

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 AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 2, 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," 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 1. THE ACT OF MAY 1, 1933 (P.L.216, NO.76), KNOWN AS <—
18 THE DENTAL LAW, IS AMENDED BY ADDING A SECTION TO READ:

19 SECTION 3.2. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL
20 AFFAIRS.--THIRTY (30) DAYS AFTER THE EFFECTIVE DATE OF THIS
21 SECTION AND EVERY THIRTY (30) DAYS THEREAFTER, THE COMMISSIONER

1 OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS SHALL SUBMIT A WRITTEN
2 REPORT ON THE STATUS OF REGULATIONS REQUIRED UNDER SECTION 11.2
3 TO THE CONSUMER PROTECTION AND PROFESSIONAL LICENSURE COMMITTEE
4 OF THE SENATE AND TO THE PROFESSIONAL LICENSURE COMMITTEE OF THE
5 HOUSE OF REPRESENTATIVES.

6 SECTION 2. SECTION 11.2 OF THE ACT, ADDED DECEMBER 20, 1985
7 (P.L.513, NO.118), IS AMENDED TO READ:

8 Section 11.2. Anesthesia.--(a) [Prior to January 1, 1987,
9 the] The board shall promulgate regulations which:

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

17 (2) Establish further requirements relating to the use of
18 general anesthesia, including, but not limited to, the
19 collection of permit fees, temporary permit fees, [the
20 collection of biennial license and license] biennial renewal
21 fees, office inspection fees, clinical evaluation fees,
22 equipment standards and the conducting of workplace inspections.

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

28 (4) Establish further requirements relating to the use of
29 conscious sedation, including, but not limited to, the
30 collection of permit fees, temporary permit fees, [the

1 collection of biennial license and license] biennial renewal
2 fees, office inspection fees, clinical evaluation fees,
3 equipment standards and the [conduct] conducting of workplace
4 inspections.

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

11 (6) Establish further requirements relating to the use of
12 nitrous oxide/oxygen analgesia, including, but not limited to,
13 the collection of permit fees, [the collection of biennial
14 licenses and license] temporary permit fees, biennial renewal
15 fees, equipment standards and the conduct of workplace
16 inspections.

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

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

1 (1) Beginning April 1, 2003, prior to issuing initial
2 permits to administer general anesthesia or conscious sedation,
3 the board shall require permit applicants to satisfactorily
4 undergo clinical evaluations and office inspections. The board
5 may contract with dental organizations or individuals expert in
6 dental outpatient anesthesia to perform such office inspections
7 and clinical evaluations. A written report of the results of all
8 inspections and evaluations shall be provided to the board in a
9 timely manner. If the results of the evaluation or inspection
10 are deemed unsatisfactory, subsequent evaluations or inspections
11 may be conducted, within a reasonable time, upon written request
12 of the applicant. No permit shall be issued until the applicant
13 satisfactorily completes a clinical evaluation and office
14 inspection.

15 (2) Beginning April 1, 2003, prior to issuing initial
16 permits to administer nitrous oxide/oxygen analgesia, the board
17 shall require permit applicants to provide the make, model and
18 serial number of any nitrous oxide/oxygen analgesia equipment
19 utilized by the applicant, and certification that the equipment
20 is in proper working order. Thereafter, such permit holders
21 shall provide evidence to the board that their equipment is
22 properly calibrated, at least once every six years.

23 (3) The board shall adopt by regulation those guidelines,
24 standards and procedures necessary to perform clinical
25 evaluations and office inspections. Such guidelines, standards
26 and procedures shall include, but not be limited to, the
27 requirement that equipment be maintained in good working order
28 and in accordance with the manufacturer's specifications. The
29 standards for equipment shall be updated periodically. ALL STAFF <—
30 ASSISTING IN THE ADMINISTRATION OF ANESTHESIA SHALL MAINTAIN A

CURRENT CERTIFICATION TO ADMINISTER CARDIOPULMONARY
RESUSCITATION (CPR).

(4) Permit holders who travel to office locations other than their own to administer anesthesia shall ensure that the office location has the equipment required by board regulation, and that the staff is properly trained to handle anesthesia-related emergencies.

(5) A licensee who does not possess a permit issued pursuant to this section shall not allow general anesthesia, conscious sedation or nitrous oxide/oxygen analgesia to be administered on an outpatient basis in his or her dental office unless the office is in compliance with board regulations, including those regulations pertaining to equipment requirements and staffed with a supervised team of auxiliary personnel capable of appropriately managing procedures and emergencies incident to the administration of anesthesia.

(6) As a condition of permit renewal for the biennial renewal period beginning April 1, 2003, permit holders for the administration of general anesthesia and conscious sedation shall have satisfactorily undergone a clinical evaluation and office inspection pursuant to this section. The board may waive this requirement for permit holders who can demonstrate to the board's satisfaction that he or she has satisfactorily undergone a clinical evaluation, administered by a dental organization acceptable to the board, within the six years immediately preceding the effective date of this clause. Thereafter, permit holders shall satisfactorily undergo clinical evaluations and office inspections at least once every six years.

(c) Beginning on April 1, 2003, the board may issue temporary permits to administer general anesthesia, conscious

1 sedation or nitrous oxide/oxygen analgesia, which shall be valid
2 for one year, to individuals whose application indicates that he
3 or she possesses the necessary qualifications pending a complete
4 processing of the application. Temporary permits shall not be
5 subject to renewal.

6 (d) As a condition of permit renewal for the biennial
7 renewal period beginning April 1, 2003, and all renewal periods
8 thereafter, general anesthesia permit holders shall have
9 completed fifteen hours of board-approved courses of study
10 related to general anesthesia and conscious sedation permit
11 holders shall have completed fifteen hours of board-approved
12 courses of study related to conscious sedation. Licensees who
13 are not permit holders, but who maintain offices in which
14 general anesthesia or conscious sedation is administered, shall
15 have completed five hours of board-approved courses of study
16 related to anesthesia. Continuing anesthesia education shall be
17 credited toward a permit holder's or licensee's continuing
18 education requirement under section 3(j.2) of this act.

19 (e) Permit holders shall conduct a physical evaluation and
20 take a medical history of a patient prior to the administration
21 of general anesthesia, conscious sedation or nitrous
22 oxide/oxygen analgesia, and maintain records of the physical
23 evaluation, medical history and anesthesia procedures utilized.

24 (f) Permit holders shall obtain the written informed consent
25 of a patient prior to the administration of general anesthesia,
26 conscious sedation or nitrous oxide/oxygen analgesia. The
27 consent shall include, but not be limited to, a description of
28 the procedure, its risks and possible alternative treatments. In
29 the case of a minor patient, the consent shall be obtained from
30 the minor's parent or guardian.

1 (g) Noncompliance with any of the provisions of this section
2 shall be considered a violation of this act.

3 (h) The board shall promulgate the regulations required by
4 this section within one year of the effective date of this
5 subsection.

6 Section ~~2~~ 3. This act shall take effect in 30 days.

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