# TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION
# CHAPTER 65. ANESTHESIOLOGIST ASSISTANTS

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**[Authority:** 59 O.S., § 3204]
**[Source:** Codified 7/11/09]

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**[Authority:** 59 O.S., § 3204]
**[Source:** Codified 7/11/09]

### 435:65-1-1. Purpose

The rules of this Chapter have been adopted to assist in the implementation and enforcement of the Oklahoma Anesthesiologist Assistant Act.

*[**Source:** Added at 26 Ok Reg 200, eff 10-31-08 (emergency); Added at 26 Ok Reg 2583, eff 7-11-09]*

### 435:65-1-2. Interpretation of rules and regulations

If any section, sentence, clause, or phrase of this Chapter shall be held, for any reason, to be inoperative or unconstitutional, void, or invalid, the validity of the remaining portion of the rules shall not be affected thereby, it being the intention of the Oklahoma State Board of Medical Licensure and Supervision in adopting the rules that no portion or provision herein shall become inoperative or fail by reasons of the unconstitutionality or invalidity of any portion or provision, and the Oklahoma State Board of Medical Licensure and Supervision does hereby declare it would have severally passed and adopted the provisions contained in this Chapter separately and apart one from another.

*[**Source**: Added at 26 Ok Reg 200, eff 10-31-08 (emergency); Added at 26 Ok Reg 2583, eff 7-11-09]*

### 435:65-1-3. License required [RENUMBERED TO 435:65-3-1]

[**Source:** Added at 26 Ok Reg 200, eff 10-31-08 (emergency); Added at 26 Ok Reg 2583, eff 7-11-09; Amended at 27 Ok Reg 859, eff 4-25-10]

### 435:65-1-3.1 Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Board"** means the State Board of Medical Licensure and Supervision.

**"Anesthesiologist assistant"** means a graduate of an approved program who is licensed to perform medical services delegated and directly supervised by a supervising anesthesiologist.

**"Approved program"** means a program for the education and training of anesthesiologist assistants approved by the State Board of Medical Licensure and Supervision.

**"Direct supervision"** means the on-site, personal supervision by an anesthesiologist who is present in the office when the procedure is being performed in that office, or is present in the

surgical or obstetrical suite when the procedure is being performed in that surgical or obstetrical suite and who is in all instances immediately available to provide assistance and direction to the anesthesiologist assistant while anesthesia services are being performed.

**"NCCAA"** means the National Commission for Certification of Anesthesiologist Assistants;

**"Supervising anesthesiologist"** means a physician licensed by the State Board of Medical Licensure and Supervision or by the State Board of Osteopathic Examiners and certified or eligible for certification by the American Board of Anesthesiology or the American Osteopathic Board of Anesthesiology.

**"Surgical or obstetrical suite"** means the grouping of operating rooms and/or areas where patients are prepared for surgery, undergo surgery, and recover from surgery, and where equipment and supplies for surgery or delivery are stored. The surgical or obstetrical suite is not limited to the sterile area of the operating rooms.

*[**Source:** Added at 27 Ok Reg 859, eff 4-25-10]*

### 435:65-1-4. Application for initial licensure/renewal of license [RENUMBERED TO 435:65-3-2]

*[**Source:** Added at 26 Ok Reg 200, eff 10-31-08 (emergency); Added at 26 Ok Reg 2583, eff 7-11-09; Amended at 27 Ok Reg 859, eff 4-25-10]*

### 435:65-1-5. Supervision [RENUMBERED TO 435:65-7-1]

*[**Source:** Added at 26 Ok Reg 200, eff 10-31-08 (emergency); Added at 26 Ok Reg 2583, eff 7-11-09; Amended at 27 Ok Reg 859, eff 4-25-10]*

### 435:65-1-6. Disciplinary action

(a) The Board may reprimand or place on probation any holder of an anesthesiologist assistant license, or may limit, suspend or revoke any license issued to an anesthesiologist assistant for unprofessional conduct as defined in the Medical Practice Act, Title 59 O.S., §509 and OAC 435:10-7-4.

(b) The Board may impose as a condition of any disciplinary action, the payment of costs expended by the Board for any legal fees and costs and probation and monitoring fees including but not limited to, staff time, salary and travel expense, witness fees and attorney fees.

*[**Source:** Added at 26 Ok Reg 200, eff 10-31-08 (emergency); Added at 26 Ok Reg 2583, eff 7-11-09]*

### 435:65-1-7. Student anesthesiologist assistants

(a) A student in any anesthesiologist assistant training program shall be identified as a "Student Anesthesiologist Assistant" or as an "Anesthesioilogist Assistant Student".

