

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 286 Session of
2001

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

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 13, 2001

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

16 ~~Section 3.2. Commissioner of Professional and Occupational~~
17 ~~Affairs. Thirty (30) days after the effective date of this~~
18 ~~section and every thirty (30) days thereafter, the Commissioner~~
19 ~~of Professional and Occupational Affairs shall submit a written~~
20 ~~report on the status of regulations required under section 11.2~~
21 ~~to the Consumer Protection and Professional Licensure Committee~~

1 ~~of the Senate and to the Professional Licensure Committee of the~~
2 ~~House of Representatives.~~

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

5 SECTION 1. SECTION 11.2 OF THE ACT OF MAY 1, 1933 (P.L.216, <—
6 NO.76), KNOWN AS THE DENTAL LAW, 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, biennial [the
20 collection of biennial license and license] renewal fees, office
21 inspection fees, clinical evaluation fees, equipment standards
22 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, biennial [the

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

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

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

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

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

30 (1) Beginning April 1, 2004, prior to issuing initial

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

14 (2) Beginning April 1, 2004, prior to issuing initial
15 permits to administer nitrous oxide/oxygen analgesia, the board
16 shall require permit applicants to provide the make, model and
17 serial number of any nitrous oxide/oxygen analgesia equipment
18 utilized by the applicant, and certification that the equipment
19 is in proper working order. Thereafter, such permit holders
20 shall provide evidence to the board that their equipment is
21 properly calibrated, at least once every six years.

22 (3) The board shall adopt by regulation those guidelines,
23 standards and procedures necessary to perform clinical
24 evaluations and office inspections. Such guidelines, standards
25 and procedures shall include, but not be limited to, the
26 requirement that equipment be maintained in good working order
27 and in accordance with the manufacturer's specifications. The
28 standards for equipment shall be updated periodically. All staff
29 assisting in the administration of anesthesia shall maintain a
30 current certification to administer cardiopulmonary

1 resuscitation (CPR).

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

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

16 (6) As a condition of permit renewal for the biennial
17 renewal period beginning April 1, 2004 2005, permit holders for <—
18 the administration of general anesthesia and conscious sedation
19 shall have satisfactorily undergone a clinical evaluation and
20 office inspection pursuant to this section. The board may waive
21 this requirement for permit holders who can demonstrate to the
22 board's satisfaction that he or she has satisfactorily undergone
23 a clinical evaluation, administered by a dental organization
24 acceptable to the board, within the six years immediately
25 preceding the effective date of this clause. Thereafter, permit
26 holders shall satisfactorily undergo clinical evaluations and
27 office inspections at least once every six years.

28 (c) Beginning on April 1, 2004, the board may issue
29 temporary permits to administer general anesthesia, conscious
30 sedation or nitrous oxide/oxygen analgesia, which shall be valid

1 for one year, to individuals whose application indicates that he
2 or she possesses the necessary qualifications pending a complete
3 processing of the application. Temporary permits shall not be
4 subject to renewal.

5 (d) As a condition of permit renewal for the biennial
6 renewal period beginning April 1, 2004 2005, and all renewal <—
7 periods thereafter, general anesthesia permit holders shall have
8 completed fifteen hours of board-approved courses of study
9 related to general anesthesia and conscious sedation permit
10 holders shall have completed fifteen hours of board-approved
11 courses of study related to conscious sedation. Licensees who
12 are not permit holders, but who maintain offices in which
13 general anesthesia or conscious sedation is administered, shall
14 have completed five hours of board-approved courses of study
15 related to anesthesia. Continuing anesthesia education shall be
16 credited toward a permit holder's or licensee's continuing
17 education requirement under section 3(j.2) of this act.

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

23 (f) Permit holders shall obtain the written informed consent
24 of a patient prior to the administration of general anesthesia,
25 conscious sedation or nitrous oxide/oxygen analgesia. The
26 consent shall include, but not be limited to, a description of
27 the procedure, its risks and possible alternative treatments. In
28 the case of a minor patient, the consent shall be obtained from
29 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 3 2. This act shall take effect in 30 days. <—