

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 390

AN ACT

To repeal section 334.104, RSMo, and to enact in lieu thereof seventeen new sections relating to anesthesiologist assistants, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Section 334.104, RSMo, is repealed and seventeen
2 new sections enacted in lieu thereof, to be known as sections
3 334.104, 334.400, 334.402, 334.404, 334.406, 334.408, 334.410,
4 334.412, 334.414, 334.416, 334.418, 334.420, 334.422, 334.424,
5 334.426, 334.428, and 334.430, to read as follows:

6 334.104. 1. A physician may enter into collaborative
7 practice arrangements with registered professional nurses.
8 Collaborative practice arrangements shall be in the form of
9 written agreements, jointly agreed-upon protocols, or standing
10 orders for the delivery of health care services. Collaborative
11 practice arrangements, which shall be in writing, may delegate to
12 a registered professional nurse the authority to administer or
13 dispense drugs and provide treatment as long as the delivery of
14 such health care services is within the scope of practice of the

1 registered professional nurse and is consistent with that nurse's
2 skill, training and competence.

3 2. Collaborative practice arrangements, which shall be in
4 writing, may delegate to a registered professional nurse the
5 authority to administer, dispense or prescribe drugs and provide
6 treatment if the registered professional nurse is an advanced
7 practice nurse as defined in subdivision (2) of section 335.016,
8 RSMo. Such collaborative practice arrangements shall be in the
9 form of written agreements, jointly agreed-upon protocols or
10 standing orders for the delivery of health care services.

11 3. The state board of registration for the healing arts
12 pursuant to section 334.125 and the board of nursing pursuant to
13 section 335.036, RSMo, may jointly promulgate rules regulating
14 the use of collaborative practice arrangements. Such rules shall
15 be limited to specifying geographic areas to be covered, the
16 methods of treatment that may be covered by collaborative
17 practice arrangements and the requirements for review of services
18 provided pursuant to collaborative practice arrangements. Any
19 rules relating to dispensing or distribution of medications or
20 devices by prescription or prescription drug orders under this
21 section shall be subject to the approval of the state board of
22 pharmacy. In order to take effect, such rules shall be approved
23 by a majority vote of a quorum of each board. Neither the state
24 board of registration for the healing arts nor the board of
25 nursing may separately promulgate rules relating to collaborative
26 practice arrangements. Such jointly promulgated rules shall be
27 consistent with guidelines for federally funded clinics. The
28 rulemaking authority granted in this subsection shall not extend

1 to collaborative practice arrangements of hospital employees
2 providing inpatient care within hospitals as defined pursuant to
3 chapter 197, RSMo.

4 4. The state board of registration for the healing arts
5 shall not deny, revoke, suspend or otherwise take disciplinary
6 action against a physician for health care services delegated to
7 a registered professional nurse provided the provisions of this
8 section and the rules promulgated thereunder are satisfied. Upon
9 the written request of a physician subject to a disciplinary
10 action imposed as a result of an agreement between a physician
11 and a registered professional nurse or registered physician
12 assistant, whether written or not, prior to August 28, 1993, all
13 records of such disciplinary licensure action and all records
14 pertaining to the filing, investigation or review of an alleged
15 violation of this chapter incurred as a result of such an
16 agreement shall be removed from the records of the state board of
17 registration for the healing arts and the division of
18 professional registration and shall not be disclosed to any
19 public or private entity seeking such information from the board
20 or the division. The state board of registration for the healing
21 arts shall take action to correct reports of alleged violations
22 and disciplinary actions as described in this section which have
23 been submitted to the National Practitioner Data Bank. In
24 subsequent applications or representations relating to his
25 medical practice, a physician completing forms or documents shall
26 not be required to report any actions of the state board of
27 registration for the healing arts for which the records are
28 subject to removal under this section.

1 5. Notwithstanding anything to the contrary in this
2 section, a registered nurse who has graduated from a school of
3 nurse anesthesia accredited by the Council on Accreditation of
4 Educational Programs of Nurse Anesthesia or its predecessor and
5 has been certified or is eligible for certification as a nurse
6 anesthetist by the Council on Certification of Nurse Anesthetists
7 shall be permitted to provide anesthesia services without a
8 collaborative practice arrangement provided that he or she is
9 under the supervision of an anesthesiologist or other physician,
10 dentist, or podiatrist who is immediately available if needed.