(b) Student anesthesiologist assistants are authorized to clinically train under the supervision of an anesthesiologist licensed by the Board provided that the student anesthesiologist assistant is participating in a training program accredited by the Commission on Accreditation of Allied Health Education Programs or its successor organization.

*[**Source:** Added at 26 Ok Reg 200, eff 10-31-08 (emergency); Added at 26 Ok Reg 2583, eff 7-11-09]*

### 435:65-1-8. Fees [REVOKED]

*[**Source:** Added at 26 Ok Reg 200, eff 10-31-08 (emergency); Added at 26 Ok Reg 2583, eff 7-11-09; Amended at 27 Ok Reg 859, eff 4-25-10]*

## SUBCHAPTER 3. APPLICATION FOR LICENSURE

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### 435:65-3-1. License required

Any person who practices as an anesthesiologist assistant or holds himself/herself out to be a Licensed Anesthesiologist Assistant or uses the title Anesthesiologist Assistant or common variants of that title must possess a valid license issued by the Board.

*[**Source:** Added at 27 Ok Reg 859, eff 4-25-10]*

### 435:65-3-2. Application for initial licensure/renewal of license – procedures

(a) The Board directs staff to prepare and create new forms or modify existing forms to be used in the application process for licensure and renewal of license. Application forms shall require applicants to submit all information required by the Oklahoma Anesthesiologist Assistant Act.
(b) The application and forms shall be submitted to the Board accompanied by fees as set by the Board. Any incomplete or missing information, documentation or fees shall render the application incomplete. No license shall be issued unless all application requirements have been met. Incomplete applications will be considered abandoned after one year. Any applicable fees paid shall not be refunded.
(c) The applicant shall be forthright and open in the provision of information to the Board in the application process. No applicant shall be awarded a license who does not provide the Board with complete, open and honest responses to all requests for information.
(d) Any Board member, based on any response to any question or request for information on the application form, may request an applicant to provide any additional information that the Board member feels is necessary or useful to determine the applicant's ability to practice as an anesthesiologist assistant.
(e) The Board may require a criminal background check on all applicants for licensure. The fee shall be paid by the applicant.
(f) Fraud or misrepresentation in applying for or procuring a license or in connection with applying for or procuring renewal of a license may be grounds for denial or revocation by the Board.
(g) No person shall be licensed by the Board unless and until that person first fully complies with all licensure provisions of the Act and has satisfied the Board of the ability of that person to practice as an anesthesiologist assistant with reasonable skill and safety.

*[**Source:** Added at 27 Ok Reg 859, eff 4-25-10]*

**435:65-3-3. Required documentation**

(a) Applicants must submit the following:

(1) Application form and appropriate fee(s);

(2) Two personalized and individualized letters of recommendations from anesthesiologists as set out in Title 59 O.S., § 3206 (A).

(3) Passing scores on the examination administered through the NCCAA.

(4) Notarized statements containing the following information of :

(A) Proof of completion of three (3) hours of Category I continuing education on the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome as set out in Title 59 O.S., § 3206 (D) (1);

(B) Proof of completion of one (1) hour of continuing medical education on domestic violence as set out in Title 59 O.S., § 3206 (D) (2); and

(C) Proof of completion of two (2) hours of continuing medical education relating to prevention of medical errors as set out in Title 59 O.S., § 3206 (D) (3).

(5) Verification of licensure from each state from which a license is currently or has been held to practice in a medically related field.

(6) Background check.

(7) Written Protocol as set out in Title 59 O.S., ss. 3207.

(8) Proof of current ACLS certification

(9) Proof of malpractice insurance or proof of financial responsibility.

(b) Applicants who have never held an Oklahoma license and who have not practiced as a Anesthesiologist Assistant within the previous twelve (12) months wishing to obtain a license shall be required to make a personal appearance before the Committee and practice under the personal supervision of a licensed anesthesiologist for up to ninety (90) days with an evaluation provided to the Committee at the end of the supervised period. The Committee also may require additional continuing education units.

*[**Source:** Added at 27 Ok Reg 859, eff 4-25-10]*

**435:65-3-5. Licensure by endorsement**

The Board may issue a license to practice as an anesthesiologist assistant by endorsement to:

(1) Applicants for licensure by endorsement who are currently licensed to practice as a anesthesiologist assistant under the laws of another state, territory, or country if the qualifications of the applicant are deemed by the Board to be equivalent to those required in this state;

(2) Applicants applying for licensure by endorsement must provide a complete application as set out in OAC 435:60-3-3 and OAC 435:60-3-4. In addition, applicants must certify under oath that their credentials have not been suspended or revoked.

