

HOUSE BILL No. 2295

By Committee on Health and Human Services

2-13

1 AN ACT enacting the anesthesiologist assistant licensure act; providing
2 for the powers, duties and functions of the state board of healing arts
3 thereunder; amending K.S.A. 65-1163 and 65-28,127 and repealing the
4 existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. Sections 1 through 12, and amendments thereto, shall
8 be known and may be cited as the anesthesiologist assistant licensure act.

9 New Sec. 2. As used in the anesthesiologist assistant licensure act:

10 (a) "Board" means the state board of healing arts.

11 (b) "Direction and supervision" means the guidance, direction and
12 coordination of the activities of an anesthesiologist assistant by such
13 anesthesiologist assistant's supervising or designated anesthesiologist,
14 whether written or verbal, whether immediate or by prior arrangement, in
15 accordance with standards established by the board by rules and
16 regulations, which standards shall be designed to ensure adequate direction
17 and supervision by the supervising or designated anesthesiologist of the
18 anesthesiologist assistant.

19 (c) "Physician" means any person licensed by the state board of
20 healing arts to practice medicine and surgery.

21 (d) "Anesthesiologist" means a physician who has completed a
22 residency in anesthesiology approved by the American board of
23 anesthesiology or the osteopathic board of anesthesiology.

24 (e) "Anesthesiologist assistant" means a person who is licensed in
25 accordance with the provisions of this act and who provides patient
26 services under the direction and supervision of a supervising or designated
27 anesthesiologist.

28 (f) "Supervising anesthesiologist" means an anesthesiologist who has
29 accepted continuous and ultimate responsibility for the medical services
30 rendered by and actions of the anesthesiologist assistant while performing
31 under the direction and supervision of the designated anesthesiologist.

32 (g) "Designated anesthesiologist" means an anesthesiologist
33 designated by the supervising anesthesiologist to ensure direction and
34 supervision of the anesthesiologist assistant.

35 (h) "Licensee" means all persons issued a license or temporary
36 license pursuant to the anesthesiologist assistant licensure act.

1 (i) "License" means any license or temporary license granted under
2 the anesthesiologist assistant licensure act.

3 New Sec. 3. (a) There is hereby created a designation of active
4 license. The board shall issue an active license to an anesthesiologist
5 assistant who makes written application for such license on a form
6 provided by the board and remits the fee for an active license established
7 pursuant to subsection (g). As a condition of engaging in active practice as
8 an anesthesiologist assistant, each licensed anesthesiologist assistant shall
9 file a request to engage in active practice signed by the anesthesiologist
10 assistant and the supervising anesthesiologist who will be responsible for
11 supervising the anesthesiologist assistant. The request shall contain such
12 information as required by rules and regulations adopted by the board. The
13 board shall maintain a list of the names of anesthesiologist assistants who
14 may engage in active practice in this state.

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

21 (c) At least 30 days before the expiration of the license of an
22 anesthesiologist assistant, except for a temporary license, the board shall
23 notify the licensee of the expiration in writing, which may include
24 electronic service. If the licensee fails to pay the renewal fee by the date of
25 expiration of the license, the licensee shall be given a second notice that
26 the licensee's license has expired and the license may be renewed only if
27 the renewal fee and the late renewal fee are received by the board within
28 the 30-day period following the date of expiration and that, if both fees are
29 not received within the 30-day period, the license shall be deemed
30 canceled by operation of law without further proceedings for failure to
31 renew and shall be reissued only after the license has been reinstated
32 pursuant to the provisions of subsection (d).

33 (d) Any license canceled for failure to renew may be reinstated upon
34 recommendation of the board and upon payment of the reinstatement fee
35 and upon submission of evidence of satisfactory completion of any
36 applicable continuing education requirements established by the board.
37 The board shall adopt rules and regulations establishing appropriate
38 continuing education requirements for reinstatement of licenses canceled
39 for failure to renew.

