

**2005 DRAFTING REQUEST**

**Bill**

Received: 01/28/2005

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Scott Suder (608) 267-0280

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Occupational Reg. - misc

Extra Copies:

Submit via email: YES

Requester's email: Rep.Suder@legis.state.wi.us

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Administration of anesthesia

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**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 01/28/2005	kfollett 02/04/2005		_____			
/1			pgreensl 02/04/2005	_____	lemery 02/04/2005		
/2	phurley 06/07/2005	phurley 04/12/2005 kfollett 04/13/2005	rschluet 04/13/2005	_____	lnorthro 04/13/2005	lnorthro 04/13/2005	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		kfollett 06/28/2005		_____			
/3	lemery 06/29/2005		jfrantze 06/29/2005	_____	lemery 06/29/2005	lemery 06/29/2005	

FE Sent For:

<END>

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1315P  
6/28

6/29  
6/29

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

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/2		phurley 04/12/2005 kfollett 04/13/2005	rschluet 04/13/2005	_____	lnorthro 04/13/2005		

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/?	phurley 01/28/2005	kfollett 02/04/2005					
/1		12 kjf 4/13	pgreensl 02/04/2005		lemery 02/04/2005		

FE Sent For:

<END>

4

13

5

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1?	phurley	1/1 KJL	2/4	2/4			
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2/4

2/4  
PS

2/4  
PS

FE Sent For:

<END>



## Hurley, Peggy

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**From:** Hilgemann, Luke  
**Sent:** Friday, January 28, 2005 2:32 PM  
**To:** Hurley, Peggy  
**Subject:** RE: LRB 4503/1 from last session

Perfect! I shared your ideas with Rep. Suder and Tom Hanson and they both agreed to the change. If you could do a redraft with the new language we would appreciate it. Have a great weekend! Thanks for your help.

Regards,  
Luke

-----Original Message-----

**From:** Hurley, Peggy  
**Sent:** Friday, January 28, 2005 1:23 PM  
**To:** Hilgemann, Luke  
**Subject:** RE: LRB 4503/1 from last session

Hi Luke,

I can understand the concern, and I think it would be wise to say something like "Except as allowed under chapter 447, no person may administer anesthesia . . ." That way, the use of anesthesia in dentistry wouldn't be affected at all, unless the dentist is doing something that may be considered the practice of medicine. OK?

Peggy

-----Original Message-----

**From:** Hilgemann, Luke  
**Sent:** Friday, January 28, 2005 12:47 PM  
**To:** Hurley, Peggy  
**Subject:** LRB 4503/1 from last session

Hello Peggy,

Tom Hanson contacted us this morning regarding the bill we had drafted last year regarding anesthesia. Apparently they have concerns that with the way it was drafted last session dentists who administer anesthetic may be affected. Could you please take a look back at the draft and let me know if you see this as a problem. There specific concerns deal with the 3rd paragraph that discusses anesthesia being administered in an office setting. Thanks for your assistance. If you do see this as a true concern, please make any changes needed and send us the redraft.

Thanks!

*Luke*

Luke Hilgemann  
Legislative Assistant  
Office of Scott Suder  
State Representative--69th Assembly District  
Room 21 North, State Capitol  
267-0280

193511  
AJ  
KJF

**2003 BILL**

by  
2-8-05  
Regen

1 **AN ACT to create** 448.35 and 448.40 (2) (h) of the statutes; **relating to:**  
2 administering anesthesia in an office-based setting and requiring the exercise  
3 of rule-making authority.

---

***Analysis by the Legislative Reference Bureau***

Under current law, the Medical Examining Board establishes standards, rules, and conditions under which a person may practice medicine in this state.

This bill requires the Medical Examining Board to implement rules regarding the administration of anesthesia in an office-based setting, a setting where medical services are performed but that is not a hospital or an ambulatory surgery center.

Under the bill, no person may administer anesthesia in an office-based setting unless he or she is either a physician who meets the standards of education and training established by the board to administer anesthesia, or unless he or she is under the direct supervision of a properly trained and educated physician. Further, the bill requires the Medical Examining Board and each office that performs anesthesia to establish written guidelines relating to the proper care and treatment of patients who receive anesthesia.

