

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 394

Short Title: Authorize Licensure/Anesthesiologist Asst's. (Public)

Sponsors: Senators Hoyle, Purcell; Apodaca, Berger of Rockingham, Clodfelter, Dalton, Forrester, Garrou, Garwood, Goodall, Jenkins, Malone, Pittenger, Smith, Snow, Stevens, and Weinstein.

Referred to: Health Care.

March 7, 2005

A BILL TO BE ENTITLED

1
2 AN ACT TO ESTABLISH THE "NORTH CAROLINA ANESTHESIA PATIENT
3 SAFETY AND ACCESS ACT" TO CONFIRM AND REITERATE THE
4 STATUTORY REQUIREMENT OF PHYSICIAN SUPERVISION OF NURSE
5 ANESTHETISTS AND TO AUTHORIZE THE LICENSURE AND
6 REGULATION OF ANESTHESIOLOGIST ASSISTANTS.

7 Whereas, recent litigation has sought to undermine the long-standing legal
8 requirement that a physician supervise a nurse anesthetist providing anesthesia care in
9 North Carolina; and

10 Whereas, the General Assembly seeks to reiterate that North Carolina law
11 requires physician supervision of nurse anesthetists; and

12 Whereas, there is a documented shortage of anesthesia providers in North
13 Carolina; and

14 Whereas, anesthesiologist assistants are licensed by many states to provide
15 anesthesia services under the supervision of an anesthesiologist; and

16 Whereas, licensure of anesthesiologist assistants in North Carolina would
17 help alleviate the existing shortage of anesthesia providers in this State; and

18 Whereas, anesthesiologist assistants have excellent clinical safety records, are
19 highly trained, and are authorized to provide anesthesia services under such federal
20 programs as Medicare, Medicaid, TriCare, and the Veterans Administration; Now,
21 therefore,

22 The General Assembly of North Carolina enacts:

23 **SECTION 1.** G.S. 90-11 is amended by adding a subsection to read:

24 "(a1) Every applicant for licensure as an anesthesiologist assistant in the State shall
25 satisfy the North Carolina Medical Board that the applicant is of good moral character
26 and meets the other qualifications for the issuance of a license before a license is
27 granted by the Board to the applicant."

1 **SECTION 2.** G.S. 90-15 reads as rewritten:

2 "**§ 90-15. License fee; salaries, fees, and expenses of Board.**

3 Each applicant for a license by examination shall pay to the North Carolina Medical
4 Board a fee which shall be prescribed by the Board in an amount not exceeding the sum
5 of four hundred dollars (\$400.00) plus the cost of test materials before being admitted to
6 the examination. Whenever a license is granted without examination, as authorized in
7 G.S. 90-13, the applicant shall pay to the Board a fee in an amount to be prescribed by
8 the Board not in excess of two hundred fifty dollars (\$250.00). Whenever a limited
9 license is granted as provided in G.S. 90-12, the applicant shall pay to the Board a fee
10 not to exceed one hundred fifty dollars (\$150.00), except where a limited license to
11 practice in a medical education and training program approved by the Board for the
12 purpose of education or training is granted, the applicant shall pay a fee of twenty-five
13 dollars (\$25.00), and where a limited license to practice medicine and surgery only at
14 clinics that specialize in the treatment of indigent patients is granted, the applicant shall
15 not pay a fee. A fee of twenty-five dollars (\$25.00) shall be paid for the issuance of a
16 duplicate license. All fees shall be paid in advance to the North Carolina Medical Board,
17 to be held in a fund for the use of the Board. The compensation and expenses of the
18 members and officers of the Board and all expenses proper and necessary in the opinion
19 of the Board to the discharge of its duties under and to enforce the laws regulating the
20 practice of medicine or surgery shall be paid out of the fund, upon the warrant of the
21 Board. The per diem compensation of Board members shall not exceed two hundred
22 dollars (\$200.00) per day per member for time spent in the performance and discharge
23 of duties as a member. Any unexpended sum or sums of money remaining in the
24 treasury of the Board at the expiration of the terms of office of the members of the
25 Board shall be paid over to their successors in office.

26 For the initial and annual registration of an assistant to a physician, the Board may
27 require the payment of a fee not to exceed a reasonable amount.

28 For the initial and annual registration of an anesthesiologist assistant, the Board may
29 require the payment of a fee not to exceed a reasonable amount."

30 **SECTION 3.** G.S. 90-18(c)(14) reads as rewritten:

31 "(c) The following shall not constitute practicing medicine or surgery as defined
32 in subsection (b) of this section:

33 ...

34 (14) The practice of nursing by a registered nurse engaged in the practice of
35 ~~nursing—nursing, except as otherwise provided herein,~~ and the
36 performance of acts otherwise constituting medical practice by a
37 registered nurse when performed in accordance with rules and
38 regulations developed by a joint subcommittee of the North Carolina
39 Medical Board and the Board of Nursing and adopted by both boards.

40 "

41 **SECTION 4.** G.S. 90-18(c) is amended by adding the following new
42 subdivisions to read:

43 "(c) The following shall not constitute practicing medicine or surgery as defined
44 in subsection (b) of this section:

1 ...
2 (14a) The provision of anesthesia services by a registered nurse or nurse
3 anesthetist under the supervision of a licensed physician.

4 ...
5 (20) The provision of anesthesia services by a licensed anesthesiologist
6 assistant under the supervision of an anesthesiologist licensed under
7 Article 1 of this Chapter."

8 **SECTION 5.** Article 1 of Chapter 90 of the General Statutes is amended by
9 adding a new section to read:

10 **"§ 90-18.5. Limitations on anesthesiologist assistants.**

11 (a) Any person who is licensed under the provisions of G.S. 90-11 to perform
12 medical acts, tasks, and functions as an assistant to an anesthesiologist licensed under
13 Article 1 of this Chapter may use the title 'anesthesiologist assistant'. Any other person
14 who uses the title in any form or holds himself or herself out to be an anesthesiologist
15 assistant or to be so licensed shall be deemed to be in violation of this Article. A student
16 in any anesthesiologist assistant training program shall be identified as a 'student
17 anesthesiologist assistant' or an 'anesthesiologist assistant student', but under no
18 circumstances shall the student use or permit to be used on the student's behalf, the
19 terms 'intern', 'resident', or 'fellow'. This subsection shall not limit or prevent any
20 physician from delegating to a physician assistant, as defined in G.S. 90-18.1, or other
21 qualified person, any acts, tasks, or functions that are otherwise permitted by law or
22 established by custom.

23 (b) Anesthesiologist assistants are authorized to provide anesthesia services
24 under the supervision of an anesthesiologist licensed under Article 1 of this Chapter,
25 including the development and implementation of an anesthesia care plan for a patient,
26 under the following conditions:

27 (1) The North Carolina Medical Board has adopted regulations governing
28 the provision of anesthesia services by an anesthesiologist assistant
29 under the supervision of an anesthesiologist licensed under Article 1 of
30 this Chapter with such limitations as the Board may determine to be in
31 the best interest of patient health and safety.

32 (2) The anesthesiologist assistant holds a current license issued by the
33 Board.

34 (c) The North Carolina Medical Board shall adopt rules to implement this
35 section."

36 **SECTION 6.** This act is effective when it becomes law.