11 334.400. As used in sections 334.400 to 334.430, the
12 following terms shall mean:

13 (1) "Anesthesiologist", a physician who has completed a
14 residency in anesthesiology approved by the American Board of
15 Anesthesiology or the American Osteopathic Board of
16 Anesthesiology;

17 (2) "Anesthesiologist assistant", a person who meets each
18 of the following conditions:

19 (a) Has graduated from an anesthesiologist assistant
20 program accredited by the American Medical Association's
21 Committee on Allied Health Education and Accreditation or by its
22 successor agency;

23 (b) Has passed the certifying examination administered by
24 the National Commission on Certification of Anesthesiologist
25 Assistants;

26 (c) Has active certification by the National Commission on
27 Certification of Anesthesiologist Assistants; and

28 (d) Provides health care services delegated by a licensed

1 anesthesiologist;

2 (3) "Anesthesiologist assistant supervision agreement", a
3 written agreement, jointly agreed upon protocols or standing
4 order between a supervising anesthesiologist and an
5 anesthesiologist assistant, which provides for the delegation of
6 health care services from a supervising anesthesiologist to an
7 anesthesiologist assistant and the review of such services;

8 (4) "Applicant", any individual who seeks to become
9 licensed as an anesthesiologist assistant;

10 (5) "Continuing education", the offering of instruction or
11 information to license holders for the purpose of maintaining or
12 increasing skills necessary for the safe and competent practice
13 of anesthetic care;

14 (6) "Department", the department of economic development or
15 a designated agency thereof;

16 (7) "Immediately available", in the same physical location
17 or facility in which the services are provided;

18 (8) "Physician", an individual licensed pursuant to this
19 chapter, to practice medicine and surgery or osteopathic medicine
20 and surgery;

21 (9) "Supervision", medical direction by an anesthesiologist
22 of an anesthesiologist assistant as defined in conditions of 42
23 CFR 415.110 which limits supervision to no more than four
24 anesthesiologist assistants concurrently.

25 334.402. 1. An anesthesiologist assistant may assist the
26 supervising anesthesiologist in developing and implementing an
27 anesthesia care plan for a patient. In providing assistance to
28 the supervising anesthesiologist, an anesthesiologist assistant

1 shall have the authority to:

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

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

8 (3) Assist the supervising anesthesiologist with the
9 implementation of medically accepted monitoring techniques;

10 (4) Establish basic and advanced airway interventions,
11 including intubation of the trachea and performing ventilatory
12 support;

13 (5) Administer intermittent vasoactive drugs and start and
14 adjust vasoactive infusions;

15 (6) Administer anesthetic drugs, adjuvant drugs, and
16 accessory drugs;

17 (7) Assist the supervising anesthesiologist with the
18 performance of epidural anesthetic procedures, spinal anesthetic
19 procedures, and other regional anesthetic techniques;

20 (8) Administer blood, blood products, and supportive
21 fluids;

22 (9) Provide assistance to a cardiopulmonary resuscitation
23 team in response to a life-threatening situation;

24 (10) Participate in administrative, research, and clinical
25 teaching activities as authorized by the supervising
26 anesthesiologist; or

27 (11) Perform such other tasks not prohibited by law under
28 the supervision of a licensed anesthesiologist that an

1 anesthesiologist assistant has been trained and is proficient to
2 perform.

3 2. An anesthesiologist shall at all times accept and be
4 responsible for the oversight of the health care services
5 rendered by the anesthesiologist assistant.

6 3. Anesthesiologist assistants are prohibited from the
7 following:

8 (1) An anesthesiologist assistant shall not prescribe any
9 medications or controlled substances;

10 (2) An anesthesiologist assistant shall not administer any
11 drugs, medicines, devices, or therapies the supervising
12 anesthesiologist is not qualified or authorized to prescribe; and

13 (3) An anesthesiologist assistant shall not practice or
14 attempt to practice without the supervision of a licensed
15 anesthesiologist or in any location where the supervising
16 anesthesiologist is not immediately available for consultation,
17 assistance, and intervention.

