AN ACT enacting the anesthesiologist assistant licensure act; providing
for powers, duties and functions of the state board of healing arts
thereunder; establishing an anesthesiologist assistant council.

Be it enacted by the Legislature of the State of Kansas:

Section 1. This act shall be known and may be cited as the
anesthesiologist assistant licensure act.

Sec. 2. The following words and phrases when used in the
anesthesiologist assistant licensure act shall have the meanings
respectively ascribed to them in this section:
(a) "Board" means the state board of healing arts.
(b) "Direction and supervision" means the guidance, direction and
coordination of activities of an anesthesiologist assistant by such
anesthesiologist assistant's supervising or designated anesthesiologist,
whether written or verbal, whether immediate or by prior arrangement, in
accordance with standards established by the board by rules and
regulations, which standards shall be designed to ensure adequate direction
and supervision by the responsible or designated physician of the
anesthesiologist assistant.
(c) "Physician" means any person licensed by the state board of
healing arts to practice medicine and surgery.
(d) "Anesthesiologist" means a physician who has completed a
residence in anesthesiology approved by the American board of
anesthesiology or the osteopathic board of anesthesiology;
(e) "Anesthesiologist assistant" means a person who is licensed in
accordance with the provisions of this act and who provides patient
services under the direction and supervision of a responsible physician.
(f) "Supervising anesthesiologist" means an anesthesiologist who has
accepted continuous and ultimate responsibility for the medical services
rendered and actions of the anesthesiologist assistant while performing
under the direction and supervision of the responsible anesthesiologist.
(g) "Designated anesthesiologist" means an anesthesiologist
designated by the responsible anesthesiologist to ensure direction and
supervision of the anesthesiologist assistant.
(h) "Licensee," for purposes of the anesthesiologist assistant licensure
act, means all persons issued a license or temporary license pursuant to the
Sec. 3. (a) As a condition of engaging in active practice as an anesthesiologist assistant, each licensed anesthesiologist assistant shall file a request to engage in active practice signed by the anesthesiologist assistant and the physician who will be responsible for the anesthesiologist assistant. The request shall contain such information as required by rules and regulations adopted by the board. The board shall maintain a list of the names of anesthesiologist assistants who may engage in active practice in this state.

(b) All licenses, except temporary licenses, shall expire on the date of expiration established by rules and regulations of the state board of healing arts and may be renewed as required by the board. The request for renewal shall be on a form provided by the state board of healing arts and shall be accompanied by the renewal fee established pursuant to this section, which shall be paid not later than the expiration date of the license.

(c) At least 30 days before the expiration of the license of an anesthesiologist assistant, except a temporary license, the state board of healing arts shall notify the licensee of the expiration by mail addressed to the licensee's last mailing address as noted upon the office records of the board. If the licensee fails to pay the renewal fee by the date of expiration of the license, the licensee shall be given a second notice that the licensee's license has expired and the license may be renewed only if the renewal fee and the late renewal fee are received by the state board of healing arts within the 30-day period following the date of expiration and that, if both fees are not received within the 30-day period, the license shall be deemed canceled by operation of law without further proceedings for failure to renew and shall be reissued only after the license has been reinstated under subsection (d).

(d) Any license canceled for failure to renew as herein provided may be reinstated upon recommendation of the state board of healing arts and upon payment of the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate continuing education requirements for reinstatement of licenses canceled for failure to renew.

(e) There is hereby created the designation of inactive license. The board is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an inactive license established pursuant to subsection (g) of this section. The board may issue an inactive license only to a person...
who meets all the requirements for a license to practice as an anesthesiologist assistant and who does not engage in active practice as an anesthesiologist assistant in the state of Kansas. An inactive license shall not entitle the holder to engage in active practice. The provisions of subsections (c) and (d) of this section relating to expiration, renewal and reinstatement of a license shall be applicable to an inactive license issued under this subsection. Each inactive licensee may apply to engage in active practice by presenting a request required by subsection (a). The request shall be accompanied by the fee established pursuant to subsection (g).

