

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 2651 Session of  
2004

---

INTRODUCED BY GANNON, BLAUM AND MARKOSEK, MAY 27, 2004

---

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 27, 2004

---

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 powers and duties of  
10 the board and for anesthesia.

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

13 Section 1. Section 3(j) of the act of May 1, 1933 (P.L.216,  
14 No.76), known as The Dental Law, amended July 11, 1996 (P.L.657,  
15 No.113), is amended to read:

16 Section 3. General Powers of the State Board of Dentistry.--  
17 The State Board of Dentistry (hereinafter called the board)  
18 shall have the following powers and duties:

19 \* \* \*

20 (j) [To] Subject to section 11.2(g), to provide for,  
21 regulate, and require biennial renewals of all persons licensed  
22 or certified in accordance with the provisions of this act; to

1 prescribe the form of such renewals; to require, as a condition  
2 precedent to such biennial renewal, the payment of such biennial  
3 renewal fee as shall be fixed by regulation of the board, the  
4 maintenance of certification in cardiopulmonary resuscitation  
5 and the demonstration of continuing education credits required  
6 under this act; to issue biennial renewals to such persons; and  
7 to suspend or revoke the license or certificate of such persons  
8 as fail, refuse or neglect to renew biennially, comply with the  
9 requirements of subsection (j.2), or pay the appropriate fee.

10 \* \* \*

11 Section 2. Section 11.2(b) and (c) of the act, amended  
12 November 25, 2002 (P.L.1109, No.135), are amended and the  
13 section is amended by adding a subsection to read:

14 Section 11.2. Anesthesia.--\* \* \*

15 (b) (1) [Beginning April 1, 2004] Except as provided in  
16 subsection (g), beginning June 1, 2005, prior to issuing initial  
17 permits to administer general anesthesia, deep sedation or  
18 conscious sedation, the board shall require permit applicants to  
19 satisfactorily undergo clinical evaluations and office  
20 inspections. The board may contract with dental schools,  
21 organizations or individuals having expertise in dental  
22 outpatient anesthesia to perform the office inspections and  
23 clinical evaluations. A written report of the results of [all  
24 inspections and evaluations] each inspection and evaluation  
25 shall be provided to the board in a timely manner. If the  
26 results of the evaluation or inspection are deemed  
27 unsatisfactory, subsequent evaluations or inspections may be  
28 conducted within a reasonable time upon written request of the  
29 applicant. No permit shall be issued until the applicant  
30 satisfactorily completes a clinical evaluation and office

1 inspection. A person that conducts an office inspection or  
2 clinical evaluation for the board shall not be liable for civil  
3 damages arising out of the person's conduct in performing the  
4 inspection or evaluation unless the conduct amounts to gross  
5 negligence, recklessness or willful misconduct.

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

15 (3) The board shall establish standards and procedures  
16 necessary to perform clinical evaluations and office inspections  
17 which shall include the requirement that equipment be maintained  
18 in good working order and in accordance with the manufacturer's  
19 specifications. The standards for equipment shall be updated  
20 periodically. All staff assisting in the administration of  
21 anesthesia shall, at a minimum, maintain a current certification  
22 to administer cardiopulmonary resuscitation (CPR).

23 (4) The board shall require permit holders who travel to  
24 office locations other than their own to administer anesthesia  
25 to ensure that the office location has the equipment required by  
26 the board and that the staff is properly trained to handle  
27 anesthesia-related emergencies.

28 (5) The board shall prohibit a licensee who does not possess  
29 a permit issued pursuant to this section from allowing general  
30 anesthesia, deep sedation, conscious sedation or nitrous

1 oxide/oxygen analgesia to be administered on an outpatient basis  
2 in his or her dental office unless the office is in compliance  
3 with this section, including the requirements pertaining to  
4 equipment and staffing.

5 (6) As a condition of permit renewal for the biennial  
6 renewal period beginning April 1, 2005, the board shall require  
7 permit holders for the administration of general anesthesia,  
8 deep sedation and conscious sedation to have satisfactorily  
9 undergone a clinical evaluation and office inspection pursuant  
10 to this section. The board may waive this requirement for permit  
11 holders who can demonstrate to the board's satisfaction that he  
12 or she has satisfactorily undergone a clinical evaluation,  
13 administered by an organization acceptable to the board, within  
14 the six years immediately preceding the effective date of this  
15 clause. Thereafter, permit holders shall satisfactorily undergo  
16 clinical evaluations and office inspections at least once every  
17 six years.

18 (c) [Beginning] Except as set forth in subsection (g),  
19 beginning on April 1, 2004, the board may issue temporary  
20 permits to administer general anesthesia, deep sedation,  
21 conscious sedation or nitrous oxide/oxygen analgesia, which  
22 shall be valid for one year, to individuals whose application  
23 indicates that he or she possesses the necessary qualifications  
24 pending a complete processing of the application. Temporary  
25 permits shall not be subject to renewal.

26 \* \* \*

27 (g) If, by March 1, 2005, the board does not deliver final  
28 regulations to the Consumer Protection and Professional  
29 Licensure Committee of the Senate and the Professional Licensure  
30 Committee of the House of Representatives, the following apply:

1       (1) After March 31, 2005, the board shall have no power to  
2 issue initial permits under subsection (b)(1) or (2) or to issue  
3 temporary permits under subsection (c).

4       (2) After March 31, 2007, the board shall have no power to  
5 renew a permit referred to in subsection (b)(6) unless there is  
6 a waiver under subsection (b)(6).

7       Section 3. This act shall take effect immediately.