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FISCAL IMPACT STATEMENT

LS 6944
BILL NUMBER: SB 273

NOTE PREPARED: Feb 25, 2013
BILL AMENDED: Feb 21, 2013

SUBJECT: Anesthesiologist Assistant Licensure.

FIRST AUTHOR: Sen. Miller Patricia
FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Anesthesiologist Assistants*- The bill requires anesthesiologist assistants (AA) to be licensed and to work under a supervising anesthesiologist.

Anesthesiologist Assistant Committee- The bill establishes the Anesthesiologist Assistant Committee (AAC) to make recommendations to the Medical Licensing Board (MLB) concerning the licensure of anesthesiologist assistants.

Protocol- The bill establishes requirements of the protocol entered into between the supervising anesthesiologist and the anesthesiologist assistant.

Criminal Penalties- The bill makes it a Class D felony for a person who acts as an anesthesiologist assistant without the required license. The bill makes it a Class B misdemeanor for an individual who professes to be an anesthesiologist assistant or uses the title "anesthesiologist assistant" without being licensed.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Anesthesiologist Assistant Committee*- The cost to establish the AAC is estimated at an average of \$3,600 annually. Estimated costs include per diem and travel for five AAC members, meeting agenda packaging and preparation for four meetings annually, signage costs, and Professional Licensing Agency staff time.

Anesthesiologist Assistants- Based on the current number of persons that have met the National Commission

on Certification of Anesthesiologist Assistants (NCCAA) the cost to process licenses, other than additional computer software updates, would likely be minimal. However, over time, costs to process licenses could be higher as more Indiana residents achieve an NCCAA certification or more persons with a certification move to Indiana seeking jobs in the AA field.

Secondary Impact to the MLB- The Medical Licensing Board would be the governing body that would set all fees and preside over all disciplinary matters regarding AA licenses. Whether the MLB would need additional meetings to hear disciplinary cases, would depend on the number of licensed persons that may commit a violation. It is likely the MLB would be able to set the AA license fee during the course of a regularly scheduled business meeting.

Criminal Penalties- A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Anesthesiologist Assistants-* If the licensing fee for AA's were set at \$150, revenue would likely be less than \$1,000 in the first year of implementation, unless additional persons from outside of Indiana with an NCCAA certification were to move to Indiana seeking employment as an anesthesiologist assistant. [See: Background Information for more detail.]

Disciplinary Fines- Current law allows for a civil penalty not to exceed \$1,000 per violation whenever a licensed practitioner has been disciplined by a professional board via a fine. If more health practitioners are disciplined, as a result of the bill, state revenues may increase slightly with the imposition of more civil penalties. Professional licensing civil penalties are placed in the state General Fund.

Criminal Penalties- If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. The maximum fine for a Class B misdemeanor is \$1,000. However, any additional revenues would likely be small.

Background Information- The NCCAA reports that there are four persons residing in Indiana that have an NCCAA certification. The State of Ohio has two licensed AA's with an Indiana home address. Ohio currently has about 150 actively licensed AA's. Ohio's population is nearly twice that of Indiana. If similar employment demands for AA's were to occur in Indiana over the next few years, the upper bound of Indiana licensees may reach 75 persons.

Explanation of Local Expenditures: *Criminal Penalties-* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small. A Class B misdemeanor is punishable by up to 180 days in jail.

Explanation of Local Revenues: *Criminal Penalties-* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Department of Correction; Professional Licensing Agency; Medical Licensing Board.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Felicia Kenan Boyles, Executive Director of the National Commission on Certification of Anesthesiologist Assistants; State of Ohio Professional Licensing Database: license.ohio.gov/lookup; Indiana Professional Licensing Agency.

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