

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1394 Session of
1999

INTRODUCED BY BLAUM, CIVERA, GEORGE, SCHRODER, HALUSKA, TIGUE,
YOUNGBLOOD, HASAY, WALKO, E. Z. TAYLOR, TRELLO, STABACK,
MELIO, MUNDY, HARHAI, YUDICHAK, BELARDI, VEON AND SAYLOR,
APRIL 26, 1999

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 18, 2000

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," further providing for definitions and for <—
10 anesthesia.

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

13 ~~Section 1. Section 2 of the act of May 1, 1933 (P.L.216,~~ <—
14 ~~No.76), known as The Dental Law, is amended by adding a~~
15 ~~definition to read:~~

16 ~~Section 2. Definitions. * * *~~

17 ~~"Pediatric dental patient" means a dental patient who is~~
18 ~~under nine years of age.~~

19 ~~Section 2. Section 11.2 of the act, added December 20, 1985~~
20 ~~(P.L.513, No.118), is amended to read:~~

Section 11.2. Anesthesia. (a) Prior to January 1, 1987,
the board shall promulgate regulations which:

(1) Establish minimal training and education or
certification for the issuance of permits to dentists to
administer general anesthesia on an outpatient basis. Such
regulations shall include a requirement of a minimum of one year
in an approved program of advanced training in anesthesiology
and related academic subjects, beyond the undergraduate dental
school level.

(2) Establish further requirements relating to the use of
general anesthesia, including, but not limited to, the
collection of permit fees, the collection of biennial license
and license renewal fees and the conducting of workplace
inspections.

(3) Establish minimal training and education for the
issuance of permits to dentists to administer conscious sedation
on an outpatient basis. Such regulations shall include a minimum
period of time of didactic instruction and clinical experience
in an accredited educational institution or program.

(4) Establish further requirements relating to the use of
conscious sedation, including, but not limited to, the
collection of permit fees, the collection of biennial license
and license renewal fees and the conduct of workplace
inspections.

(5) Establish minimal training and education for the
issuance of permits to dentists to administer analgesia on an
outpatient basis. Such regulations shall include a minimum
period of time of didactic instruction or clinical experience in
an accredited educational institution or program.

(6) Establish further requirements relating to the use of

~~analgesia, including, but not limited to, the collection of permit fees, the collection of biennial licenses and license renewal fees and the conduct of workplace inspections.~~

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

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

~~(c) Prior to the administration of a general anesthetic, the written informed consent of the patient must be obtained. The consent must include a description of the procedure, its risks and possible alternative treatments.~~

~~(d) Dental procedures requiring the use of general anesthesia on a pediatric dental patient shall be performed in a hospital setting.~~

~~Section 3. This act shall take effect in 60 days.~~

SECTION 1. SECTION 11.2 OF THE ACT OF MAY 1, 1933 (P.L.216, NO.76), KNOWN AS THE DENTAL LAW, ADDED DECEMBER 20, 1985 (P.L.513, NO.118), IS AMENDED TO READ:

SECTION 11.2. ANESTHESIA.--(A) [PRIOR TO JANUARY 1, 1987, THE] THE BOARD SHALL PROMULGATE REGULATIONS WHICH:

(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 SHALL INCLUDE A REQUIREMENT OF A MINIMUM OF ONE YEAR
4 IN AN APPROVED PROGRAM OF ADVANCED TRAINING IN ANESTHESIOLOGY
5 AND RELATED ACADEMIC SUBJECTS, BEYOND THE UNDERGRADUATE DENTAL
6 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, [THE
10 COLLECTION OF BIENNIAL LICENSE AND LICENSE] BIENNIAL RENEWAL
11 FEES, OFFICE INSPECTION FEES, CLINICAL EVALUATION FEES,
12 EQUIPMENT STANDARDS 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 SHALL INCLUDE A MINIMUM
16 PERIOD OF TIME OF DIDACTIC INSTRUCTION AND CLINICAL EXPERIENCE
17 IN AN ACCREDITED EDUCATIONAL INSTITUTION OR PROGRAM.

