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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

No. 286 Session of  
2001

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INTRODUCED BY BLAUM, GORDNER, DeWEESE, M. COHEN, BELARDI,  
YOUNGBLOOD, HALUSKA, CRUZ, TIGUE, FREEMAN, DAILEY, SURRA,  
STABACK, HORSEY, MUNDY, PRESTON, DeLUCA, McCALL, SHANER,  
WASHINGTON, HARHAI, THOMAS, JAMES, WATERS, SCHULER AND BEBKO-  
JONES, JANUARY 30, 2001

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 12, 2002

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AN ACT

1 Amending the act of May 1, 1933 (P.L.216, No.76), entitled "An  
2 act relating to dentistry; defining and providing for the  
3 licensing and registration of dentists and dental hygienists,  
4 and for the revocation and suspension of such licenses and  
5 registrations, subject to appeal, and for their  
6 reinstatement; defining the powers and duties of the State  
7 Dental Council and Examining Board and the Department of  
8 Public Instruction; providing penalties; and repealing  
9 existing laws," providing for functions of the Commissioner  
10 of Professional and Occupational Affairs; and further  
11 providing for anesthesia.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Section 11.2 of the act of May 1, 1933 (P.L.216,  
15 No.76), known as The Dental Law, added December 20, 1985  
16 (P.L.513, No.118), is amended to read:

17 Section 11.2. Anesthesia.--(a) [Prior to January 1, 1987,  
18 the] The board shall [promulgate regulations which:] DO ALL OF  
19 THE FOLLOWING:

20 (1) Establish minimal training and education or

1 certification for the issuance of permits to dentists to  
2 administer general anesthesia on an outpatient basis. [Such <—  
3 regulations] THE BOARD shall [include a requirement of] REQUIRE <—  
4 a minimum of one year in an approved program of advanced  
5 training in anesthesiology and related academic subjects, beyond  
6 the undergraduate dental school level.

7 (2) Establish further requirements relating to the use of  
8 general anesthesia, including, but not limited to, the  
9 collection of permit fees, temporary permit fees, biennial [the  
10 collection of biennial license and license] renewal fees, office  
11 inspection fees, clinical evaluation fees, equipment standards  
12 and the conducting of workplace inspections.

13 (3) Establish minimal training and education for the  
14 issuance of permits to dentists to administer conscious sedation  
15 on an outpatient basis. [Such regulations] THE BOARD shall <—  
16 [include] REQUIRE a minimum period of time of didactic <—  
17 instruction and clinical experience in an accredited educational  
18 institution or program.

19 (4) Establish further requirements relating to the use of  
20 conscious sedation, including, but not limited to, the  
21 collection of permit fees, temporary permit fees, biennial [the  
22 collection of biennial license and license] renewal fees, office  
23 inspection fees, clinical evaluation fees, equipment standards  
24 and the [conduct] conducting of workplace inspections.

25 (5) Establish minimal training and education for the  
26 issuance of permits to dentists to administer nitrous  
27 oxide/oxygen analgesia on an outpatient basis. [Such regulations <—  
28 shall include] THE BOARD SHALL REQUIRE a minimum period of time <—  
29 of didactic instruction or clinical experience in an accredited  
30 educational institution or program.

1 (6) Establish further requirements relating to the use of  
2 nitrous oxide/oxygen analgesia, including, but not limited to,  
3 the collection of permit fees, [the collection of biennial  
4 licenses and license] temporary permit fees, biennial renewal  
5 fees, equipment standards and the conduct of workplace  
6 inspections.

7 [(7) Establish fees for temporary permits which permits may  
8 be issued by the board for one year to a person whose  
9 application indicates that he possesses the necessary  
10 qualifications pending a complete processing of the  
11 application.]

12 (b) [The board may issue the appropriate permits in  
13 accordance with this section to a dentist who has been  
14 administering general anesthesia, conscious sedation agents or  
15 nitrous oxide or oxygen analgesia if the dentist submits  
16 evidence satisfactory to the board that he has been  
17 administering these agents for a period of at least five years  
18 prior to the effective date of this section and that the dentist  
19 has applied within one year of the effective date of the  
20 regulations.]

21 (1) Beginning April 1, 2004, prior to issuing initial  
22 permits to administer general anesthesia, DEEP SEDATION or <—  
23 conscious sedation, the board shall require permit applicants to  
24 satisfactorily undergo clinical evaluations and office  
25 inspections. The board may contract with dental SCHOOLS, <—  
26 organizations or individuals ~~expert~~ HAVING EXPERTISE in dental <—  
27 outpatient anesthesia to perform ~~such~~ THE office inspections and <—  
28 clinical evaluations. A written report of the results of all  
29 inspections and evaluations shall be provided to the board in a  
30 timely manner. If the results of the evaluation or inspection

1 are deemed unsatisfactory, subsequent evaluations or inspections  
2 may be conducted, within a reasonable time, upon written request  
3 of the applicant. No permit shall be issued until the applicant  
4 satisfactorily completes a clinical evaluation and office  
5 inspection.

6 (2) Beginning April 1, 2004, prior to issuing initial  
7 permits to administer nitrous oxide/oxygen analgesia, the board  
8 shall require permit applicants to provide the make, model and  
9 serial number of any nitrous oxide/oxygen analgesia equipment  
10 utilized by the applicant, and certification that the equipment  
11 is in proper working order. Thereafter, such permit holders  
12 shall provide evidence to the board that their equipment is  
13 properly calibrated, at least once every six years.