18 4. An anesthesiologist assistant shall be clearly
19 identified as an anesthesiologist assistant and shall not use or
20 permit to be used in the anesthesiologist assistant's behalf the
21 terms "doctor", "Dr.", or "doc" or in any way be identified as a
22 physician or surgeon. An anesthesiologist assistant shall not
23 refer to a certificate of registration or authority, permit, or
24 license as "board-certified" or use any other terminology that
25 may imply that the anesthesiologist assistant is a physician or
26 surgeon.

27 5. A student in any anesthesiologist assistant training
28 program shall be identified as a student anesthesiologist

1 assistant or an anesthesiologist assistant student. Under no
2 circumstances shall such a student use or permit to be used on
3 the student's behalf, the terms "intern", "resident", or "fellow"
4 or be identified in any way as a physician or surgeon.

5 6. The anesthesiologist members of the faculty of an
6 anesthesiologist assistant program established in this state
7 shall be comprised of board-certified or board-eligible
8 anesthesiologists. No faculty member of any anesthesiologist
9 assistants program shall concurrently supervise more than two
10 anesthesiologist assistant students who are delivering
11 anesthesia. Certified registered nurse anesthetists will be
12 excluded from clinical education of anesthesiologist assistants.

13 334.404. 1. Each person desiring a license pursuant to
14 sections 334.400 to 334.430 shall make application to the board
15 upon such forms and in such manner as may be prescribed by the
16 board and shall pay the required application fee as set by the
17 board. The application fee shall cover the cost of issuing the
18 license and shall not be refundable. Each application shall
19 contain a statement that it is made under oath or affirmation and
20 that its representations are true and correct to the best
21 knowledge and belief of the person signing the application,
22 subject to the penalties of making a false declaration or
23 affidavit. Such application shall include proof of certification
24 from the National Commission on Certification of Anesthesiologist
25 Assistants or its successor, date of the certification, any
26 identification numbers, and any other information necessary for
27 the board to verify the certification.

28 2. The board, upon approval of the application from an

1 applicant, shall issue a license to such applicant.

2 3. A license is valid for two years from the date it is
3 issued and may be renewed biennially by filing an application for
4 renewal with the board and paying the required renewal fee as set
5 by the board.

6 4. A blank form for application for renewal of licensure
7 shall be mailed to each person licensed in this state at his or
8 her last known office or residence address.

9 5. A new license to replace any license lost, destroyed, or
10 mutilated may be issued to any applicant, subject to rules and
11 regulations issued by the board upon the payment of a reasonable
12 fee.

13 334.406. Notwithstanding any of the provisions of sections
14 334.400 to 334.430, the board may issue a temporary license to
15 practice as an anesthesiologist assistant to an applicant that
16 has taken the examination and is awaiting the results. A
17 temporary license may be granted upon the payment of a temporary
18 license fee, the submission of all required documents, and the
19 applicant meeting the necessary qualifications, as defined by
20 board rule. The temporary license shall be valid until the
21 results of the examination are announced. The temporary license
22 may be renewed at the discretion of the board and upon payment of
23 the temporary license fee.

24 334.408. 1. Notwithstanding any law to the contrary, any
25 person licensed pursuant to sections 334.400 to 334.430 may apply
26 to the board for an inactive license status on a form furnished
27 by the board. Upon receipt of the completed inactive status
28 application form and a determination by the board that the

1 licensee meets the requirements defined by board rule, the board
2 shall declare the licensee inactive and shall place the licensee
3 on an inactive status list. A person that has an inactive
4 license or has discontinued the practice of an anesthesiologist
5 assistant because of retirement shall not practice as an
6 anesthesiologist assistant within this state.

7 2. During the period of inactive status, the licensee shall
8 not be required to comply with the board's minimum requirements
9 for continuing education.

10 3. If a licensee is granted inactive status, the licensee
11 may return to active status by notifying the board of the
12 intention to resume the practice of an anesthesiologist
13 assistant, paying the appropriate fees, and meeting all
14 established licensure requirements of the board, as a condition
15 of reinstatement.

16 4. Any licensee that allows the license to become inactive
17 for a period of five years or less may return the license to
18 active status by notifying the board in advance of such
19 intention, paying the appropriate fees, and meeting all
20 established licensure requirements of the board, excluding the
21 licensing examination, as a condition of reinstatement.

