

No. 2002-135

AN ACT

HB 286

Amending the act of May 1, 1933 (P.L.216, No.76), entitled "An act relating to dentistry; defining and providing for the licensing and registration of dentists and dental hygienists, and for the revocation and suspension of such licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction; providing penalties; and repealing existing laws," providing for functions of the Commissioner of Professional and Occupational Affairs; and further providing for anesthesia.

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

Section 1. Section 11.2 of the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, added December 20, 1985 (P.L.513, No.118), is amended to read:

Section 11.2. Anesthesia.—(a) **[Prior to January 1, 1987, the] *The board shall [promulgate regulations which:] do all of the following:***

(1) Establish minimal training and education or certification for the issuance of permits to dentists to administer general anesthesia on an outpatient basis. **[Such regulations] *The board shall [include a requirement of] require*** a minimum of one year in an approved program of advanced training in anesthesiology and related academic subjects, beyond the undergraduate dental school level.

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

(3) Establish minimal training and education for the issuance of permits to dentists to administer conscious sedation on an outpatient basis. **[Such regulations] *The board shall [include] require*** a minimum period of time of didactic instruction and clinical experience in an accredited educational institution or program.

(4) Establish further requirements relating to the use of conscious sedation, including, but not limited to, the collection of permit fees, ***temporary permit fees, biennial [the collection of biennial license and license] renewal fees, office inspection fees, clinical evaluation fees, equipment standards*** and the **[conduct] *conducting*** of workplace inspections.

(5) Establish minimal training and education for the issuance of permits to dentists to administer ***nitrous oxide/oxygen*** analgesia on an outpatient basis. **[Such regulations shall include] *The board shall require*** a

minimum period of time of didactic instruction or clinical experience in an accredited educational institution or program.

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

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

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

(1) Beginning April 1, 2004, prior to issuing initial permits to administer general anesthesia, deep sedation or conscious sedation, the board shall require permit applicants to satisfactorily undergo clinical evaluations and office inspections. The board may contract with dental schools, organizations or individuals having expertise in dental outpatient anesthesia to perform the office inspections and clinical evaluations. A written report of the results of all inspections and evaluations shall be provided to the board in a timely manner. If the results of the evaluation or inspection are deemed unsatisfactory, subsequent evaluations or inspections may be conducted within a reasonable time upon written request of the applicant. No permit shall be issued until the applicant satisfactorily completes a clinical evaluation and office inspection.

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

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

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

(5) The board shall prohibit a licensee who does not possess a permit issued pursuant to this section from allowing general anesthesia, deep sedation, 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 this section, including the requirements pertaining to equipment and staffing.

(6) As a condition of permit renewal for the biennial renewal period beginning April 1, 2005, the board shall require permit holders for the administration of general anesthesia, deep sedation and conscious sedation to 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 an 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, 2004, the board may issue temporary permits to administer general anesthesia, deep sedation, conscious sedation or nitrous oxide/oxygen analgesia, which shall be valid for one year, to individuals whose application indicates that he or she possesses the necessary qualifications pending a complete processing of the application. Temporary permits shall not be subject to renewal.

(d) As a condition of permit renewal for the biennial renewal period beginning April 1, 2005, and all renewal periods thereafter, the board shall require general anesthesia and deep sedation permit holders to have completed fifteen hours of board-approved courses of study related to general anesthesia and deep sedation and require conscious sedation permit holders to have completed fifteen hours of board-approved courses of study related to conscious sedation. Licensees who are not permit holders but who maintain offices in which general anesthesia, deep sedation or conscious sedation is administered shall have completed five hours of board-approved courses of study related to anesthesia. Continuing anesthesia education shall be credited toward a permit holder's or licensee's continuing education requirement under section 3(j.2) of this act.

(e) The board shall require permit holders to conduct a physical evaluation and take a medical history of a patient prior to the administration of general anesthesia, deep sedation, conscious sedation or nitrous oxide/oxygen analgesia and maintain records of the physical evaluation, medical history and anesthesia procedures utilized.

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

Section 2. The State Dental Council and Examination Board shall promulgate regulations necessary to administer this act within one year of the effective date of this section.

Section 3. This act shall take effect in 30 days.

APPROVED—The 25th day of November, A.D. 2002.

MARK S. SCHWEIKER