



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 760

**Assembly Substitute
Amendment 1**

Memo published: March 31, 2010

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Assembly Substitute Amendment 1 to Assembly Bill 760 provides that an anesthetic agent may be administered to humans to produce major regional anesthesia or general anesthesia, and a sedative may be administered to humans to produce moderate or deep sedation, only at any of the following places: (1) a hospital; (2) a provider-based entity, as defined in federal regulations, that satisfies specified requirements for provider-based status in relation to a hospital; (3) a facility that is used primarily for the practice of dentistry; (4) a facility that has an agreement with the federal Centers for Medicare and Medicaid Services (CMS) to participate in Medicare as an ambulatory surgical center and satisfies the requirements under federal regulations; and (5) a facility that is accredited by accreditation bodies specified in the substitute amendment. In addition, the anesthetic agent or sedative may be administered at a place other than one of the five that are specified in the course of providing emergency medical care.

The Department of Health Services (DHS) may require a facility at which the anesthetic agent or sedative is administered to produce documentation showing that the facility satisfies at least one of the criteria specified above. If the facility does not satisfy any of the criteria, DHS may issue an order prohibiting the facility from permitting any person to administer the anesthetic agent or sedative. Such an order is to be enforced by the Attorney General. The circuit court of Dane County has jurisdiction to enforce an order by injunction and other appropriate relief.

The Act resulting from Assembly Bill 760 would take effect on the first day of the 13th month beginning after publication.

Legislative History

The Assembly Committee on Health and Healthcare Reform recommended adoption of Assembly Substitute Amendment 1, and passage of the bill as amended, both by votes of Ayes, 13; Noes, 0.

RNS:jal:wu