22 334.410. Any person licensed to practice as an
23 anesthesiologist assistant in this state who retires from such
24 practice shall file with the board an affidavit, on a form to be
25 furnished by the board, which states the date of retirement and
26 such other facts to verify the retirement as defined by board
27 rule. Registration with the board must be renewed pursuant to
28 section 334.414 for any person that wants to resume the practice

1 of an anesthesiologist assistant.

2 334.412. 1. Upon the applicant paying a fee equivalent to
3 the required licensing fee and furnishing the board with all
4 locations of previous practice and licensure in chronological
5 order, the board may, subject to the prescribed rules and
6 regulations, license, without examination or additional
7 certification, any qualified applicant that meets the
8 requirements of this state including any person that is licensed
9 in any state or territory of the United States or the District of
10 Columbia with the authority to practice in the same manner and to
11 the same extent as an anesthesiologist assistant is authorized to
12 practice pursuant to sections 334.400 to 334.430. Pursuant to
13 sections 334.400 to 334.430, the board shall have the authority
14 to negotiate reciprocal compacts with licensing boards of other
15 states for the admission of licensed anesthesiologist assistants
16 from Missouri to practice in other states.

17 2. The board shall issue a license to any anesthesiologist
18 assistant, who is licensed in another jurisdiction and who has
19 had no violations, suspensions, or revocations of a license, to
20 practice as an anesthesiologist assistant in any jurisdiction,
21 provided that, such person is licensed in a jurisdiction whose
22 requirements are substantially equal to, or greater than, the
23 requirements for licensure of anesthesiologist assistants in
24 Missouri at the time the applicant applies for licensure.

25 334.414. 1. The board shall issue a certificate of
26 registration to any applicant that meets the qualifications for
27 an anesthesiologist assistant and that has paid the required
28 fees.

1 2. The board shall promulgate rules and regulations
2 pertaining to:

3 (1) Establishing application forms to be furnished to all
4 persons seeking registration pursuant sections 334.400 to
5 334.430;

6 (2) Accepting certification by the National Commission on
7 Certification of Anesthesiologist Assistants or its successor in
8 lieu of examinations for applicants for registration pursuant to
9 sections 334.400 to 334.430;

10 (3) Determining the form and design of the registration to
11 be issued pursuant to sections 334.400 to 334.430;

12 (4) Setting the amount of the fees for registration,
13 licensure, and renewal pursuant to sections 334.400 to 334.430.
14 The fees shall be set at a level to produce revenue which shall
15 not substantially exceed the cost and expense of administering
16 the provisions of sections 334.400 to 334.430;

17 (5) Keeping a record of all of its proceedings regarding
18 sections 334.400 to 334.430 and of all anesthesiologist
19 assistants registered in this state.

20 No rule or portion of a rule promulgated pursuant to the
21 authority of sections 334.400 to 334.430 shall become effective
22 unless it has been promulgated pursuant to chapter 536, RSMo.

23 3. The board shall have the authority to:

24 (1) Issue subpoenas to compel witnesses to testify or
25 produce evidence in proceedings to deny, suspend, or revoke
26 registration; and

27 (2) Establish guidelines for anesthesiologist assistants
28 pursuant to sections 334.400 to 334.430.

1 4. The board may refuse to issue, suspend, revoke, or renew
2 any certificate of registration or authority, permit, or license
3 required pursuant to sections 334.400 to 334.430 for one or any
4 combination of causes stated in subsection 5 of this section.
5 The board shall notify the applicant in writing of the reasons
6 for the refusal, suspension, or revocation and shall advise the
7 applicant of the right to file a complaint with the
8 administrative hearing commission as provided by chapter 621,
9 RSMo.

10 5. The board may cause a complaint to be filed with the
11 administrative hearing commission as provided by chapter 621,
12 RSMo, against any holder of any certificate of registration or
13 authority, permit, or license required pursuant to sections
14 334.400 to 334.430 or against any person who has failed to renew
15 or has surrendered a certificate of registration or authority,
16 permit, or license for any one or any combination of the
17 following causes:

18 (1) Use or unlawful possession of any controlled substance,
19 as defined in chapter 195, RSMo, or alcoholic beverage to an
20 extent that such use impairs a person's ability to perform the
21 work of an anesthesiologist assistant;

22 (2) The person has been finally adjudicated and found
23 guilty, or entered a plea of guilty or nolo contendere, in a
24 criminal prosecution under the laws of any state or of the United
25 States, for any offense reasonably related to the qualifications,
26 functions, or duties of an anesthesiologist assistant, for any
27 offense for which an essential element is fraud, dishonesty, or
28 an act of violence, or for any offense involving moral turpitude,

