THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 912 Session of 2021

INTRODUCED BY MENTZER, BURGOS, RYAN, HILL-EVANS, MILLARD, ZIMMERMAN, NEILSON, LAWRENCE, GILLESPIE, HARKINS, PEIFER, DAVIDSON, HELM, THOMAS, SCHLEGEL CULVER AND KINKEAD, MARCH 15, 2021

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 15, 2021

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.