(f) There is hereby created a designation of federally active license. The board is authorized to issue a federally active license to any licensee who makes a written application for such license on a form provided by the board and remits the same fee required for a license established under subsection (g). The board may issue a federally active license only to a person who meets all the requirements for a license to practice as an anesthesiologist assistant and who practices as an anesthesiologist assistant solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies. The provisions of subsections (c) and (d) relating to expiration, renewal and reinstatement of a license shall be applicable to a federally active license issued under this subsection. Each federally active licensee may apply to engage in active practice by presenting a request required by subsection (a).

(g) The following fees shall be fixed by rules and regulations adopted by the state board of healing arts and shall be collected by the board:

1. For any license as an anesthesiologist assistant, the sum of not more than $200;
2. For temporary licensure as an anesthesiologist assistant, the sum of not more than $30;
3. For the renewal of a license to practice as an anesthesiologist assistant or a federally active license, the sum of not more than $150;
4. For renewal of an inactive license, the sum of not more than $150;
5. For the late renewal of any license as an anesthesiologist assistant, the sum of not more than $250;
6. For reinstatement of a license canceled for failure to renew, the sum of not more than $250;
7. For a certified statement from the board that an anesthesiologist assistant is licensed in this state, the sum of not more than $30;
8. For a copy of the licensure certificate of an anesthesiologist assistant, the sum of not more than $25; and
9. For conversion of an inactive license to a license to actively practice as an anesthesiologist assistant or a federally active license, the sum of not more than $150.

(h) The state board of healing arts shall remit all moneys received by
or for the board under the provisions of this act to the state treasurer and
such moneys shall be deposited in the state treasury, credited to the state
general fund and the healing arts fee fund and expended all in accordance
with K.S.A. 65-2855, and amendments thereto.
(i) The board may promulgate all necessary rules and regulations for
carrying out the provisions of this act.
Sec. 4. (a) No person shall be licensed as an anesthesiologist assistant
by the state board of healing arts unless such person has:
(1) Presented to the state board of healing arts proof that the applicant
has successfully completed a course of education and training approved by
the state board of healing arts for the education and training of an
anesthesiologist assistant, or presented to the state board of healing arts
proof that the applicant has acquired experience while serving in the armed
forces of the United States, which experience is equivalent to the
minimum experience requirements established by the state board of
healing arts;
(2) passed an examination approved by the state board of healing arts
covering subjects incidental to the education and training of an
anesthesiologist assistant; and
(3) submitted to the state board of healing arts any other information
the state board of healing arts deems necessary to evaluate the applicant's
qualifications.
(b) The board may refuse to license a person as an anesthesiologist
assistant upon any of the grounds for which the board may revoke such
license.
(c) The state board of healing arts shall require every anesthesiologist
assistant to submit with the renewal application evidence of satisfactory
completion of a program of continuing education required by the state
board of healing arts. The state board of healing arts by duly adopted rules
and regulations shall establish the requirements for such program of
continuing education as soon as possible after the effective date of this act.
In establishing such requirements the state board of healing arts shall
consider any existing programs of continuing education currently being
offered to anesthesiologist assistants.
Sec. 5. A licensee's license may be revoked, suspended or limited, or
the licensee may be publicly or privately censured, or an application for a
license or for reinstatement of a license may be denied upon a finding of
the existence of any of the following grounds:
(a) The licensee has committed an act of unprofessional conduct as
defined by rules and regulations adopted by the board;
(b) the licensee has obtained a license by means of fraud,
misrepresentation or concealment of material facts;
(c) the licensee has committed an act of professional incompetency as
defined by rules and regulations adopted by the board;
(d) the licensee has been convicted of a felony;
(e) the licensee has violated any provision of this act;
(f) the licensee has violated any lawful order or rule and regulation of
the board;
(g) the licensee has exceeded or has acted outside the scope of
authority given the anesthesiologist assistant by the responsible physician
or by this act;
(h) the licensee has assisted suicide in violation of K.S.A. 21-3406,
prior to its repeal, or K.S.A. 2016 Supp. 21-5407, and amendments
thereto, as established by any of the following:
   (1) A copy of the record of criminal conviction or plea of guilty for a
   felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2016
   Supp. 21-5407, and amendments thereto.
   (2) A copy of the record of a judgment of contempt of court for
   violating an injunction issued under K.S.A. 60-4404, and amendments
   thereto.
   (3) A copy of the record of a judgment assessing damages under
   K.S.A. 60-4405, and amendments thereto.
Sec. 6. (a) It shall be unlawful for any person who is not licensed
under this act or whose license has been revoked or suspended to engage
in the practice as an anesthesiologist assistant as defined by this act.
(b) No person shall use any title, abbreviation, letters, figures, sign,
card or device to indicate that any person is a licensed anesthesiologist
assistant, nor shall any person represent oneself to be a licensed
anesthesiologist assistant, unless such person has been duly licensed as an
anesthesiologist assistant in accordance with the provisions of this act.
(c) The provisions of this act shall not be construed to include the
following persons:
   (1) Persons rendering gratuitous services in the case of an emergency.
   (2) Persons gratuitously administering ordinary household remedies.
   (3) Individuals practicing religious beliefs that provide for reliance on
   spiritual means alone for healing.
   (4) Students, while performing professional services in an approved
   anesthesiologist assistant education and training program, who, after
   completing one year's study, treat diseases under the supervision of an
   approved instructor.
   (5) Students, upon the completion of an approved anesthesiologist
   assistant education and training program, and who, as a part of their
   academic requirements for a degree, serve a preceptorship not to exceed
   90 days under the supervision of a licensed physician.
   (6) Persons whose professional services are performed under the
direct and personal supervision or by order of a practitioner who is
licensed under the healing arts act.