1 whether or not sentence is imposed;

2 (3) Use of fraud, deception, misrepresentation, or bribery
3 in securing any certificate of registration or authority, permit
4 or license issued pursuant to sections 334.400 to 334.430 or in
5 obtaining permission to take any examination given or required
6 pursuant to sections 334.400 to 334.430;

7 (4) Obtaining or attempting to obtain any fee, charge,
8 tuition, or other compensation by fraud, deception, or
9 misrepresentation;

10 (5) Incompetency, misconduct, gross negligence, fraud,
11 misrepresentation, or dishonesty in the performance of the
12 functions and duties of an anesthesiologist assistant;

13 (6) Violation of, or assisting or enabling any person to
14 violate any provision of sections 334.400 to 334.430 or any
15 lawful rule or regulation adopted pursuant to sections 334.400 to
16 334.430;

17 (7) Impersonation of any person holding a certificate of
18 registration or authority, permit, or license, or allowing any
19 person to use a certificate of registration or authority, permit,
20 license or diploma from any school;

21 (8) Disciplinary action against the holder of a license or
22 other right relating to the practice of an anesthesiologist
23 assistant granted by another state, territory, federal agency, or
24 country upon grounds for which revocation or suspension is
25 authorized in this state;

26 (9) Final adjudication of insanity or incompetency by a
27 court of competent jurisdiction;

28 (10) Assisting or enabling any person to practice or offer

1 to practice as an anesthesiologist assistant who is not
2 registered and currently eligible to practice pursuant to
3 sections 334.400 to 334.430;

4 (11) Issuance of a certificate of registration or
5 authority, permit, or license based upon a material mistake of
6 fact;

7 (12) Violation of any professional trust or confidence;

8 (13) Violation of the ethical standards for an
9 anesthesiologist assistant as defined by board rule; or

10 (14) Violation of chapter 195, RSMo, or rules and
11 regulations of this state, any other state, or the federal
12 government.

13 6. After the filing of such complaint, the proceedings
14 shall be conducted in accordance with the provisions of chapter
15 621, RSMo. Upon a finding by the administrative hearing
16 commission that the grounds, provided in subsection 5 of this
17 section for disciplinary action are met, the board may, singly or
18 in combination, censure or place the person named in the
19 complaint on probation with such terms and conditions as the
20 board deems appropriate for a period not to exceed ten years, or
21 suspend his or her license for a period not to exceed seven
22 years, or revoke his or her license, certificate, or permit.

23 7. An individual whose license has been revoked shall wait
24 at least one year from the date of revocation to apply for
25 relicensure and shall not be eligible for a temporary license.
26 Relicensure shall be at the discretion of the board after
27 compliance with all requirements of sections 334.400 to 334.430.

28 8. Any person who violates any of the provisions of

1 sections 334.400 to 334.430 is guilty of class A misdemeanor.

2 334.416. 1. Every person licensed pursuant to sections
3 334.400 to 334.430 shall renew his or her certificate of
4 registration on or before the registration renewal date. The
5 application shall be made under oath on a form furnished by the
6 board. The application shall include, but not be limited to,
7 disclosure of the following:

8 (1) The applicant's full name and his or her office and
9 residence address;

10 (2) The date and number of his or her license;

11 (3) All final disciplinary actions taken against the
12 applicant by any professional medical or osteopathic association
13 or society, licensed hospital or medical staff of the hospital,
14 state, territory, federal, agency, or country; and

15 (4) Information concerning the applicant's current physical
16 and mental fitness to practice as an anesthesiologist assistant.

17 2. A blank form for application for registration shall be
18 mailed to each person licensed in this state at his or her last
19 known office or residence address. The failure to receive the
20 application form does not relieve any person of the duty to
21 register and pay the fee required pursuant to sections 334.400 to
22 334.430 nor be exempt from the penalties provided pursuant to
23 sections 334.400 to 334.430 for failure to register.

24 3. If a person licensed, certified, or registered by the
25 board does not renew such license, certification, or registration
26 for two consecutive renewal periods, such license, certification,
27 or registration shall be deemed void.