*[**Source:** Added at 27 Ok Reg 859, eff 4-25-10]*

## SUBCHAPTER 5. BIENNIAL RENEWAL

Section 435:65-5-1. Requirements for renewal of license
Section 435:65-5-2. Renewal procedure
Section 435:65-5-3. Late renewal

### 435:65-5-1. Requirements for renewal of license

(a) Licensees must renew their licenses biennially on or before October 31st.
(b) The application and fee for the renewal of the license shall be submitted, postmarked or hand delivered to the Board office no later than the expiration date. Licenses not renewed will be considered expired and the licensee may not practice.
(c) Each licensee is responsible for renewing the license on or before the required date and shall not be excused from paying additional fees or penalties.

*[**Source:** Added at 27 Ok Reg 859, eff 4-25-10]*

### 435:65-5-2. Renewal procedure

(a) Each licensee will be required to renew in a form required by the Board. Licensees will be notified at least thirty (30) days prior to the expiration date of the process to renew and required fee.
(b) The license renewal application for all licensees shall require in addition to other information, the preferred mailing address and primary practice address.
(c) The board shall not consider a license to be renewed until it receives the completed license renewal application, the required fees set by the Board, the protocol and proof of malpractice insurance or proof of financial responsibility
(d) The Board shall issue a renewal of license identification card to a licensee who has met all requirements for renewal.

*[**Source:** Added at 27 Ok Reg 859, eff 4-25-10]*

### 435:65-5-3. Late renewal

(a) The Board shall notify a person who has not renewed a license after a period of more than thirty (30) days that their license is expired.
(b) A person whose license is expired for not more than thirty (30) days may renew the license by paying a reinstatement fee of $100 in addition to the required renewal fee, if received within thirty (30) days of the end of the renewal period.
(c) A person whose license has been lapsed more than thirty (30) days shall meet all application requirements in effect at the time reinstatement is requested. In addition, the applicant may be required to meet one or more of the following:

(1) Personal appearance before the Committee;
(2) Additional continuing education units;
(3) Practice under the direct, personal supervision of a licensed anesthesiologist for up to ninety (90) days with an evaluation provided to the Committee at the end of the supervised period.
(4) After a period of 12 months of continuous inactivity as an anesthesiologist assistant, an applicant for reinstatement may be required to retake the test for initial licensure.

(e) A licensed anesthesiologist assistant who does not intend to engage in the practice must notify the Board of intent not to practice.
(f) The Board will replace a lost, damaged or destroyed license certificate or license identification card upon application by the licensee and payment of fees established by the Board. Applications must include an affidavit detailing the loss or destruction of the licensee's original license or license identification card, or be accompanied by the damaged certificate or card.

*[**Source:** Added at 27 Ok Reg 859, eff 4-25-10]*

## SUBCHAPTER 7. REGULATION OF PRACTICE

Section 435:65-7-1. Supervision
Section 435:65-7-2. Supervision; physician responsibility; independent care prohibited

### 435:65-7-1. Supervision

(a) An anesthesiologist assistant may only perform medical services under the direct supervision of a licensed anesthesiologist.

(1) Direct supervision requires at all times a continuing and close supervisory relationship between the anesthesiology assistant and the supervising anesthesiologist.

(2) Direct supervision and being immediately available does not necessarily require the continuous physical presence of the supervising anesthesiologist in the procedural room. The supervising anesthesiologist may cover cases in more than one procedural room, provided that the anesthesiologist remains readily available in the facility for immediate diagnosis and treatment of emergencies.

(3) Direct supervision does not prohibit the supervising anesthesiologist from addressing a life-threatening emergency in another location in the facility or office.

(b) Direct supervision requires the on-site, personal supervision by the supervising anesthesiologist who is at all instances immediately available to provide assistance and direction to the anesthesiologist assistant while anesthesia services are being performed.
(c) A licensed anesthesiologist may supervise up to four (4) anesthesiologist assistants concurrently. The limitation on the number of anesthesiologist assistants that an anesthesiologist may supervise in no way restricts the number of other qualified anesthesia providers that an anesthesiologist may concurrently supervise.

*[**Source:** Added at 27 Ok Reg 859, eff 4-25-10]*

### 435:65-7-2. Supervision; physician responsibility; independent care prohibited

(a) The health care services performed by a anesthesiologist assistant shall be done under the direct supervision of an anesthesiologist who retains responsibility for patient care.
(b) An anesthesiologist assistant must function only under the direct supervision of a licensed anesthesiologist. Nothing in the Anesthesiologist Assistant Act shall be construed to permit anesthesiologist assistants to provide health care services independent of anesthesiologist supervision.

*[**Source:** Added at 27 Ok Reg 859, eff 4-25-10]*