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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 697 Session of  
2019

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INTRODUCED BY KILLION, REGAN, SCAVELLO, DINNIMAN, FONTANA,  
MARTIN AND MENSCH, MAY 31, 2019

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
MAY 31, 2019

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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; provided penalties;  
9 and making repeals," providing for provision and supervision  
10 of anesthesia care.

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

13 Section 1. Legislative intent.--It is the intent of the  
14 General Assembly to vest jurisdiction and authority in the State  
15 Board of Medicine over the practice of anesthesia in this  
16 Commonwealth, including anesthesia services provided in  
17 hospitals, ambulatory care facilities and all other health care  
18 facilities, and with respect to supervision of professional  
19 services rendered by nurse anesthetists. This act is intended to  
20 require a physician to supervise the professional services  
21 rendered by nurse anesthetists in this Commonwealth.

1 Section 2. The act of December 20, 1985 (P.L.457, No.112),  
2 known as the Medical Practice Act of 1985, is amended by adding  
3 a section to read:

4 Section 45.1. Provision and supervision of anesthesia care.

5 (a) Subject of regulation.--The practice of anesthesia,  
6 including, but not limited to, anesthesia services provided in  
7 hospitals, ambulatory care facilities and other health care  
8 facilities, constitutes the practice of medicine and shall be  
9 regulated by the board.

10 (b) General rule.--Anesthesia care in a hospital, ambulatory  
11 care facility or other health care facility shall be provided by  
12 any of the following:

13 (1) An anesthesiologist.

14 (2) A physician qualified to supervise anesthesia care.

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

17 (4) A dentist anesthetist.

18 (5) A nurse anesthetist who is authorized by the State  
19 Board of Nursing to provide anesthesia care and is under the  
20 supervision of either:

21 (i) an anesthesiologist; or

22 (ii) the physician performing the operation or other  
23 procedure requiring anesthesia services, if that  
24 physician is qualified to supervise anesthesia care.

25 (6) A supervised student nurse trainee enrolled in a  
26 course approved by the American Association of Nurse  
27 Anesthetists.

28 (c) Physicians qualified to supervise anesthesia care.--The  
29 board shall promulgate regulations, consistent with this  
30 section, defining the qualifications required for

1 nonanesthesiologist physicians to supervise anesthesia care.

2 (d) Existing regulations.--Nothing in this section shall be  
3 construed to affect the provisions of any duly promulgated  
4 regulation relating to dental anesthetist and nurse anesthetist  
5 qualifications.

6 (e) Abrogation of inconsistent regulations.--Any regulation  
7 promulgated by the Department of Health or the State Board of  
8 Nursing is abrogated to the extent of any inconsistency with  
9 this act.

10 (f) Definition.--As used in this section "supervision" means  
11 that:

12 (1) an anesthesia procedure or service is furnished  
13 under a qualified physician's direction and control; and

14 (2) the qualified physician is immediately available to  
15 provide assistance and direction throughout the performance  
16 of the anesthesia procedure or service, regardless of whether  
17 or not the qualified physician is present in the room for the  
18 entirety of the anesthesia procedure or service.

19 Section 3. This act shall take effect immediately.