

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1603 Session of 2013

INTRODUCED BY CHRISTIANA, CUTLER, HELM, AUMENT, MUSTIO, KILLION, BURNS, D. COSTA, HARKINS, KOTIK, RAVENSTAHL, GIBBONS, BENNINGHOFF, R. MILLER, SWANGER, O'BRIEN, HICKERNELL, MAHER, HARHAI, GODSHALL, GILLEN, COHEN, MARSHALL, HACKETT, SABATINA, BRIGGS, WATERS, MATZIE, DeLUCA, MULLERY, MENTZER, SONNEY, SIMMONS, KORTZ, GILLESPIE, GINGRICH, DERMODY, TURZAI, HANNA, P. DALEY, ADOLPH, STURLA, J. HARRIS, KIRKLAND, BISHOP, KULA, M. DALEY, QUINN, MICOZZIE, MILLARD, STEVENSON, SCHLOSSBERG, GALLOWAY, FARINA, CALTAGIRONE, FLYNN AND VEREB, JULY 1, 2013

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 12, 2013

AN ACT

1 Amending the act of December 20, 1985 (P.L.457, No.112),
2 entitled "An act relating to the right to practice medicine
3 and surgery and the right to practice medically related acts;
4 reestablishing the State Board of Medical Education and
5 Licensure as the State Board of Medicine and providing for
6 its composition, powers and duties; providing for the
7 issuance of licenses and certificates and the suspension and
8 revocation of licenses and certificates; providing penalties;
9 and making repeals," providing for the provision of
10 anesthesia care in certain settings; and conferring powers
11 and imposing duties on the Department of Health.

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

14 ~~Section 1. Section 2 of the act of December 20, 1985~~ <--
15 ~~(P.L.457, No.112), known as the Medical Practice Act of 1985, is~~
16 ~~amended by adding a definition to read:~~

17 ~~Section 2. Definitions.~~

18 ~~The following words and phrases when used in this act shall~~

1 ~~have the meanings given to them in this section unless the~~
2 ~~context clearly indicates otherwise:~~

3 * * *

4 ~~"Anesthesiologist." A physician who has successfully~~
5 ~~completed an approved residency training program in the medical~~
6 ~~specialty of anesthesiology.~~

7 * * *

8 Section 2. ~~The act is amended by adding a section to read:~~

9 SECTION 1. THE ACT OF DECEMBER 20, 1985 (P.L.457, NO.112), <--
10 KNOWN AS THE MEDICAL PRACTICE ACT OF 1985, IS AMENDED BY ADDING
11 A SECTION TO READ:

12 Section 45.1. Provision and supervision of anesthesia care.

13 (a) General rule.--Anesthesia care in a hospital may SHALL <--
14 be provided only by any of the following: <--

15 (1) An anesthesiologist.

16 (2) A QUALIFIED physician. who is not an <--
17 anesthesiologist and who is privileged by a hospital to
18 provide anesthesia care upon finding that the physician can
19 provide all of the following:

20 (i) The services and procedures commonly employed to
21 render a patient insensible to pain for the performance
22 of surgical, obstetrical or other necessary clinical
23 procedures.

24 (ii) Support of life functions during the period of
25 anesthesia.

26 (iii) Advanced cardiac life support.

27 (iv) Appropriate preanesthesia and postanesthesia
28 management for the patient.

29 (v) Consultation regarding anesthesiology related
30 patient care, such as inhalation therapy, emergency

~~cardiopulmonary resuscitation and special problems in post surgical pain relief, unless these responsibilities are assigned to another physician who is judged by medical staff peer evaluation to be specially well-qualified and who is willing and able to assume the responsibilities.~~

(3) A physician enrolled in a residency program in anesthesia or oral surgery.

(4) A DENTIST ANESTHETIST.

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~~(4) A nurse anesthetist authorized by the State Board of Nursing to provide anesthesia care and who is under the supervision of either or the following:~~

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(5) A NURSE ANESTHETIST AUTHORIZED BY THE STATE BOARD OF NURSING TO PROVIDE ANESTHESIA CARE AND WHO IS UNDER THE SUPERVISION OF EITHER OF THE FOLLOWING:

<--

(i) An individual under paragraph (1) or (2), who is immediately available when needed AN ANESTHESIOLOGIST.

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(ii) The operating surgeon PHYSICIAN.

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~~(b) Students. A student enrolled in an educational program at a school accredited by the Council on Accreditation of Educational Programs of Nurse Anesthetist of the American Association of Nurse Anesthetist, as approved by the State Board of Nursing, may provide supervised anesthesia care if the care complies with regulations relating to patient safety promulgated by the Department of Health.~~

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~~(c) Effect on unrestricted permits. Nothing in this section shall affect the ability of a dentist anesthetist or of an oral surgeon who has received an unrestricted permit from the State Board of Dentistry authorizing the dentist anesthetist or oral surgeon to administer general anesthesia and deep sedation and~~

1 ~~who is performing the surgery for which the anesthesia is being~~
2 ~~provided to provide anesthesia care.~~

3 ~~(d) Delegation. Nothing in this section shall restrict the~~
4 ~~authority of a physician to delegate the performance of~~
5 ~~anesthesia services, subject to the criteria and requirements as~~
6 ~~under section 17 of this act, provided the provision of~~
7 ~~anesthesia services is supervised by either of the following:~~

8 ~~(1) An individual under subsection (a) (1) or (2) who is~~
9 ~~immediately available when needed.~~

10 ~~(2) The operating surgeon.~~

11 ~~(e) Regulations. The Department of Health shall promulgate~~
12 ~~regulations to implement the provisions of this section.~~

13 ~~(6) SUPERVISED STUDENT NURSE TRAINEES ENROLLED IN A~~ <--
14 ~~COURSE APPROVED BY THE AMERICAN ASSOCIATION OF NURSE~~
15 ~~ANESTHETISTS.~~

16 ~~(B) REGULATION.--NOTHING IN THIS SECTION SHALL AFFECT THE~~
17 ~~PROVISIONS OF 28 PA. CODE § 123.7 (RELATING TO DENTAL~~
18 ~~ANESTHETIST AND NURSE ANESTHETIST QUALIFICATIONS). NOTHING IN~~ <--
19 ~~THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE THE BOARD TO~~
20 ~~REGULATE NURSE ANESTHETISTS.~~

21 Section 3 2. This act shall take effect in 60 days. <--