40 (e) There is hereby created the designation of inactive license. The
41 board shall issue an inactive license to any licensee who makes written
42 application for such license on a form provided by the board and remits the
43 fee for an inactive license established pursuant to subsection (f). The board

1 may issue an inactive license only to a person who meets all the
2 requirements for a license to practice as an anesthesiologist assistant but
3 who does not engage in active practice as an anesthesiologist assistant in
4 the state of Kansas. An inactive license shall not entitle the holder to
5 engage in active practice. The provisions of subsections (c) and (d) relating
6 to expiration, renewal and reinstatement of a license shall be applicable to
7 an inactive license issued under this subsection. Each inactive licensee
8 may apply to engage in active practice by presenting a request required by
9 subsection (a). The request shall be accompanied by the fee established
10 pursuant to subsection (g).

11 (f) (1) There is hereby created a license by endorsement. The board
12 shall issue a license by endorsement without examination to a person who
13 has been in active practice as an anesthesiologist assistant in some other
14 state, territory, the District of Columbia or other country upon certification
15 of the proper licensing authority of that state, territory, the District of
16 Columbia or other country certifying that the applicant is duly licensed,
17 that the applicant's license has never been limited, suspended or revoked,
18 that the licensee has never been censured or had other disciplinary action
19 taken and that, so far as the records of such authority are concerned, the
20 applicant is entitled to its endorsement. The applicant shall also present
21 proof satisfactory to the board:

22 (A) That the state, territory, the District of Columbia or country in
23 which the applicant last practiced has and maintains standards at least
24 equal to those maintained by this state;

25 (B) that the applicant's original licensure was based upon an
26 examination at least equal in quality to the examination required in this
27 state and that the passing grade required to obtain such original license
28 was comparable to that required in this state;

29 (C) the date of the applicant's original and all endorsed licenses and
30 the date and place from which any license was attained;

31 (D) that the applicant has been actively engaged in practice under
32 such license or licenses since issuance. The board may adopt rules and
33 regulations establishing appropriate qualitative and quantitative practice
34 activities to qualify as active practice; and

35 (E) that the applicant has a reasonable ability to communicate in
36 English.

37 (2) An applicant for a license by endorsement shall not be granted
38 such license unless, as determined by the board, the applicant's
39 qualifications are substantially equivalent to Kansas requirements. In lieu
40 of any other requirement prescribed by law for satisfactory passage of any
41 examination for anesthesiologist assistants, the board may accept evidence
42 demonstrating that the applicant or licensee has satisfactorily passed an
43 equivalent examination given by a national board of examiners for

1 physician assistants.

2 (g) The following fees shall be fixed by rules and regulations adopted
3 by the board and shall be collected by the board:

4 (1) An application for any license as an anesthesiologist assistant, not
5 more than \$200;

6 (2) an applicant for temporary licensure as an anesthesiologist
7 assistant, not more than \$30;

8 (3) for the renewal of a license to practice as an anesthesiologist
9 assistant, not more than \$150;

10 (4) for the renewal of an inactive license, more than \$75;

11 (5) for the late renewal of any license as an anesthesiologist assistant,
12 an additional fee shall be assessed, more than \$100;

13 (6) for reinstatement of a license canceled for failure to renew, not
14 more than \$250;

15 (7) for a certified statement from the board that an anesthesiologist
16 assistant is licensed in this state, not more than \$30;

17 (8) for a copy of the licensure certificate of an anesthesiologist
18 assistant, not more than \$25; and

19 (9) for conversion of an inactive license to a license to actively
20 practice as an anesthesiologist assistant, not more than \$150.

21 (h) The board shall remit all moneys received from fees, charges or
22 penalties to the state treasurer in accordance with the provisions of K.S.A.
23 75-4215, and amendments thereto. Upon receipt of each such remittance,
24 the state treasurer shall deposit the entire amount in the state treasury to
25 the credit of the healing arts fee fund. All expenditures from such fund
26 shall be made in accordance with appropriation acts upon warrants of the
27 director of accounts and reports issued pursuant to vouchers approved by
28 the president of the board or by a person designated by the president of the
29 board.

