assistant.

3   **(8)** A student in an anesthesiologist assistant training program may assist only

4   an anesthesiologist in the delivery of medical care and may perform only medical

5   care tasks assigned by the anesthesiologist. An anesthesiologist may delegate the

6   supervision of a student in an anesthesiologist assistant training program to only a

7   qualified anesthesiologist, an anesthesiology fellow, an anesthesiology resident who

8   has completed his or her first year of residency, or an anesthesiologist assistant, but

9   in no case may an anesthesiologist concurrently supervise, either directly or as a

10   delegated act, more than 2 students in training to be an anesthesiologist assistant.

11   This section shall not be interpreted to limit the number of other qualified anesthesia

12   providers an anesthesiologist may supervise. A student in an anesthesiologist

13   assistant training program shall be identified as a student anesthesiologist assistant

14   or an anesthesiologist assistant student and may not be identified as an "intern,"

15   "resident," or "fellow."

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 promote the safe

20   and competent practice of anesthesiologist assistants in the delivery of health care

21   services.

22   SECTION 20. **Nonstatutory provisions.**

23   (1) Notwithstanding section 15.407 (7) (b) of the statutes, as created by this act,

24   the initial member of the council on anesthesiologist assistants appointed under

25   section 15.407 (7) (b) of the statutes, as created by this act, is not required to be a

1   licensed anesthesiologist assistant under section 448.04 (1) (g) of the statutes, as

2   created by this act, but shall be an individual who meets the criteria specified under

3   section 448.05 (5w) of the statutes, as created by this act.

4   (2) Notwithstanding section 15.407 (7) of the statutes, as created by this act,

5   one of the initial members of the council on anesthesiologist assistants appointed

6   under section 15.407 (7) (c) of the statutes, as created by this act, shall be appointed

7   for a 2–year term.

8   **SECTION 20m. Effective dates.** This act takes effect on the first day of the 7th

9   month beginning after publication, except as follows:

10   (1) The treatment of sections 15.407 (7) and 448.23 of the statutes takes effect

11   on the day after publication.

12   **(END)**