28 4. An application for registration pursuant to sections

1 334.400 to 334.430 shall be accompanied with a registration fee
2 to be payable to the director of revenue. If the application is
3 filed and the fee paid after the registration renewal date, a
4 delinquent fee shall be paid. The delinquent fee may be waived
5 by the board based on extenuating circumstances as defined by
6 board rule.

7 334.418. 1. Except as provided in subsection 2 of this
8 section, no person shall practice as an anesthesiologist
9 assistant unless the person holds a current, valid certificate of
10 registration issued pursuant to sections 334.400 to 334.430 to
11 practice as an anesthesiologist assistant.

12 2. The provision of subsection 1 of this section shall not
13 apply to the following:

14 (1) A person participating in a training program leading
15 toward certification by the National Commission for Certification
16 of Anesthesiologist Assistants, as long as the person is
17 supervised by an anesthesiologist;

18 (2) An individual participating in a hospital residency
19 program in preparation to practice as an anesthesiologist; and

20 (3) Any person who is otherwise authorized by subsection 2
21 of section 334.428 to perform any of the activities that an
22 anesthesiologist assistant is authorized to perform.

23 334.420. The board shall not renew any certificate of
24 registration unless the anesthesiologist assistant has provided
25 satisfactory evidence that the board's minimum requirements for
26 continuing education have been met. The board's minimum
27 requirements for continuing education, shall include, but are not
28 limited to, the successful completion of the examination for

1 continued demonstration of qualifications once every six years,
2 as authorized by the National Commission of Anesthesiologist
3 Assistants (NCCAA) or its successor. At the discretion of the
4 board, compliance with the provision of this section may be
5 waived for an anesthesiologist assistant that has discontinued
6 the practice of an anesthesiologist assistant due to retirement.

7 334.422. 1. All fees payable pursuant to the provisions of
8 sections 334.400 to 334.430 shall be collected by the division of
9 professional registration, which shall transmit them to the
10 department of revenue for deposit in the state treasury to the
11 credit of the board of registration for the healing arts fund.

12 2. Upon appropriation by the general assembly, the money in
13 the fund shall be used to administer the provisions of sections
14 334.400 to 334.430.

15 334.424. 1. An anesthesiologist assistant shall practice
16 only under the direct supervision of an anesthesiologist who is
17 physically present or immediately available. A supervising
18 anesthesiologist shall be allowed to supervise up to four
19 anesthesiologist assistants consistent with federal rules or
20 regulations for reimbursement for anesthesia services.

21 2. Each anesthesiologist who agrees to act as the
22 supervising anesthesiologist of an anesthesiologist assistant
23 shall adopt a written practice protocol that is consistent with
24 sections 334.400 to 334.430 and delineates the services that the
25 anesthesiologist assistant is authorized to provide and the
26 manner in which the anesthesiologist will supervise the
27 anesthesiologist assistant. The provisions of the protocol shall
28 be based on relevant quality assurance standards, including

1 regular review by the supervising anesthesiologist of the medical
2 records of the patients cared for by the anesthesiologist
3 assistant.

4 3. The supervising anesthesiologist shall oversee the
5 anesthesiologist assistant in accordance with the terms of the
6 protocol and any rules and regulations as defined by the board
7 for the supervision of an anesthesiologist assistant. The board
8 may randomly audit or inspect any written practice protocol under
9 which an anesthesiologist assistant works.

10 334.426. Notwithstanding the provisions of sections 334.400
11 to 334.430, or the rules of the Missouri state board of
12 registration for the healing arts, the governing body of every
13 hospital shall have full authority to limit the functions and
14 activities that an anesthesiologist assistant performs in such
15 hospital. Nothing in this section shall be construed to require
16 any hospital to hire an anesthesiologist who is not already
17 employed as a physician prior to August 28, 2003.

18 334.428. 1. No person shall put forth to the public any
19 title or description that includes the words "licensed
20 anesthesiologist assistant" as defined in section 334.404 unless
21 the person is duly licensed pursuant to the provisions of
22 sections 334.400 to 334.430.

23 2. Nothing in sections 334.400 to 334.430 shall be
24 construed as prohibiting any individual regardless of whether the
25 individual is licensed pursuant to sections 334.400 to 334.430,
26 from providing the services of anesthesiologist assistant, so
27 long as those services are lawfully performed pursuant to the
28 individual's scope of practice as authorized by law, regulation,

1 and hospital or medical staff policies or credentialing
2 standards.