30 (i) The board shall adopt all necessary rules and regulations for
31 carrying out the provisions of this act. The board may grant a temporary
32 variance from an identified rule or regulation when a literal application or
33 enforcement of the rule or regulation would result in serious hardship and
34 the relief granted would not result in any unreasonable risk to the public
35 interest, safety or welfare.

36 New Sec. 4. (a) No person shall be licensed as an anesthesiologist
37 assistant by the board unless such person has:

38 (1) Presented to the board proof that the applicant has successfully
39 completed a course of education and training approved by the board for
40 the education and training of an anesthesiologist assistant, or presented to
41 the board proof that the applicant has acquired experience while serving in
42 the armed forces of the United States, which experience is equivalent to
43 the minimum experience requirements established by the board;

1 (2) passed an examination approved by the board covering topics
2 incidental to the education and training of an anesthesiologist assistant;
3 and

4 (3) submitted to the board any other information that the board deems
5 necessary through rules and regulations to evaluate the applicant's
6 qualifications.

7 (b) (1) As part of an original application for or reinstatement of any
8 license, registration, permit or certificate or in connection with any
9 investigation of any holder of a license, registration, permit or certificate,
10 the board may require a person to be fingerprinted and submit to a state
11 and national criminal history record check. The fingerprints shall be used
12 to identify the person and to determine whether the person has a record of
13 criminal history in this state or other jurisdiction. The board is authorized
14 to submit the fingerprints to the Kansas bureau of investigation and the
15 federal bureau of investigation for a state and national criminal history
16 record check. The board may use the information obtained from
17 fingerprinting and the criminal history for purposes of verifying the
18 identification of the person and in the official determination of the
19 qualifications and fitness of the person to be issued or to maintain a
20 license, registration, permit or certificate.

21 (2) Local and state law enforcement officers and agencies shall assist
22 the board in taking and processing the fingerprints of applicants for and
23 holders of any license, registration, permit or certificate and shall release
24 all records of adult convictions and non-convictions and adult convictions
25 or adjudications of another state or country to the board.

26 (3) The board may fix and collect a fee as may be required by the
27 board in an amount necessary to reimburse the board for the cost of
28 fingerprinting and the criminal history record check. Any moneys
29 collected under this subsection shall be deposited in the state treasury and
30 credited to the healing arts fee fund.

31 (c) The board may refuse to license a person as an anesthesiologist
32 assistant upon any of the grounds for which the board may revoke,
33 suspend, limit, publicly censure or place under probationary or monitoring
34 conditions such license.

35 (d) The board shall require every licensed anesthesiologist assistant to
36 submit with the renewal application evidence of satisfactory completion of
37 a program of continuing education required by the board. The board, by
38 duly adopted rules and regulations, shall establish the requirements for
39 such program of continuing education as soon as possible after January 6,
40 2020. In establishing such requirements, the board shall consider any
41 existing programs of continuing education currently being offered to
42 anesthesiologist assistants.

43 New Sec. 5. A licensee's license may be revoked, suspended or

1 limited, or the licensee may be publicly censured, or placed under
2 probationary or monitoring conditions, fined or an application for a license
3 or for reinstatement of a license may be denied upon a finding that the
4 licensee:

5 (a) Committed an act of unprofessional conduct as defined by rules
6 and regulations adopted by the board;

7 (b) obtained a license by means of fraud, misrepresentation or
8 concealment of material facts;

9 (c) committed an act of professional incompetency as defined by
10 rules and regulations adopted by the board;

