

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 10 MEDICINE AND SURGERY PRACTITIONERS
PART 19 QUALIFICATIONS & LICENSURE FOR ANESTHESIOLOGIST ASSISTANTS

16.10.19.1 ISSUING AGENCY: New Mexico Medical Board, hereafter called the board.
[16.10.19.1 NMAC - N, 8/11/01; A, 10/5/03]

16.10.19.2 SCOPE: This part applies anesthesiologist assistants and their supervising anesthesiologists.
[16.10.19.2 NMAC - N, 8/11/01]

16.10.19.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to and in accordance with the Anesthesiologist Assistants Act, Session Laws of 2001, Ch. 311, Sections 1 through 11.
[16.10.19.3 NMAC - N, 8/11/01]

16.10.19.4 DURATION: Permanent.
[16.10.19.4 NMAC - N, 8/11/01]

16.10.19.5 EFFECTIVE DATE: 8/11/01, unless a later date is cited at the end of a section.
[16.10.19.5 NMAC - N, 8/11/01; A, 9/21/09]

16.10.19.6 OBJECTIVE: This part regulates the licensing and practice of anesthesiologist assistants and their supervision by anesthesiologists.
[16.10.19.6 NMAC - N, 8/11/01]

16.10.19.7 DEFINITIONS:

A. “Lapsed” means a license that has not been renewed by September 30 of the expiration year and has been suspended for non-renewal. A license that has lapsed is not valid for practice in New Mexico.

B. “Suspended for non-renewal” means a license that has not been renewed by September 30 of the expiration year, and has at the discretion of the board, been lapsed.

C. “Supervising anesthesiologist” means an anesthesiologist currently and actively licensed in the state of New Mexico who meets the requirements of the act, who will function as the supervisor of the anesthesiologist assistant, and whose application to do so is accepted by the board.

[16.10.19.7 NMAC - N, 8/11/01; A, 9/21/09]

16.10.19.8 QUALIFICATIONS FOR LICENSURE:

A. Completion of a graduate level training program for anesthesiologist assistants accredited by the committee on allied health education and accreditation (CAHEA) of the American medical association or its successor agency.

B. Successful completion of the certification examination of the national commission on certification of anesthesiologist assistants (NCCAA).

C. Current ACLS certification.

D. Be of good moral and professional character.

E. Not have had a anesthesiologist assistant registration or license refused, suspended, or revoked by any other state for reasons that relate to the ability to perform skillfully and safely.

[16.10.19.8 NMAC - N, 8/11/01]

16.10.19.9 LICENSURE PROCESS: Each applicant for licensure as an anesthesiologist assistant shall submit the required fees as defined in Subsection A of 16.10.9.10 NMAC and following documentation.

A. A completed application for which the applicant has supplied all information and correspondence requested by the board on forms and in a manner acceptable to the board. Applications are valid for 1 year from the date of receipt.

B. Two letters of recommendation from board certified anesthesiologists licensed to practice medicine in the United States who have served as a supervisor of the applicant or anesthesiologist assistant program directors who have personal knowledge of the applicant’s moral character and competence to practice. Letters of recommendation must be sent directly to the board from the individual recommending the applicant.

C. Verification of licensure in all states where the applicant holds or has held a license to practice as an anesthesiologist assistant, or other health care profession. Verification must be sent directly to the board from the other state board(s). Verification must include an original seal; attest to current status, issue date, license number, and all other related information.

D. Applicants may be required to personally appear before the board or the board's designee for an interview and may present original documents, as the board requires.

E. The initial license is valid until July 1 of the next odd-numbered year.
[16.10.19.9 NMAC - N, 8/11/01]

16.10.19.10 SUPERVISION REQUIREMENTS:

A. Pursuant to Session Laws of 2001, Ch. 311, Section 9, an anesthesiologist may not supervise more than three (3) anesthesiologist assistants, except in emergency cases. An anesthesiologist shall not supervise, except in emergency cases, more than four anesthesia providers if at least one is an anesthesiologist assistant.

B. The supervising anesthesiologist shall submit written notice of intent to supervise an anesthesiologist assistant on forms prescribed by the board. These forms must be submitted and approved before the anesthesiologist assistant begins work. Supervising anesthesiologists who are notifying the board of their intent to supervise an anesthesiologist assistant with less than one year of experience will include a plan for providing enhanced supervision during the first year of practice.

C. An anesthesiologist assistant shall only work under the supervision of an anesthesiologist approved by the board.

D. Failure of the supervising anesthesiologist to comply with the Medical Practice Act and the rules may result in denial of approval for current or future anesthesiologist assistant supervision.

E. Except in cases of emergency, the supervising anesthesiologist must be present in the operating room during induction of a general or regional anesthetic and during emergence from a general anesthetic, and the presence of the supervising anesthesiologist must be documented in the patient record.