3 3. Notwithstanding the specified penalty in section
4 334.414, any person found guilty of violating any provision of
5 subsections 1 and 2 of this section shall be guilty of an
6 infraction and upon conviction thereof shall be punished as
7 provided by law. For purposes of this subsection, the maximum
8 fine for a violation of this section shall be two hundred
9 dollars.

10 334.430. 1. There is hereby established an "Advisory
11 Commission for Anesthesiologist Assistants" which shall guide,
12 advise and make recommendations to the board. The commission
13 shall be responsible for the ongoing examination of the scope of
14 practice and promoting the continuing role of anesthesiologist
15 assistants in the delivery of health care services. The
16 commission shall assist the board in carrying out the provisions
17 of sections 334.400 to 334.430.

18 2. The commission shall be appointed no later than July 1,
19 2005. The commission shall be composed of five members, to be
20 appointed by the governor, with the advice and consent of the
21 senate, as follows:

22 (1) One member of the board;

23 (2) One licensed anesthesiologist assistant;

24 (3) Two licensed, board-certified anesthesiologists; and

25 (4) One lay member.

26 3. Each licensed anesthesiologist assistant member shall be
27 a citizen of the United States and a resident of this state, and
28 shall be licensed as an anesthesiologist assistant by this state.

1 Each physician member shall be a United States citizen, a
2 resident of this state and have an active license to practice
3 medicine in this state. The lay member shall be a United States
4 citizen and a resident of this state.

5 4. The licensed anesthesiologist assistant member shall be
6 appointed to serve a three-year term. The anesthesiologist
7 members and lay member shall each be appointed to serve three-
8 year terms, except at the time the commission is created, when
9 one anesthesiologist member will be appointed for a first term of
10 two years while the second anesthesiologist member will be
11 appointed to a three year term. This will ensure that at least
12 one anesthesiologist member has at least one years experience as
13 a member of the commission. Neither the anesthesiologist
14 assistant member nor the physician members shall be appointed for
15 more than two consecutive three-year terms.

16 5. The president of the Missouri Society of
17 Anesthesiologists or its successor in office at the time shall,
18 at least ninety days prior to the expiration of a term of an
19 anesthesiologist assistant member or an anesthesiologist member
20 of the commission or as soon as feasible after such a vacancy on
21 the commission otherwise occurs, submit to the director of the
22 division of professional registration a list, not to exceed five
23 individuals per vacancy, of qualified and willing
24 anesthesiologists or anesthesiologist assistants, respectively,
25 to fill the vacancy in question, with the request and
26 recommendation that the governor appoint one of the persons so
27 listed. With the list so submitted, the president of the
28 Missouri Society of Anesthesiologists shall include in a letter

1 of transmittal a description of the method by which the names
2 were chosen by that association.

3 6. Until such time as eligible anesthesiologist assistant
4 candidates are identified, the anesthesiologist assistant seat
5 may remain vacant or may be filled by a qualified
6 anesthesiologist candidate, at the governor's discretion with the
7 advice and consent of the senate. This member may serve no more
8 than two consecutive three-year terms or until an eligible
9 anesthesiologist assistant candidate, selected by the governor
10 with the advice and consent of the senate, from a list provided
11 as outlined above is appointed.

12 7. Notwithstanding any other provision of law to the
13 contrary, any appointed member of the commission shall receive as
14 compensation an amount established by the director of the
15 division of professional registration not to exceed seventy
16 dollars per day for commission business plus actual and necessary
17 expenses. The director of the division of professional
18 registration shall establish by rule the guidelines for payment.
19 The board shall provide all staff for the commission.

20 8. The commission shall hold an open annual meeting at
21 which time it shall elect from its membership a chairman and
22 secretary. The commission may hold such additional meetings as
23 may be required in the performance of its duties, provided that
24 notice of every meeting shall be given to each member at least
25 ten days prior to the date of the meeting. A quorum of the
26 commission shall consist of a majority of its members.

27 9. No licensing activity or other statutory requirements
28 shall become effective until expenditures or personnel are

1 specifically appropriated for the purpose of conducting the
2 business as required to administer the provisions of sections
3 334.400 to 334.430 and the initial rules filed have become
4 effective.