11 (d) has been convicted of a felony or class A misdemeanor, or
12 substantially similar offense in another jurisdiction, whether or not related
13 to the practice of the healing arts. The licensee has been convicted in a
14 special or general court-martial, whether or not related to the practice of
15 the healing arts. The board shall revoke a licensee's license following
16 conviction of a felony or substantially similar offense in another
17 jurisdiction, or following conviction in a general court-martial, unless
18 a $\frac{2}{3}$ majority of the board members present and voting determine by clear
19 and convincing evidence that such licensee will not pose a threat to the
20 public in such person's capacity as a licensee and that such person has been
21 sufficiently rehabilitated to warrant the public trust. In the case of a person
22 who has been convicted of a felony or convicted in a general court-martial
23 and who applies for an original license or to reinstate a canceled license,
24 the application for a license shall be denied unless a $\frac{2}{3}$ majority of the
25 board members present and voting on such application determine by clear
26 and convincing evidence that such person will not pose a threat to the
27 public in such person's capacity as a licensee and that such person has been
28 sufficiently rehabilitated to warrant the public trust;

29 (e) violated any provision of this act;

30 (f) violated any lawful order or rule and regulation of the board;

31 (g) has been found to be mentally ill, disabled, not guilty by reason of
32 insanity, not guilty because the licensee suffers from a mental disease or
33 defect or is incompetent to stand trial by a court of competent jurisdiction;

34 (h) violated a federal law or regulation relating to controlled
35 substances;

36 (i) failed to report to the board any adverse action taken against the
37 licensee by another state or licensing jurisdiction, a peer review body, a
38 healthcare facility, a professional association or society, a governmental
39 agency, by a law enforcement agency or a court for acts or conduct similar
40 to acts or conduct which would constitute grounds for disciplinary action
41 under this section;

42 (j) surrendered a license or authorization to practice as an
43 anesthesiologist assistant in another state or jurisdiction, surrendered the

1 authority to utilize controlled substances issued by any state or federal
2 agency, agreed to a limitation to or restriction of privileges at any medical
3 care facility or surrendered the licensee's membership on any professional
4 staff or in any professional association or society while under investigation
5 for acts or conduct similar to acts or conduct that would constitute grounds
6 for disciplinary action under this section;

7 (k) failed to report to the board the surrender of the licensee's license
8 or authorization to practice as an anesthesiologist assistant in another state
9 or jurisdiction or the surrender of the licensee's membership on any
10 professional staff or in any professional association or society while under
11 investigation for acts or conduct similar to acts or conduct that would
12 constitute grounds for disciplinary action under this section;

13 (l) has an adverse judgment, award or settlement against the licensee
14 resulting from a medical liability claim related to acts or conduct similar to
15 acts or conduct that would constitute grounds for disciplinary action under
16 this section;

17 (m) failed to report to the board any adverse judgment, settlement or
18 award against the licensee resulting from a medical malpractice liability
19 claim related to acts or conduct similar to acts or conduct that would
20 constitute grounds for disciplinary action under this section;

21 (n) no longer has the ability to practice with reasonable skill and
22 safety by reason of physical or mental illness, or condition or use of
23 alcohol, drugs or controlled substances. All information, reports, findings
24 and other records relating to impairment shall be confidential and not
25 subject to discovery by or release to any person or entity outside of a board
26 proceeding;

27 (o) exceeded or acted outside the scope of authority given the
28 anesthesiologist assistant by the supervising anesthesiologist or by this act;

29 (p) has assisted suicide in violation of K.S.A. 21-3406, prior to its
30 repeal, or K.S.A. 2018 Supp. 21-5407, and amendments thereto, as
31 established by any of the following:

32 (1) A copy of the record of criminal conviction or plea of guilty for a
33 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2018
34 Supp. 21-5407, and amendments thereto;

35 (2) a copy of the record of a judgment of contempt of court for
36 violating an injunction issued under K.S.A. 60-4404, and amendments
37 thereto; or

38 (3) a copy of the record of a judgment assessing damages under
39 K.S.A. 60-4405, and amendments thereto.

40 New Sec. 6. (a) It shall be unlawful for any person who is not
41 licensed under this act or whose license has been revoked or suspended
42 pursuant to this act to engage in practice as an anesthesiologist assistant.