18 (4) ESTABLISH FURTHER REQUIREMENTS RELATING TO THE USE OF
19 CONSCIOUS SEDATION, INCLUDING, BUT NOT LIMITED TO, THE
20 COLLECTION OF PERMIT FEES, TEMPORARY PERMIT FEES, [THE
21 COLLECTION OF BIENNIAL LICENSE AND LICENSE] BIENNIAL RENEWAL
22 FEES, OFFICE INSPECTION FEES, CLINICAL EVALUATION FEES,
23 EQUIPMENT STANDARDS AND THE [CONDUCT] CONDUCTING OF WORKPLACE
24 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 A MINIMUM PERIOD OF TIME OF DIDACTIC INSTRUCTION
29 OR CLINICAL EXPERIENCE IN AN ACCREDITED EDUCATIONAL INSTITUTION
30 OR PROGRAM.

(6) ESTABLISH FURTHER REQUIREMENTS RELATING TO THE USE OF
NITROUS OXIDE/OXYGEN ANALGESIA, INCLUDING, BUT NOT LIMITED TO,
THE COLLECTION OF PERMIT FEES, [THE COLLECTION OF BIENNIAL
LICENSES AND LICENSE] TEMPORARY PERMIT FEES, BIENNIAL RENEWAL
FEES, EQUIPMENT STANDARDS AND THE CONDUCT OF WORKPLACE
INSPECTIONS.

[(7) ESTABLISH FEES FOR TEMPORARY PERMITS WHICH PERMITS MAY
BE ISSUED BY THE BOARD FOR ONE YEAR TO A PERSON WHOSE
APPLICATION INDICATES THAT HE POSSESSES THE NECESSARY
QUALIFICATIONS PENDING A COMPLETE PROCESSING OF THE
APPLICATION.]

(B) [THE BOARD MAY ISSUE THE APPROPRIATE PERMITS IN
ACCORDANCE WITH THIS SECTION TO A DENTIST WHO HAS BEEN
ADMINISTERING GENERAL ANESTHESIA, CONSCIOUS SEDATION AGENTS OR
NITROUS OXIDE OR OXYGEN ANALGESIA IF THE DENTIST SUBMITS
EVIDENCE SATISFACTORY TO THE BOARD THAT HE HAS BEEN
ADMINISTERING THESE AGENTS FOR A PERIOD OF AT LEAST FIVE YEARS
PRIOR TO THE EFFECTIVE DATE OF THIS SECTION AND THAT THE DENTIST
HAS APPLIED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THE
REGULATIONS.]

(1) BEGINNING APRIL 1, 2003, PRIOR TO ISSUING INITIAL
PERMITS TO ADMINISTER GENERAL ANESTHESIA OR CONSCIOUS SEDATION,
THE BOARD SHALL REQUIRE PERMIT APPLICANTS TO SATISFACTORILY
UNDERGO CLINICAL EVALUATIONS AND OFFICE INSPECTIONS. THE BOARD
MAY CONTRACT WITH DENTAL ORGANIZATIONS OR INDIVIDUALS EXPERT IN
DENTAL OUTPATIENT ANESTHESIA TO PERFORM SUCH OFFICE INSPECTIONS
AND CLINICAL EVALUATIONS. A WRITTEN REPORT OF THE RESULTS OF ALL
INSPECTIONS AND EVALUATIONS SHALL BE PROVIDED TO THE BOARD IN A
TIMELY MANNER. IF THE RESULTS OF THE EVALUATION OR INSPECTION
ARE DEEMED UNSATISFACTORY, SUBSEQUENT EVALUATIONS OR INSPECTIONS

1 MAY BE CONDUCTED, WITHIN A REASONABLE TIME, UPON WRITTEN REQUEST
2 OF THE APPLICANT. NO PERMIT SHALL BE ISSUED UNTIL THE APPLICANT
3 SATISFACTORILY COMPLETES A CLINICAL EVALUATION AND OFFICE
4 INSPECTION.

