

SENATE BILL 35

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO ANESTHESIOLOGIST ASSISTANTS; REVISING PRACTICE REQUIREMENTS AND EMPLOYMENT CONDITIONS; INCREASING THE NUMBER OF ANESTHESIOLOGIST ASSISTANTS THAT AN ANESTHESIOLOGIST MAY SUPERVISE; REQUIRING IN-PERSON SUPERVISION; SHPAC→REMOVING LIMITATIONS ON COUNTIES WHERE AN ANESTHESIOLOGIST ASSISTANT MAY PRACTICE;←SHPAC REPEALING LAWS 2015, CHAPTER 52, SECTION 5.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

.223940.1AIC January 26, 2023 (2:53pm)

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SECTION 1. That version of Section 61-6D-2 NMSA 1978

(being Laws 2015, Chapter 52, Section 4, as amended) that is to become effective July 1, 2025 is amended to read:

"61-6D-2. DEFINITIONS.--As used in the Anesthesiologist Assistants Act:

A. "anesthesiologist" means a physician licensed to practice medicine in New Mexico who has successfully completed an accredited anesthesiology graduate medical education program, who is board certified by the American board of anesthesiology, the American osteopathic board of anesthesiology or is board eligible, who has completed a residency in anesthesiology within the last three years or who has foreign certification determined by the board to be the substantial equivalent and who is an employee of the department of anesthesiology of a medical school in New Mexico;

B. "anesthesiologist assistant" means a skilled person ~~[employed or to be employed by a university in New Mexico with a medical school]~~ licensed by the board as being qualified by academic and practical training to assist an anesthesiologist in developing and implementing anesthesia care plans for patients under the supervision and direction of the anesthesiologist who is responsible for the performance of that anesthesiologist assistant;

C. "applicant" means a person who is applying to the board for a license as an anesthesiologist assistant;

D. "board" means the New Mexico medical board; and

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E. "license" means an authorization to practice as an anesthesiologist assistant."

SECTION 2. Section 61-6D-8 NMSA 1978 (being Laws 2001, Chapter 311, Section 9, as amended) is amended to read:

"61-6D-8. RULES.--

A. The board may adopt in accordance with the State Rules Act and enforce in accordance with the Uniform Licensing Act reasonable rules:

(1) for setting qualifications of education, skill and experience for licensure of a person as an anesthesiologist assistant;

(2) for providing procedures and forms for licensure and annual registration;

(3) for examining and evaluating applicants for licensure as an anesthesiologist assistant regarding the required skill, knowledge and experience in developing and implementing anesthesia care plans under supervision;

(4) for allowing a supervising anesthesiologist to temporarily delegate supervisory responsibilities for an anesthesiologist assistant to another anesthesiologist;

(5) for allowing an anesthesiologist assistant to temporarily serve under the supervision of an anesthesiologist other than the supervising anesthesiologist with whom the anesthesiologist assistant is registered; and

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(6) to carry out the provisions of the Anesthesiologist Assistants Act.

B. The board shall not adopt a rule allowing an anesthesiologist assistant to perform procedures outside the anesthesiologist assistant's scope of practice.

C. The board shall adopt rules:

(1) establishing requirements for anesthesiologist assistant licensing, including:

(a) completion of a graduate level training program accredited by the commission on accreditation of allied health education programs;

(b) successful completion of a certifying examination for anesthesiologist assistants administered by the national commission for the certification of anesthesiologist assistants; and

(c) current certification by the American heart association in advanced cardiac life-support techniques;

(2) establishing minimum requirements for continuing education of not less than forty hours every two years;

(3) requiring adequate identification of the anesthesiologist assistant to patients and others;

(4) requiring ~~[the presence, except in cases of emergency, and the documentation of the presence, of the~~

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~~supervising anesthesiologist in the operating room during induction of a general or regional anesthetic and during emergence from a general anesthetic, the presence of the supervising anesthesiologist within the operating suite and immediate availability to the operating room at other times when the anesthetic procedure is being performed and requiring that the anesthesiologist assistant comply with the above restrictions]~~ in-person participation in the most demanding aspects of the anesthesia plan, including, if applicable, induction and emergence;

(5) requiring the supervising anesthesiologist to ensure that all activities, functions, services and treatment measures are properly documented in written form by the anesthesiologist assistant. The anesthesia record shall be reviewed, countersigned and dated by the supervising anesthesiologist;

(6) requiring the anesthesiologist assistant to inform the supervising anesthesiologist of serious adverse events;

(7) establishing [~~with respect to practice outside of a university in New Mexico with a medical school~~] that the number of anesthesiologist assistants a supervising anesthesiologist may supervise at one time, except in emergency cases, shall not exceed [~~three~~] four anesthesiologist assistants; and

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~~[(8) establishing, with respect to practice at a university in New Mexico with a medical school, that an anesthesiologist shall not supervise, except in emergency cases, more than four anesthesia providers if at least one anesthesia provider is an anesthesiologist assistant; and~~

~~(9)] (8) within twelve months of the date on which the Anesthesiologist Assistants Act becomes effective, providing for enhanced supervision at the commencement of an anesthesiologist assistant's practice."~~

SECTION 3. Section 61-6D-10 NMSA 1978 (being Laws 2015, Chapter 52, Section 3, as amended) is amended to read:

"61-6D-10. ANESTHESIOLOGIST ASSISTANTS--EMPLOYMENT CONDITIONS.--An anesthesiologist assistant shall:

A. be a current or future employee of a university in New Mexico with a medical school; or

B. in a practice other than one at a university in New Mexico with a medical school:

(1) be certified as an anesthesiologist assistant by the national commission for certification of anesthesiologist assistants;

(2) practice only in a health facility licensed by the department of health where ~~[at the time the anesthesiologist assistant begins practicing there, at least three]~~ anesthesiologists who are licensed physicians and who are board-certified as anesthesiologists by the American board

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of anesthesiology are on staff as employees or contractors;

SHPAC → ~~(3) practice only in a class A county~~ ← SHPAC SHPAC → (3) practice only in a class A county; ← SHPAC and

[~~(4)~~] SHPAC → ~~(3)~~ ← SHPAC SHPAC → (4) ← SHPAC be supervised [only] by [an] a licensed anesthesiologist who is [a licensed physician; and who is board-certified as an anesthesiologist by the American board of anesthesiology] physically present at all times in the health facility while supervising an anesthesiologist assistant."

SECTION 4. REPEAL.--Laws 2015, Chapter 52, Section 5 is repealed.