43 (b) No person shall use any title, abbreviation, letters, figures, sign,

1 card or device to indicate that any person is a licensed anesthesiologist
2 assistant, nor shall any person represent oneself to be a licensed
3 anesthesiologist assistant, unless such person has been duly licensed as an
4 anesthesiologist assistant in accordance with the provisions of this act.

5 (c) The provisions of this act shall not be construed to include the
6 following persons:

7 (1) Persons rendering gratuitous services in the case of an emergency;

8 (2) persons gratuitously administering ordinary household remedies;

9 (3) individuals practicing religious beliefs that provide for reliance on
10 spiritual means alone for healing;

11 (4) students, while performing professional services in an approved
12 anesthesiologist assistant education and training program;

13 (5) persons whose professional services are performed under the
14 direct and personal supervision or by an order of a practitioner who is
15 licensed under the healing arts act;

16 (6) other healthcare providers who are licensed, registered, certified
17 or otherwise credentialed by agencies of the state of Kansas; or

18 (7) anesthesiologist assistants in the United States army, navy, air
19 force, public health service, coast guard, other military service and other
20 federal employment while acting in the line of duty in this state.

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

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

29 (b) A temporary license shall be valid:

30 (1) For one year from the date of issuance; or

31 (2) until the state board of healing arts makes a final determination on
32 the applicant's request for licensure.

33 The state board of healing arts may extend a temporary license, upon a
34 majority vote of the members of the board, for a period not to exceed one
35 year.

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

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

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

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

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

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

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

11 (7) perform epidural anesthetic procedures, spinal anesthetic
12 procedures and other regional anesthetic techniques in coordination with
13 the supervising anesthesiologist;

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

15 (9) provide assistance to the cardiopulmonary resuscitation team in
16 response to a life-threatening situation;

17 (10) participate in administrative, research, and clinical teaching
18 activities as authorized by the supervising anesthesiologist; and

19 (11) perform such other tasks as not prohibited by law under the
20 supervision of a licensed anesthesiologist that an anesthesiologist assistant
21 has been trained and is proficient to perform.

22 (b) An anesthesiologist shall at all times accept and be responsible for
23 the oversight of the healthcare services rendered by the anesthesiologist
24 assistant.

25 (c) An anesthesiologist assistant shall practice only under the
26 supervision of an anesthesiologist who is physically present or
27 immediately available in the same physical facility in which the
28 anesthesiologist assistant performs delegated medical acts and the
29 supervising anesthesiologist is available to provide direct supervision. A
30 supervising anesthesiologist or designated anesthesiologist shall be
31 allowed to supervise up to four anesthesiologist assistants at any one time.

32 (d) Anesthesiologist assistants shall not have the authority to:

33 (1) Prescribe medications or controlled substances;

34 (2) administer any drugs, medicines, devices or therapies the
35 supervising anesthesiologist is not qualified or authorized to prescribe; or

36 (3) practice or attempt to practice without the supervision of a
37 licensed anesthesiologist or in any location where the supervising
38 anesthesiologist is not immediately available for consultation, assistance
39 and intervention.

40 New Sec. 9. (a) If a supervising anesthesiologist temporarily leaves
41 such anesthesiologist's customary location of practice, the supervising
42 anesthesiologist shall, by prior arrangement, name a designated
43 anesthesiologist who shall provide direction and supervision to the

1 anesthesiologist assistant of such supervising anesthesiologist.

2 (b) An anesthesiologist assistant shall not perform professional
3 services unless the name, address and signature of each supervising
4 anesthesiologist and the form required under section 3, and amendments
5 thereto, of this act have been provided to the board. A supervising
6 anesthesiologist shall notify the board when supervision and direction of
7 the anesthesiologist assistant has terminated. The board shall provide
8 forms for identifying each supervising anesthesiologist and for giving
9 notice that direction and supervision has terminated. These forms may
10 direct that additional information be provided, including a copy of any
11 written agreements, as required by rules and regulations adopted by the
12 board.