(7) Other health care providers licensed, registered, certified or otherwise credentialed by agencies of the state of Kansas.

(8) Anesthesiologist assistants in the United States army, navy, air force, public health service, coast guard, other military service and under other federal employment when acting in the line of duty in this state.

(d) Any person violating the provisions of this section shall be guilty of a class B misdemeanor.

Sec. 7. (a) The state board of healing arts shall provide for the temporary licensure of any anesthesiologist assistant who has made proper application for licensure, has the required qualifications for licensure, except for examination, and has paid the prescribed license fee. Such temporary license shall authorize the person so licensed to provide patient services within the limits of the temporary license.

(b) A temporary license is valid: (1) For one year from the date of issuance; or (2) until the state board of healing arts makes a final determination on the applicant's request for licensure. The state board of healing arts may extend a temporary license, upon a majority vote of the members of the board, for a period not to exceed one year.

Sec. 8. (a) The practice of an anesthesiologist assistant shall include assisting the supervising or designated anesthesiologist in implementing an anesthesia care plan for a patient. In providing assistance to the supervising anesthesiologist, an anesthesiologist assistant shall have the authority to:

(1) Obtain a comprehensive patient history, perform relevant elements of a physical exam and present the history to the supervising anesthesiologist;

(2) pretest and calibrate anesthesia delivery systems and obtain and interpret information from the systems and monitors, in consultation with an anesthesiologist;

(3) assist the supervising anesthesiologist with the implementation of medically accepted monitoring techniques;

(4) establish basic and advanced airway interventions, including intubation of the trachea and performing ventilator support;

(5) administer intermittent vasoactive drugs and start and adjust vasoactive infusions;

(6) administer anesthetic drugs, adjuvant drugs, and accessory drugs;

(7) assist the supervising anesthesiologist with the performance of epidural anesthetic procedures, spinal anesthetic procedures and other regional anesthetic techniques;

(8) administer blood, blood products, and supportive fluids;

(9) provide assistance to the cardiopulmonary resuscitation team in response to a life-threatening situation;
(10) participate in administrative, research, and clinical teaching activities as authorized by the supervising anesthesiologist; and
(11) perform such other tasks as not prohibited by law under the supervision of a licensed anesthesiologist that an anesthesiologist assistant has been trained and is proficient to perform.

