



## 2005 SENATE BILL 434

November 15, 2005 - Introduced by Senators DARLING and KANAVAS, cosponsored by Representatives GIELOW, SUDER, AINSWORTH, BERCEAU, DAVIS, GUNDERSON, GUNDRUM, HAHN, LEHMAN, LOEFFELHOLZ, MEYER, NASS, NERISON, OTT, SHERIDAN, TOWNS, VOS and WOOD. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

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.

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### *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

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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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*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, major 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

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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 (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)