13 New Sec. 10. The board shall limit the number of anesthesiologist
14 assistants a supervising anesthesiologist may supervise at any one time to
15 four anesthesiologist assistants. An anesthesiologist, group of
16 anesthesiologists or medical care facility, as defined in K.S.A. 65- 425,
17 and amendments thereto, may employ more than four anesthesiologist
18 assistants, but an anesthesiologist may not provide direction and
19 supervision to more than four anesthesiologist assistants at any time.

20 New Sec. 11. (a) There is hereby established an anesthesiologist
21 assistant council to advise the board in carrying out the provisions of the
22 anesthesiologist assistant licensure act. The council shall consist of five
23 members, all citizens and residents of the state of Kansas, appointed as
24 follows: One member shall be an anesthesiologist appointed by the board
25 who is a supervising anesthesiologist for an anesthesiologist assistant; one
26 member shall be president of the board or a person designated by the
27 president; and three members shall be licensed anesthesiologist assistants
28 appointed by the governor. The governor, insofar as possible, shall appoint
29 persons from different geographical areas and persons who represent
30 various types of practice settings. If a vacancy occurs on the council, the
31 appointing authority of the position that has become vacant shall appoint a
32 person of like qualifications to fill the vacant position for the unexpired
33 term, if any. The Kansas academy of anesthesiologist assistants shall
34 recommend the names of licensed anesthesiologist assistants to the
35 governor in a number equal to at least twice the positions or vacancies to
36 be filled, and the governor may appoint members to fill the positions or
37 vacancies from the submitted list. Members of the council appointed by
38 the governor on and after January 6, 2020, shall be appointed for terms of
39 three years and until their successors are appointed and qualified, except
40 that of the members first appointed by the governor on or after January 6,
41 2020, one shall be appointed for a term of one year, one shall be appointed
42 for a term of two years and one shall be appointed for a term of three
43 years, as designated by the governor. The member appointed by the state

1 board of healing arts shall serve at the pleasure of the board. If the
2 president of the board designates a member to serve on the council in the
3 president's stead, that member shall serve at the pleasure of the president.

4 (b) Members of the anesthesiologist assistant council attending
5 meetings of the council or attending a subcommittee meeting thereof
6 authorized by the council shall be paid amounts provided in K.S.A. 75-
7 3223(e), and amendments thereto, from the healing arts fee fund.

8 New Sec. 12. (a) All administrative proceedings to revoke, suspend,
9 limit or deny a license or to censure a licensee, shall be conducted in
10 accordance with K.S.A 65-2838 and 65-2838a, and amendments thereto,
11 and the provisions of the Kansas administrative procedure act.

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

18 Sec. 13. K.S.A. 65-1163 is hereby amended to read as follows: 65-
19 1163. Nothing in this act shall:

20 (a) Prohibit administration of a drug by a duly licensed professional
21 nurse, licensed practical nurse or other duly authorized person for the
22 alleviation of pain, including administration of local anesthetics;

23 (b) apply to the practice of anesthesia by a person licensed to practice
24 medicine and surgery, a licensed dentist or a licensed podiatrist;

25 (c) prohibit the practice of nurse anesthesia by students enrolled in
26 approved courses of study in the administration of anesthesia or analgesic
27 as a part of such course of study;

28 (d) apply to the administration of a pudendal block by a person who
29 holds a valid license as an advanced practice registered nurse in the role of
30 nurse-midwife;

31 (e) apply to the administration by a licensed professional nurse of an
32 anesthetic, other than general anesthesia, for a dental operation under the
33 direct supervision of a licensed dentist or for a dental operation under the
34 direct supervision of a person licensed to practice medicine and surgery;

35 (f) prohibit the practice by any registered nurse anesthetist who is
36 employed by the United States government or in any bureau, division or
37 agency thereof, while in the discharge of official duties; ~~or~~

