
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1476 Session of
2019

INTRODUCED BY MENTZER, MILLARD, JAMES, RYAN, DeLUCA, ZIMMERMAN,
HILL-EVANS, KINSEY AND SCHWEYER, JUNE 3, 2019

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 3, 2019

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.

22 Section 2. The act of December 20, 1985 (P.L.457, No.112),

1 known as the Medical Practice Act of 1985, is amended by adding
2 a section to read:

3 Section 45.1. Provision and supervision of anesthesia care.

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

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

12 (1) An anesthesiologist.

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

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

16 (4) A dentist anesthetist.

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

20 (i) an anesthesiologist; or

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

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

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

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

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

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

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

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

18 Section 3. This act shall take effect immediately.