

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302 (14) of the District of Columbia Health Occupations Revision Act of 1985 ("Act"), effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendment to Title 17 (Business, Occupations & Profession) (May 1990) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The purpose of the amendment is to establish licensure and practice regulations for the newly established profession of anesthesiologist assistant.

Proposed Amendment: Amend Title 17 (Business, Occupations & Professions) (May 1990) by adding a new Chapter 52 to read as follows:

CHAPTER 52: ANESTHESIOLOGIST ASSISTANTS**5200 GENERAL PROVISIONS**

- 5200.1 This chapter shall apply to applicants for and holders of a license to practice as an anesthesiologist assistant.
- 5200.2 Chapter 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) shall supplement this chapter.

5201 TERM OF LICENSE

- 5201.1 Subject to § 5201.2, a license issued pursuant to this chapter shall expire at 12:00 midnight of December 31 of each even-numbered year.
- 5201.2 If the Director changes the renewal system pursuant to § 4006.3 of chapter 40 of this title, a license issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birthdate of the holder of the license, or other date established by the Director.

5202 RENEWAL OF LICENSE

- 5202.1 The holder of a license to practice as an anesthesiologist assistant shall renew his or her license by submitting a completed application on the forms required by the Board and paying the required fees prior to the expiration of the license.

- 5202.2 The Board's staff shall mail out applications for renewal at least sixty (60) days prior to the date the license expires.
- 5202.3 The license holder shall have the burden of notifying the Board if a renewal notice is not received.
- 5202.4 A license holder shall notify the Board in writing of a change of home or business address within thirty (30) days after the change.
- 5202.5 A license holder applying for renewal of a license to practice as an anesthesiology assistant shall submit evidence of current national certification or recertification as an Anesthesiologist Assistant – Certified (AA-C), as applicable, by the National Commission for Certification of Anesthesiologist Assistants, or its successor.
- 5202.6 A license holder applying for renewal of a license who fails to submit proof of having completed the requirement as set forth in §5202.5 by the date the license expires may renew the license within sixty (60) days after the expiration by submitting the required documents and paying the required late fees.
- 5202.7 Upon submitting the required documents and paying the required late fees, the license holder shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documents and fees.
- 5202.8 If a license holder applying for renewal of a license fails to submit proof of completion of the requirements set forth in §5202.5 or pay the late fee within sixty (60) days after the expiration of the license holder's license, the license shall be considered to have lapsed on the date of expiration and the license holder shall thereafter be required to apply for reinstatement of an expired license and meet all requirements and fees for reinstatement.
- 5202.9 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew the license after expiration, if the license holder's failure to submit proof of the requirements or pay the late fee was for good cause. As used in this section, "good cause" includes the following:
- (a) Serious and protracted illness of the license holder;
 - (b) The death or serious and protracted illness of a member of the license holder's immediate family; or
 - (c) Active military deployment pursuant to 17 DCMR § 4015.

5203 EDUCATIONAL REQUIREMENTS

- 5203.1 Except as otherwise provided in this subtitle an applicant shall furnish proof satisfactory to the Board in accordance with § 504 of the Act, D.C. Official Code §3-1205.04 that the applicant has met the following requirements:
- (a) Earned a degree or certification from an anesthesiologist assistant program accredited by the Commission on Accreditation of Allied Health Educational Programs, or by the Commission's successor; and
 - (b) Successfully completed and has current certification for the Advanced Cardiac Life Support (ACLS) program as administered by the American Heart Association or its successor organization.
- 5203.2 Pursuant to § 5202.1(b), an application for licensure as an anesthesiologist assistant may be filed by an individual who has taken the national certification examination but has not yet received the results.

5204 EXAMINATION

- 5204.1 In addition to the requirements in § 5203, to qualify for a license to practice as an anesthesiologist assistant in the District of Columbia, an applicant shall have successfully completed and met all certification requirements of the National Commission for Certification of Anesthesiologist Assistants (NCCAA), or its successor organization.
- 5204.2 An applicant shall submit proof of having obtained a passing score on the examination by arranging to have official written verification of the certification sent directly to the Board.
- 5204.3 The Board shall issue and update a list of nationally recognized certifying bodies accepted by the Board.
- 5204.4 Failure to maintain recertification as a certified anesthesiologist assistant shall result in the loss of status as a licensed anesthesiologist assistant.

5205 LICENSURE BY ENDORSEMENT

- 5205.1 An applicant is eligible for licensure by endorsement if the applicant is currently licensed or certified, in good standing, as an anesthesiologist assistant under the laws of a state or territory of the United States.