38 (g) prohibit a registered professional nurse from administering
39 general anesthetic agents to a patient on ventilator maintenance in critical
40 care units when under the direction of a person licensed to practice
41 medicine and surgery or a person licensed to practice dentistry; *or*

42 (h) *prohibit the practice of anesthesia by anesthesiologist assistant*
43 *students enrolled in approved courses of study in the administration of*

1 *anesthesia or analgesic as a part of such course of study.*

2 Sec. 14. K.S.A. 65-28,127 is hereby amended to read as follows: 65-
3 28,127. (a) Every supervising or responsible licensee who directs,
4 supervises, orders, refers, accepts responsibility for, enters into written
5 agreements or practice protocols with, or who delegates acts which
6 constitute the practice of the healing arts to other persons shall:

7 (1) Be actively engaged in the practice of the healing arts in Kansas;

8 (2) review and keep current any required written agreements or
9 practice protocols between the supervising or responsible licensee and
10 such persons, as may be determined by the board, *including the*
11 *responsibility to notify the board when terminating the direction and*
12 *supervision request of a written agreement or practice protocol;*

13 (3) direct, supervise, order, refer, enter into a written agreement or
14 practice protocol with, or delegate to such persons only those acts and
15 functions which the supervising or responsible licensee knows or has
16 reason to believe can be competently performed by such person and is not
17 in violation of any other statute or regulation;

18 (4) direct, supervise, order, refer, enter into a written agreement or
19 practice protocol with, or delegate to other persons only those acts and
20 functions which are within the normal and customary specialty,
21 competence and lawful practice of the supervising or responsible licensee;

22 (5) provide for a qualified, substitute licensee who accepts
23 responsibility for the direction, supervision, delegation and written
24 agreements or practice protocols with such persons when the supervising
25 or responsible licensee is temporarily absent; and

26 (6) comply with all rules and regulations of the board establishing
27 limits and conditions on the delegation and supervision of services
28 constituting the practice of medicine and surgery.

29 (b) "Responsible licensee" means a person licensed by the state board
30 of healing arts to practice medicine and surgery or chiropractic who has
31 accepted responsibility for the actions of persons who perform acts
32 pursuant to written agreements or practice protocols with, or at the order
33 of, or referral, direction, supervision or delegation from such responsible
34 licensee.

35 (c) Except as otherwise provided by rules and regulations of the
36 board implementing this section, the physician assistant licensure act shall
37 govern the direction and supervision of physician assistants by persons
38 licensed by the state board of healing arts to practice medicine and surgery.

39 (d) Nothing in subsection (a)(4) shall be construed to prohibit a
40 person licensed to practice medicine and surgery from ordering,
41 authorizing or directing anesthesia care by a registered nurse anesthetist
42 pursuant to K.S.A. 65-1158, and amendments thereto.

43 (e) Nothing in this section shall be construed to prohibit a person

1 licensed to practice medicine and surgery from ordering, authorizing or
2 directing physical therapy services pursuant to K.S.A. 65-2901 et seq., and
3 amendments thereto.

4 (f) Nothing in this section shall be construed to prohibit a person
5 licensed to practice medicine and surgery from entering into a co-
6 management relationship with an optometrist pursuant to K.S.A. 65-1501
7 et seq., and amendments thereto.

8 (g) The board may adopt rules and regulations establishing limits and
9 conditions on the delegation and supervision of services constituting the
10 practice of medicine and surgery.

11 (h) As used in this section, "supervising physician" shall have the
12 meaning ascribed thereto in K.S.A. 65-28a02, and amendments thereto.

13 (i) This section shall be *a* part of and supplemental to the Kansas
14 healing arts act.

15 Sec. 15. K.S.A. 65-1163 and 65-28,127 are hereby repealed.

16 Sec. 16. This act shall take effect and be in force from and after
17 January 6, 2020, and its publication in the statute book.