



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 760**

March 16, 2010 – Offered by Representative PASCH.

1     **AN ACT** *to create* 146.97 of the statutes; **relating to:** places where an anesthetic  
2           or sedative may be administered.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3           **SECTION 1.** 146.97 of the statutes is created to read:

4           **146.97 Places where an anesthetic or sedative may be administered.**

5           **(1)** In this section:

6           (a) “Major regional anesthesia” means neuraxial, nerve plexus, or proximal  
7           nerve branch anesthesia. “Major regional anesthesia” does not include a field block,  
8           a block distal to the elbow or knee, or anesthesia produced by a distal nerve branch  
9           injection or a trigger point injection.

10           (b) “Medicare” means the program under Title XVIII of the federal Social  
11           Security Act, 42 USC 1395 et seq.

1           **(2)** Except as provided under sub. (3), an anesthetic agent may be administered  
2 to humans to produce major regional anesthesia or general anesthesia, and a  
3 sedative may be administered to humans to produce moderate or deep sedation, only  
4 at any of the following places:

5           (a) A hospital that is approved under s. 50.35.

6           (b) A provider-based entity, as defined in 42 CFR 413.65 (a) (2), that satisfies  
7 the requirements under 42 CFR 413.65 (g) for provider-based status in relation to  
8 a hospital that is approved under s. 50.35.

9           (c) A facility that is primarily used for the practice of dentistry, as defined in  
10 s. 447.01 (8).

11           (d) A facility that has an agreement with the federal Centers for Medicare and  
12 Medicaid Services to participate in Medicare as an ambulatory surgical center and  
13 satisfies the conditions under 42 CFR part 416 subparts B and C.

14           (e) A facility that is accredited by the Accreditation Association for Ambulatory  
15 Health Care or the American Association for Accreditation of Ambulatory Surgery  
16 Facilities, is accredited as an ambulatory surgical center by The Joint Commission,  
17 or is accredited by another national accrediting body from which the federal Centers  
18 for Medicare and Medicaid Services accepts accreditation of ambulatory surgical  
19 centers under 42 CFR 416.26 for purposes of participation in Medicare.

20           **(3)** An anesthetic agent may be administered to humans to produce major  
21 regional anesthesia or general anesthesia, or a sedative may be administered to  
22 humans to produce moderate or deep sedation, at a place other than a place under  
23 sub. (2) in the course of providing emergency medical care.

24           **(4)** (a) The department may require a facility at which an anesthetic agent is  
25 administered to humans to produce major regional anesthesia or general anesthesia,

1 or at which a sedative is administered to humans to produce moderate or deep  
2 sedation, to produce documentation showing that the facility satisfies at least one of  
3 the criteria under sub. (2).

4 (b) If a facility described under par. (a) does not satisfy any of the criteria under  
5 sub. (2), the department may issue an order prohibiting the facility from permitting  
6 any person to do any of the following at the facility:

7 1. Administer an anesthetic agent to humans to produce major regional  
8 anesthesia or general anesthesia.

9 2. Administer a sedative to humans to produce moderate or deep sedation, at  
10 the facility.

11 (c) An order issued under par. (b) shall be enforced by the attorney general. The  
12 circuit court of Dane County shall have jurisdiction to enforce an order issued under  
13 par. (b) by injunction and other appropriate relief.

14 **SECTION 2. Effective date.**

15 (1) This act takes effect on the first day of the 13th month beginning after  
16 publication.

17 (END)