14 (3) The board shall ~~adopt by regulation those guidelines,~~ <—  
15 ESTABLISH standards and procedures necessary to perform clinical <—  
16 evaluations and office inspections. ~~Such guidelines, standards~~ <—  
17 ~~and procedures~~ WHICH shall include, but not be limited to, the <—  
18 requirement that equipment be maintained in good working order  
19 and in accordance with the manufacturer's specifications. The  
20 standards for equipment shall be updated periodically. All staff  
21 assisting in the administration of anesthesia shall, AT A <—  
22 MINIMUM, maintain a current certification to administer  
23 cardiopulmonary resuscitation (CPR).

24 (4) ~~Permit~~ THE BOARD SHALL REQUIRE PERMIT holders who travel <—  
25 to office locations other than their own to administer  
26 anesthesia ~~shall~~ TO ensure that the office location has the <—  
27 equipment required by ~~board regulation,~~ THE BOARD and that the <—  
28 staff is properly trained to handle anesthesia-related  
29 emergencies.

30 (5) A THE BOARD SHALL PROHIBIT A licensee who does not <—

1 possess a permit issued pursuant to this section shall not allow <—  
2 FROM ALLOWING general anesthesia, DEEP SEDATION, conscious <—  
3 sedation or nitrous oxide/oxygen analgesia to be administered on  
4 an outpatient basis in his or her dental office unless the  
5 office is in compliance with board regulations, including those <—  
6 regulations pertaining to equipment requirements and staffed  
7 with a supervised team of auxiliary personnel capable of  
8 appropriately managing procedures and emergencies incident to  
9 the administration of anesthesia. THIS SECTION, INCLUDING THE <—  
10 REQUIREMENTS PERTAINING TO EQUIPMENT AND STAFFING.

11 (6) As a condition of permit renewal for the biennial  
12 renewal period beginning April 1, 2005, THE BOARD SHALL REQUIRE <—  
13 permit holders for the administration of general anesthesia, <—  
14 DEEP SEDATION and conscious sedation shall TO have <—  
15 satisfactorily undergone a clinical evaluation and office  
16 inspection pursuant to this section. The board may waive this  
17 requirement for permit holders who can demonstrate to the  
18 board's satisfaction that he or she has satisfactorily undergone  
19 a clinical evaluation, administered by a dental AN organization <—  
20 acceptable to the board, within the six years immediately  
21 preceding the effective date of this clause. Thereafter, permit  
22 holders shall satisfactorily undergo clinical evaluations and  
23 office inspections at least once every six years.

24 (c) Beginning on April 1, 2004, the board may issue  
25 temporary permits to administer general anesthesia, DEEP <—  
26 SEDATION, conscious sedation or nitrous oxide/oxygen analgesia,  
27 which shall be valid for one year, to individuals whose  
28 application indicates that he or she possesses the necessary  
29 qualifications pending a complete processing of the application.  
30 Temporary permits shall not be subject to renewal.

1        (d) As a condition of permit renewal for the biennial  
2 renewal period beginning April 1, 2005, and all renewal periods  
3 thereafter, THE BOARD SHALL REQUIRE general anesthesia AND DEEP <—  
4 SEDATION permit holders shall TO have completed fifteen hours of <—  
5 board-approved courses of study related to general anesthesia  
6 and DEEP SEDATION, AND REQUIRE conscious sedation permit holders <—  
7 shall TO have completed fifteen hours of board-approved courses <—  
8 of study related to conscious sedation. Licensees who are not  
9 permit holders, but who maintain offices in which general  
10 anesthesia, DEEP SEDATION or conscious sedation is administered, <—  
11 shall have completed five hours of board-approved courses of  
12 study related to anesthesia. Continuing anesthesia education  
13 shall be credited toward a permit holder's or licensee's  
14 continuing education requirement under section 3(j.2) of this  
15 act.

16        (e) ~~Permit holders shall~~ THE BOARD SHALL REQUIRE PERMIT <—  
17 HOLDERS TO conduct a physical evaluation and take a medical  
18 history of a patient prior to the administration of general  
19 anesthesia, DEEP SEDATION, conscious sedation or nitrous <—  
20 oxide/oxygen analgesia, and maintain records of the physical  
21 evaluation, medical history and anesthesia procedures utilized.

22        (f) ~~Permit holders shall~~ THE BOARD SHALL REQUIRE PERMIT <—  
23 HOLDERS TO obtain the written informed consent of a patient  
24 prior to the administration of general anesthesia, DEEP <—  
25 SEDATION, conscious sedation or nitrous oxide/oxygen analgesia.  
26 The consent shall include, but not be limited to, a description  
27 of the procedure, its risks and possible alternative treatments.  
28 In the case of a minor patient, the consent shall be obtained  
29 from the minor's parent or guardian.

30        ~~(g) Noncompliance with any of the provisions of this section~~ <—

1 ~~shall be considered a violation of this act.~~

2 ~~(h) The board shall promulgate the regulations required by~~  
3 ~~this section within one year of the effective date of this~~  
4 ~~subsection. Thirty (30) days after the effective date of this~~  
5 ~~subsection and every thirty (30) days thereafter, the~~  
6 ~~Commissioner of Professional and Occupational Affairs shall~~  
7 ~~submit a written report on the status of regulations required~~  
8 ~~under this subsection to the Consumer Protection and~~  
9 ~~Professional Licensure Committee of the Senate and to the~~  
10 ~~Professional Licensure Committee of the House of~~  
11 ~~Representatives.~~

12 ~~Section 2. This act shall take effect in 30 days.~~

13 SECTION 2. THE STATE DENTAL COUNCIL AND EXAMINATION BOARD <—  
14 SHALL PROMULGATE REGULATIONS NECESSARY TO ADMINISTER THIS ACT  
15 WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION.

16 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 30 DAYS.