Finally, the bill requires the presence of a physician trained in resuscitative techniques and appropriate resuscitative equipment whenever a person receives

**BILL**

anesthesia in an office-based setting, and requires each office to report to the board any complications related to surgery or to anesthesia that may arise.

*The bill does not apply to a person who administers anesthesia while practicing dentistry.*

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

1           **SECTION 1.** 448.35 of the statutes is created to read:

2           **448.35 Administration of anesthesia.** (1) In this section:

3           (a) "Administer anesthesia" includes administering or inducing moderate  
4 sedation, deep sedation, regional anesthesia, or general anesthesia in an  
5 office-based setting.

6           (b) "Office-based setting" means a location where medical services are  
7 performed that is not a hospital or an ambulatory surgery center.

8           (2) No person may administer anesthesia in an office-based setting unless he  
9 or she is a physician that meets the minimum training and education standards set  
10 by the board for the administration of anesthesia in an office-based setting or unless  
11 he or she is operating under the direct supervision of a physician who meets the  
12 minimum training and education standards set by the board for the supervision of  
13 a person who administers anesthesia in an office-based setting.

14           (3) No person may administer anesthesia in an office-based setting unless  
15 there is present or immediately available at least one physician who is trained in  
16 advanced resuscitative techniques and unless appropriate resuscitative equipment  
17 is present or immediately available until the patient who receives the anesthesia is  
18 discharged.

19           (4) Any person who administers anesthesia in an office-based setting shall  
20 comply with standards established by the board for pre-anesthesia counseling for

**BILL**

1 each patient, patient monitoring, recovery, record keeping, and discharge of each  
2 patient.

3 (5) Any office-based setting where anesthesia is administered shall establish  
4 written procedures and policies regarding the administration of anesthesia,  
5 pre-anesthesia counseling for each patient, patient monitoring, recovery, record  
6 keeping, and discharge of each patient.

7 (6) Any office-based setting where anesthesia is administered shall report to  
8 the board any complication or negative incident related to surgery, special  
9 procedures, or the administration of anesthesia in that office.

10 SECTION 2. 448.40 (2) (h) of the statutes is created to read:

11 448.40 (2) (h) Implementing s. 448.35.

12 (END)

*(7) This section does not apply to a person who administers anesthesia as permitted by ch. <sup>447</sup> ~~chapter~~ 447.*

↓ stays

# 2005 BILL

4-12-05  
soon

Regen

Pls  
✓ JACKET when  
done

1 AN ACT to create 448.35 and 448.40

2 administering anesthesia in an office-based setting, requiring

3 of rule-making authority.

### *Analysis by the Legislative Reference Bureau*

Under current law, the Medical Examining Board establishes standards, rules, and conditions under which a person may practice medicine in this state.

This bill requires the Medical Examining Board to implement rules regarding the administration of anesthesia in an office-based setting, a setting where medical services are performed but that is not a hospital or an ambulatory surgery center.

Under the bill, no person may administer anesthesia in an office-based setting unless he or she is either a physician who meets the standards of education and training established by the board to administer anesthesia, or unless he or she is under the direct supervision of a properly trained and educated physician. Further, the bill requires the Medical Examining Board and each office that performs anesthesia to establish written guidelines relating to the proper care and treatment of patients who receive anesthesia.

Finally, the bill requires the presence of a physician trained in resuscitative techniques and appropriate resuscitative equipment whenever a person receives anesthesia in an office-based setting, and requires each office to report to the board

**BILL**

any complications related to surgery or to anesthesia that may arise. The bill does not apply to a person who administers anesthesia while practicing dentistry.

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4 sedation, deep sedation, regional anesthesia, or general anesthesia in an  
5 office-based setting.

6           (b) "Office-based setting" means a location where medical services are  
7 performed that is not a hospital or an ambulatory surgery center.