(b) An anesthesiologist shall at all times accept and be responsible for the oversight of the health care services rendered by the anesthesiologist assistant.

(c) An anesthesiologist assistant shall practice only under the direct supervision of an anesthesiologist who is physically present or immediately available. A supervising anesthesiologist shall be allowed to supervise up to four anesthesiologist assistants consistent with federal rules or regulations for reimbursement for anesthesia services.

(d) Anesthesiologist assistants are prohibited from the following:
(1) Prescribing medications or controlled substances;
(2) administering any drugs, medicines, devices or therapies the supervising anesthesiologist is not qualified or authorized to prescribe; and
(3) practicing or attempting to practice without the supervision of a licensed anesthesiologist or in any location where the supervising anesthesiologist is not immediately available for consultation, assistance and intervention.

Sec. 9. (a) If a responsible physician temporarily leaves such physician's customary location of practice, the responsible physician shall, by prior arrangement, name a designated physician who shall provide direction and supervision to the anesthesiologist assistant of such responsible physician.

(b) An anesthesiologist assistant shall not perform professional services unless the name, address and signature of each responsible physician and the form required under this subsection have been provided to the board. A responsible physician shall notify the board when supervision and direction of the anesthesiologist assistant has terminated. The board shall provide forms for identifying each designated physician and for giving notice that direction and supervision has terminated. These forms may direct that additional information be provided, including a copy of any protocol, as required by rules and regulations adopted by the board.

Sec. 10. The board shall limit the number of anesthesiologist assistants a responsible physician may supervise at any one time to the equivalent of four full-time anesthesiologist assistants as approved in each case by the board. Any limitation on the number of anesthesiologist assistants in this section shall not apply to services performed in a medical care facility, as defined in K.S.A. 65-425, and amendments thereto.

Sec. 11. (a) There is hereby established an anesthesiologist assistant council to advise the board in carrying out the provisions of the
anesthesiologist assistant licensure act. The council shall consist of five members, all citizens and residents of the state of Kansas, appointed as follows: One member shall be an anesthesiologist appointed by the state board of healing arts who is a responsible physician for an anesthesiologist assistant; one member shall be the president of the state board of healing arts or a person designated by the president; and three members shall be licensed anesthesiologist assistants appointed by the governor. The governor, insofar as possible, shall appoint persons from different geographical areas and persons who represent various types of practice settings. If a vacancy occurs on the council, the appointing authority of the position that has become vacant shall appoint a person of like qualifications to fill the vacant position for the unexpired term, if any. The Kansas academy of anesthesiologist assistants shall recommend the names of licensed anesthesiologist assistants to the governor in a number equal to at least twice the positions or vacancies to be filled, and the governor may appoint members to fill the positions or vacancies from the submitted list. Members of the council appointed by the governor on and after the effective date of this act shall be appointed for terms of three years and until their successors are appointed and qualified, except that of the members first appointed by the governor on or after the effective date of this act, one shall be appointed for a term of one year, one shall be appointed for a term of two years and one shall be appointed for a term of three years, as designated by the governor. The member appointed by the state board of healing arts shall serve at the pleasure of the state board of healing arts. The member designated by the president of the state board of healing arts shall serve at the pleasure of the president.

(b) Members of the council attending meetings of the council or attending a subcommittee meeting thereof authorized by the council shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto, from the healing arts fee fund.

Sec. 12. (a) All administrative proceedings to revoke, suspend, limit or deny a license, or to censure a licensee, shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(b) When it appears to the board that any person is violating any of the provisions of this act, the board may bring an action in the name of the state of Kansas in a court of competent jurisdiction for an injunction against such violation without regard to whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

Sec. 13. The state board of healing arts shall adopt rules and regulations to limit the percentage of ownership when a licensed anesthesiologist assistant forms a professional corporation pursuant to K.S.A. 17-2706 et seq., and amendments thereto, in combination with
other professional services.

Sec. 14. This act shall take effect and be in force on and after January 8, 2018, and its publication in the statute book.