5 (2) BEGINNING APRIL 1, 2003, PRIOR TO ISSUING INITIAL
6 PERMITS TO ADMINISTER NITROUS OXIDE/OXYGEN ANALGESIA, THE BOARD
7 SHALL REQUIRE PERMIT APPLICANTS TO PROVIDE THE MAKE, MODEL AND
8 SERIAL NUMBER OF ANY NITROUS OXIDE/OXYGEN ANALGESIA EQUIPMENT
9 UTILIZED BY THE APPLICANT, AND CERTIFICATION THAT THE EQUIPMENT
10 IS IN PROPER WORKING ORDER. THEREAFTER, SUCH PERMIT HOLDERS
11 SHALL PROVIDE EVIDENCE TO THE BOARD THAT THEIR EQUIPMENT IS
12 PROPERLY CALIBRATED, AT LEAST ONCE EVERY SIX YEARS.

13 (3) THE BOARD SHALL ADOPT BY REGULATION THOSE GUIDELINES,
14 STANDARDS AND PROCEDURES NECESSARY TO PERFORM CLINICAL
15 EVALUATIONS AND OFFICE INSPECTIONS. SUCH GUIDELINES, STANDARDS
16 AND PROCEDURES SHALL INCLUDE, BUT NOT BE LIMITED TO, THE
17 REQUIREMENT THAT EQUIPMENT BE MAINTAINED IN GOOD WORKING ORDER
18 AND IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS. THE
19 STANDARDS FOR EQUIPMENT SHALL BE UPDATED PERIODICALLY.

20 (4) PERMIT HOLDERS WHO TRAVEL TO OFFICE LOCATIONS OTHER THAN
21 THEIR OWN TO ADMINISTER ANESTHESIA SHALL ENSURE THAT THE OFFICE
22 LOCATION HAS THE EQUIPMENT REQUIRED BY BOARD REGULATION, AND
23 THAT THE STAFF IS PROPERLY TRAINED TO HANDLE ANESTHESIA-RELATED
24 EMERGENCIES.

25 (5) A LICENSEE WHO DOES NOT POSSESS A PERMIT ISSUED PURSUANT
26 TO THIS SECTION SHALL NOT ALLOW GENERAL ANESTHESIA, CONSCIOUS
27 SEDATION OR NITROUS OXIDE/OXYGEN ANALGESIA TO BE ADMINISTERED ON
28 AN OUTPATIENT BASIS IN HIS OR HER DENTAL OFFICE UNLESS THE
29 OFFICE IS IN COMPLIANCE WITH BOARD REGULATIONS, INCLUDING THOSE
30 REGULATIONS PERTAINING TO EQUIPMENT REQUIREMENTS AND STAFFED

1 WITH A SUPERVISED TEAM OF AUXILIARY PERSONNEL CAPABLE OF
2 APPROPRIATELY MANAGING PROCEDURES AND EMERGENCIES INCIDENT TO
3 THE ADMINISTRATION OF ANESTHESIA.

4 (6) AS A CONDITION OF PERMIT RENEWAL FOR THE BIENNIAL
5 RENEWAL PERIOD BEGINNING APRIL 1, 2003, PERMIT HOLDERS FOR THE
6 ADMINISTRATION OF GENERAL ANESTHESIA AND CONSCIOUS SEDATION
7 SHALL HAVE SATISFACTORILY UNDERGONE A CLINICAL EVALUATION AND
8 OFFICE INSPECTION PURSUANT TO THIS SECTION. THE BOARD MAY WAIVE
9 THIS REQUIREMENT FOR PERMIT HOLDERS WHO CAN DEMONSTRATE TO THE
10 BOARD'S SATISFACTION THAT HE OR SHE HAS SATISFACTORILY UNDERGONE
11 A CLINICAL EVALUATION, ADMINISTERED BY A DENTAL ORGANIZATION
12 ACCEPTABLE TO THE BOARD, WITHIN THE SIX YEARS IMMEDIATELY
13 PRECEDING THE EFFECTIVE DATE OF THIS CLAUSE. THEREAFTER, PERMIT
14 HOLDERS SHALL SATISFACTORILY UNDERGO CLINICAL EVALUATIONS AND
15 OFFICE INSPECTIONS AT LEAST ONCE EVERY SIX YEARS.