8           (2) No person may administer anesthesia in an office-based setting unless he  
9 or she is a physician that meets the minimum training and education standards set  
10 by the board for the administration of anesthesia in an office-based setting or unless  
11 he or she is operating under the direct supervision of a physician who meets the  
12 minimum training and education standards set by the board for the supervision of  
13 a person who administers anesthesia in an office-based setting.

14           (3) No person may administer anesthesia in an office-based setting unless  
15 there is present or immediately available at least one physician who is trained in  
16 advanced resuscitative techniques and unless appropriate resuscitative equipment  
17 is present or immediately available until the patient who receives the anesthesia is  
18 discharged.

19           (4) Any person who administers anesthesia in an office-based setting shall  
20 comply with standards established by the board for pre-anesthesia counseling for

Major

**BILL**

1 each patient, patient monitoring, recovery, record keeping, and discharge of each  
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4 written procedures and policies regarding the administration of anesthesia,  
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6 keeping, and discharge of each patient.

7 (6) Any office-based setting where anesthesia is administered shall report to  
8 the board any complication or negative incident related to surgery, special  
9 procedures, or the administration of anesthesia in that office.

10 (7) This section does not apply to a person who administers anesthesia as  
11 permitted by ch. 447.

12 **SECTION 2.** 448.40 (2) (h) of the statutes is created to read:

13 448.40 (2) (h) Implementing s. 448.35.

14 (END)

## Northrop, Lori

---

**From:** Hurley, Peggy  
**Sent:** Wednesday, April 13, 2005 1:09 PM  
**To:** Northrop, Lori  
**Subject:** RE:

Yes, please jacket. Thanks!

-----Original Message-----

**From:** Northrop, Lori  
**Sent:** Wednesday, April 13, 2005 12:37 PM  
**To:** Hurley, Peggy  
**Subject:**

Hi Peggy,

A draft of yours just came through...1935/2...there was a sticky note buried in the guts that said to jacket when done.....I just wanted to double check with you that you did want it jacketed. I only submitted it for now, because I wanted to check with you. Let me know, and I will go ahead and jacket it if that is what you wanted.

Thanks much,  
Lori

*Lori Northrop*  
Legislative Program Assistant  
State of WI Legislative Reference Bureau  
phone(608)266-3561 fax(608)264-6948  
lori.northrop@legis.state.wi.us



2005 BILL

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

SECTION 1. 448.35 of the statutes is created to read:

or def of  
Ld-cert anesthetist

448.35 Administration of anesthesia.

(1) In this section:

(a) Administer anesthesia includes administering or inducing moderate sedation, deep sedation, major regional anesthesia, or general anesthesia in an office based setting.

(b) Office-based setting means a location where medical services are performed that is not a hospital or an ambulatory surgery center.

(2) No person may administer anesthesia in an office-based setting unless he or she is:

(a) a physician anesthesiologist, a graduate of an accredited anesthesiology training program and Board-eligible in anesthesiology and licensed by the Wisconsin Medical Examining Board; or

~~(b) a licensed certified nurse anesthetist working under the general supervision of a physician who meets the minimum training and education standards set by the Medical Examining Board for the supervision of a person who administers anesthesia in an office-based setting; or~~

~~(c) a trained anesthesiology assistant working under the direct supervision of an anesthesiologist; or~~

~~(d) a resident anesthesiologist from an accredited anesthesia training program or student nurse anesthetist or a student anesthesiologist assistant working under the direct supervision of an anesthesiologist; or~~

~~(e) a physician who meets the minimum training and education standard set by the board for the administration of anesthesia in an office-based setting~~

(3) No person may administer anesthesia in an office-based setting unless there is present or immediately available at least one physician who is trained in advanced resuscitative techniques and unless appropriate resuscitative equipment is present or immediately available until the patient who receives the anesthesia is discharged from anesthesia care.