- 5205.2 To apply for licensure by endorsement, an applicant shall:
- (a) Submit a completed application on the forms required by the Board;
 - (b) Submit a copy of his or her current license or certificate as an anesthesiologist assistant with the application;
 - (c) Obtain licensure or certification verification from the current state or territory of licensure or certification, that the license or certificate is current and in good standing. The verification form shall be sent directly to the Board by the verifying Board;
 - (d) Meet any other requirements as set forth by the Board; and
 - (e) Pay all the required fees.
- 5205.3 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned, and closed by the Board. The applicant shall thereafter be required to reapply, submit the required documents and completed forms, and pay the required fees.
- 5205.4 Nothing in this section shall be construed to prohibit the Board from utilizing other authorized databases to verify current licensure standing in other jurisdictions of the U.S. and to review disciplinary records.
- 5206-5207 [RESERVED]**
- 5208 CONTINUING EDUCATION REQUIREMENTS**
- 5208.1 This section shall apply to applicants for the renewal of a license and does not apply to applicants for an initial license by examination or endorsement, nor does it apply to applicants for the first renewal of a license granted by examination.
- 5208.2 A licensee applying for renewal shall meet continuing education requirements by demonstrating that he or she has been recertified by the National Commission for Certification of Anesthesiologist Assistants (NCCAA), or its successor organization.
- 5208.3 A licensee applying for renewal of a license who fails to submit proof of the standards in § 5208.2 by the date the license expires may renew the license within sixty (60) days after the expiration by submitting proof and by paying the required late fees.

5208.4 Upon submitting proof and paying the required late fees, the licensee shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documents and fees.

5209 – 5212 [RESERVED]

5213 SCOPE OF PRACTICE

5213.1 An anesthesiologist assistant shall, in accordance with this chapter and the Act, have the authority to perform the following tasks:

- (a) Obtain a comprehensive patient history, perform relevant elements of a physical examination, and present the history to the supervising anesthesiologist;
- (b) Pretest and calibrate anesthesia delivery systems and obtain and interpret information from the systems and monitors, in consultation with an anesthesiologist;
- (c) Assist the supervising anesthesiologist with the implementation of medically accepted monitoring techniques;
- (d) Establish basic and advanced airway interventions, including intubation of the trachea and performing ventilatory support;
- (e) Administer intermittent vasoactive drugs and start and adjust vasoactive infusions;
- (f) Administer anesthetic drugs, adjuvant drugs, and accessory drugs, including narcotics;
- (g) Assist the supervising anesthesiologist with the performance of epidural anesthetic procedures, spinal anesthetic procedures, and other regional anesthetic techniques;
- (h) Administer blood, blood products, and supportive fluids;
- (i) Provide assistance to a cardiopulmonary resuscitation team in response to a life-threatening situation;
- (j) Monitor, transport, and transfer care to appropriate anesthesia or recovery personnel;
- (k) Participate in administrative, research, and clinical teaching activities, as authorized by the supervising anesthesiologist; and

- (l) Perform such other tasks that an anesthesiologist assistant has been trained and is proficient to perform.

5213.2 An anesthesiologist assistant shall not perform the following tasks:

- (a) Prescribe any medications or controlled substances;
- (b) Practice or attempt to practice unless under the supervision of an anesthesiologist who is immediately available for consultation, assistance, and intervention;
- (c) Practice or attempt to administer anesthesia during the induction or emergence phase without the personal participation of the supervising anesthesiologist; or
- (d) Administer any drugs, medicines, devices, or therapies the supervising anesthesiologist is not qualified or authorized to prescribe.

5214 SUPERVISING ANESTHESIOLOGIST

5214.1 A supervising anesthesiologist shall be immediately available to participate directly in the care of the patient whom the anesthesiologist assistant and the supervising anesthesiologist are jointly treating, and shall at all times accept and be responsible for the oversight of the health care services rendered by the anesthesiologist assistant.

5214.2 A supervising anesthesiologist shall be present during the induction and emergence phases of a patient to whom anesthesia has been administered.

5214.3 A supervising anesthesiologist may supervise up to three (3) anesthesiologist assistants at any one time during normal circumstances, and up to four (4) anesthesiologist assistants at any one time during emergency circumstances, consistent with federal rules for reimbursement of anesthesia services.

5214.4 No faculty member of an anesthesiologist assistants program shall concurrently supervise more than two (2) anesthesiologist assistant students who are delivering anesthesia.

5299 DEFINITIONS

5299.1 As used in this chapter the following terms have the meanings ascribed:

Anesthesiologist Assistant - a person licensed to practice as an anesthesiologist assistant under the Act.

Anesthesiologist – a physician who has completed a residency in anesthesiology approved by the American Board of Anesthesiology or the American Osteopathic Board of Anesthesiology and who is currently licensed to practice medicine in the District of Columbia.

Board – the Board of Medicine, established by § 203(a) of the Act, D.C. Code § 3-1202.03(a)(1) (2001).

Committee – the Advisory Committee on Anesthesiologist Assistants, established by § 203 (c-1) of the Act. D.C. Official Code § 3-1202.03(c-1) (2001).

Immediately available – means the supervising anesthesiologist is:

- (a) Present in the building or facility in which anesthesia services are being provided by assistant; and
- (b) Able to directly provide assistance to the anesthesiologist assistant in providing anesthesia services to the patient in accordance with the prevailing standards of:
 - (1) Acceptable medical practice;
 - (2) The American Society of Anesthesiologists' guidelines for best practice of anesthesia in a care team model; and
 - (3) Any additional requirements established by the Board of Medicine through a formal rulemaking process.

Supervision – directing and accepting responsibility for the anesthesia services rendered by an anesthesiologist assistant in a manner approved by the Board of Medicine.

5299.2 The definitions in § 4099 of chapter 40 of this title and the Act are incorporated by reference into and are applicable to this chapter.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be sent to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the Department at the same address during the hours of 9:00 a.m. to 5 p.m., Monday through Friday, excluding holidays.