16 (C) BEGINNING ON APRIL 1, 2003, THE BOARD MAY ISSUE
17 TEMPORARY PERMITS TO ADMINISTER GENERAL ANESTHESIA, CONSCIOUS
18 SEDATION OR NITROUS OXIDE/OXYGEN ANALGESIA, WHICH SHALL BE VALID
19 FOR ONE YEAR, TO INDIVIDUALS WHOSE APPLICATION INDICATES THAT HE
20 OR SHE POSSESSES THE NECESSARY QUALIFICATIONS PENDING A COMPLETE
21 PROCESSING OF THE APPLICATION. TEMPORARY PERMITS SHALL NOT BE
22 SUBJECT TO RENEWAL.

23 (D) AS A CONDITION OF PERMIT RENEWAL FOR THE BIENNIAL
24 RENEWAL PERIOD BEGINNING APRIL 1, 2003, AND ALL RENEWAL PERIODS
25 THEREAFTER, GENERAL ANESTHESIA PERMIT HOLDERS SHALL HAVE
26 COMPLETED FIFTEEN HOURS OF BOARD-APPROVED COURSES OF STUDY
27 RELATED TO GENERAL ANESTHESIA AND CONSCIOUS SEDATION PERMIT
28 HOLDERS SHALL HAVE COMPLETED FIFTEEN HOURS OF BOARD-APPROVED
29 COURSES OF STUDY RELATED TO CONSCIOUS SEDATION. LICENSEES WHO
30 ARE NOT PERMIT HOLDERS, BUT WHO MAINTAIN OFFICES IN WHICH

1 GENERAL ANESTHESIA OR CONSCIOUS SEDATION IS ADMINISTERED, SHALL
2 HAVE COMPLETED FIVE HOURS OF BOARD-APPROVED COURSES OF STUDY
3 RELATED TO ANESTHESIA. CONTINUING ANESTHESIA EDUCATION SHALL BE
4 CREDITED TOWARD A PERMIT HOLDER'S OR LICENSEE'S CONTINUING
5 EDUCATION REQUIREMENT UNDER SECTION 3(J.2) OF THIS ACT.

6 (E) PERMIT HOLDERS SHALL CONDUCT A PHYSICAL EVALUATION AND
7 TAKE A MEDICAL HISTORY OF A PATIENT PRIOR TO THE ADMINISTRATION
8 OF GENERAL ANESTHESIA, CONSCIOUS SEDATION OR NITROUS
9 OXIDE/OXYGEN ANALGESIA, AND MAINTAIN RECORDS OF THE PHYSICAL
10 EVALUATION, MEDICAL HISTORY AND ANESTHESIA PROCEDURES UTILIZED.

11 (F) PERMIT HOLDERS SHALL OBTAIN THE WRITTEN INFORMED CONSENT
12 OF A PATIENT PRIOR TO THE ADMINISTRATION OF GENERAL ANESTHESIA,
13 CONSCIOUS SEDATION OR NITROUS OXIDE/OXYGEN ANALGESIA. THE
14 CONSENT SHALL INCLUDE, BUT NOT BE LIMITED TO, A DESCRIPTION OF
15 THE PROCEDURE, ITS RISKS AND POSSIBLE ALTERNATIVE TREATMENTS. IN
16 THE CASE OF A MINOR PATIENT, THE CONSENT SHALL BE OBTAINED FROM
17 THE MINOR'S PARENT OR GUARDIAN.

18 (G) NONCOMPLIANCE WITH ANY OF THE PROVISIONS OF THIS SECTION
19 SHALL BE CONSIDERED A VIOLATION OF THIS ACT.

20 (H) THE BOARD SHALL PROMULGATE THE REGULATIONS REQUIRED BY
21 THIS SECTION WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS
22 SUBSECTION.

23 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 30 DAYS.