~~(4) appropriate resuscitative equipment must be present or immediately available.~~

use without fern spikes

need to define

under chapter 448

mostly Section E or Anest. meeting Section A

Defie x

(9.) Ld-cert anesthetist (A)

SA certified

SA certified

compare to draft

4 (5) Any person who administers anesthesia in an office-based setting shall comply with standards established by the board for patient care including: record keeping, ~~preoperative~~ anesthesia patient evaluation and risk assessment, patient counseling, perianesthesia patient monitoring and patient monitoring during recovery from anesthesia, and patient discharge or transfer from the facility.

ins B  
compare

6 (6) Any office-based setting where anesthesia is administered shall establish written procedures and policies for patient care including: record keeping, pre anesthesia patient evaluation and risk assessment, patient counseling, perianesthesia patient monitoring and patient monitoring during recovery from anesthesia, and patient discharge or transfer from the facility.

ins B  
compare

7 (7) Any office-based setting where anesthesia is administered shall report to the board any complication or negative incident related to surgery, special procedures, or the administration of anesthesia in that office that results in either patient death within one week of the procedure or admission to an acute care health facility within 72 hours of the end of the procedure.

8 (8) This section does not apply to a person who administers anesthesia as permitted by ch. 447.

compare

SECTION 2. 448.40 (2) (h) of the statutes is created to read:  
448.40 (2) (h) Implementing s. 448.35. (END)

3

**2005 BILL**

6-7-05

Regen

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Finally, the bill requires the presence of a physician trained in resuscitative techniques and appropriate resuscitative equipment whenever a person receives anesthesia in an office-based setting, and requires each office to report to the board

an assistant, student, or trainee

he or she is a nurse who is certified to administer anesthesia,

**BILL**

any complications related to surgery or to anesthesia that may arise. The bill does not apply to a person who administers anesthesia while practicing dentistry.

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(2) No person may administer anesthesia in an office-based setting unless he or she is a physician that meets the minimum training and education standards set by the board for the administration of anesthesia in an office-based setting or unless he or she is operating under the direct supervision of a physician who meets the minimum training and education standards set by the board for the supervision of a person who administers anesthesia in an office-based setting.

(3) No person may administer anesthesia in an office-based setting unless there is present or immediately available at least one physician who is trained in advanced resuscitative techniques and unless appropriate resuscitative equipment is present or immediately available until the patient who receives the anesthesia is discharged.

(4) Any person who administers anesthesia in an office-based setting shall comply with standards established by the board for pre-anesthesia counseling for

*Apply to certain serious*

*MSer/AH*

*from anesthesia care*

*for pre-anesthesia counseling for*

**BILL**

1 each patient, patient monitoring, recovery, record keeping, and discharge of each  
2 patient, *Insert B*

3 (5) Any office-based setting where anesthesia is administered shall establish  
4 written procedures and policies regarding the administration of anesthesia,  
5 pre-anesthesia counseling for each patient, patient monitoring, recovery, record  
6 keeping, and discharge of each patient. *Insert B*

7 (6) Any office-based setting where anesthesia is administered shall report to  
8 the board any complication or negative incident related to surgery, special  
9 procedures, or the administration of anesthesia in that office. *Insert C*

10 (7) This section does not apply to a person who administers anesthesia as  
11 permitted by ch. 447.

12 **SECTION 2.** 448.40 (2) (h) of the statutes is created to read:

13 448.40 (2) (h) Implementing s. 448.35.

14 (END)

2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1935/2ins  
PJH:kjfrs

INSERT A:

(2) No person may administer anesthesia in an office-based setting unless he or she is one of the following:

(a) A physician who meets the minimum training and education standard set by the board for the administration of anesthesia in an office-based setting.

(b) A nurse anesthetist, as defined in s. 655.001 (9) working under the general supervision of a physician.

(c) A trained anesthesiology assistant working under the direct supervision of an anesthesiologist.

(d) A resident anesthesiologist from an accredited anesthesia training program or student nurse anesthetist or a student anesthesiologist assistant working under the direct supervision of an anesthesiologist.

INSERT B:

X for patient care, including record keeping, pre-anesthesia patient evaluation and risk assessment, patient counseling, perianesthesia patient monitoring and patient monitoring during recovery from anesthesia, and patient discharge or transfer from the facility.

INSERT C:

that results in a patient's death within one week of the end of the procedure or a patient's admission to an acute health care facility within 72 hours of the end of the procedure