F. The supervising anesthesiologist must be present within the operating suite and immediately available to the operating room when an anesthesiologist assistant is performing anesthesia procedures.

G. The supervising anesthesiologist shall ensure that all activities, functions, services and treatment measures are properly documented in writing and that all anesthesia records are reviewed, countersigned and dated.
[16.10.19.10 NMAC - N, 8/11/01; A, 1/20/03; A, 10/5/03; A, 9/21/09]

16.10.19.11 TEMPORARY DELEGATION OF SUPERVISION: For periods of time not to exceed fourteen days a supervising anesthesiologist may delegate supervisory responsibilities to another anesthesiologist who meets the same requirements specified under "definitions" in the act and who is familiar with the rules governing the supervision of an anesthesiologist assistant.

[16.10.19.11 NMAC - N, 8/11/01]

16.10.19.12 RESPONSIBILITY OF ANESTHESIOLOGIST ASSISTANT:

A. To identify themselves to patients and others as an anesthesiologist assistant, and to wear a nametag or other identification when on duty clearly stating that they are an anesthesiologist assistant.

B. Register annually with the board on or before July 1.

C. Work only when under the supervision of a board approved anesthesiologist, or as delegated under the provisions of 16.10.19.11 NMAC.

D. Immediately report to the supervising anesthesiologist any unexpected or adverse peri-operative events, or incidents when the prescribed anesthetic deviates from its expected course.

E. Assure that except in cases of emergency, the supervising anesthesiologist is present in the operating room during induction of a general or regional anesthetic and during emergence from a general anesthetic, and the presence of the supervising anesthesiologist is documented in the patient record.

F. Practice within the defined scope of authority and all provisions of Session Laws of 2001, Ch. 311, Sections 1 through 11.

[16.10.19.12 NMAC - N, 8/11/01]

16.10.19.13 LICENSE EXPIRATION AND RENEWAL:

A. Anesthesiologist assistant licenses expire on July 1 of each odd-numbered year. A New Mexico anesthesiologist assistant license that has not been renewed by July 1 of the renewal year will remain temporarily

active with respect to medical practice until September 30 of the renewal year at which time, at the discretion of the board, the license may be suspended for non-renewal and the status changed to lapsed. Primary supervising anesthesiologist will be notified.

B. A completed renewal application, post-marked on or before July 1 of the renewal year, shall include the required fees as defined in Subsection B of 16.10.9.10 NMAC and certification of required continuing education.

C. The board assumes no responsibility for renewal applications not received by the licensee for any reason. It is the licensee's responsibility to make timely request for the renewal application if one has not been received.

D. Renewal applications postmarked or hand-delivered after July 1 will be subject to late penalties as defined in Subsection D of 16.10.9.10 NMAC.

E. The board may suspend for non-renewal and change the status to lapsed, on October 1 of the renewal year, the license of any anesthesiologist assistant who has failed within ninety days after the license renewal date either to renew their license, or to change the license status, or to pay all required fees, or to comply with NCCAA certification requirements, or to provide required documentation.

[16.10.19.13 NMAC - N, 8/11/01; A, 9/21/09]

16.10.19.14 INACTIVE STATUS AND REINSTATEMENT:

A. Upon request an anesthesiologist assistant may place the license on inactive status. Licensing or renewal fees already paid to the board will not be refunded, regardless of the date of the status change. A license placed in inactive status does not require payment of renewal fees.

B. An anesthesiologist assistant with a license in inactive status may not practice as an anesthesiologist assistant.

C. Re-instatement within two years. An inactive, lapsed, voluntarily lapsed or suspended license may be placed on active status upon completion of a renewal application in which the applicant has supplied all required fees and proof of current competence.

D. Re-instatement after two years. An inactive, lapsed, voluntarily lapsed or suspended license may be placed on active status upon completion of a re-instatement application for which the applicant has supplied all required fees, information and correspondence requested by the board on forms and in a manner acceptable to the board. Applicants may be required to personally appear before the board or the board's designee for an interview.

[16.10.19.14 NMAC - N, 8/11/01; A, 9/21/09]

16.10.19.15 CONTINUING EDUCATION:

A. Proof of forty hours of continuing education is required for each bi-annual renewal.

B. Current certification in advanced cardiac life support is also required for license renewal and the hours spent in refresher courses count as part of the required education hours.

C. Required continuing education will be prorated during the initial licensing period. Individuals licensed less than one year will require no continuing education for the initial renewal. Individuals licensed more than one year, but less than two years must submit proof of twenty hours of continuing education, including ACLS certification.

[16.10.19.15 NMAC - N, 8/11/01; A, 9/21/09]

16.10.19.16 SEVERABILITY: If any provision of this rule is determined to be void or illegal by a court of law or other authority, the remainder of the rule shall remain in full force and effect notwithstanding.

[16.10.19.16 NMAC - N, 8/11/01]

HISTORY OF 16.10.19 NMAC: [RESERVED]