

BILL ANALYSIS

Senate Research Center

S.B. 1340
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Health Services
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As Filed

DIGEST

Currently, in Texas some physicians have failed to maintain certain appropriate safety standards regarding the use of anesthesia their office, and as a result have placed patients at risk for complications or even death. S.B. 1340 would direct the Texas Board of Medical Examiners to establish minimum standards for office procedures involving anesthesia.

PURPOSE

As proposed, S.B. 1340 regulates anesthesia in certain outpatient settings and provides administrative penalties.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Board of Medical Examiners in SECTION 1 (Section 7.01, Article 4495b, V.T.C.S.) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 4495b, V.T.C.S. The Medical Practice Act, by adding a new Subchapter G, as follows:

Sec. 7.01. FINDING AND PURPOSES. Sets forth the findings of the legislature. Requires the Texas State Board of Medical Examiners (board) to adopt rules to regulate the use of anesthesia.

Sec. 7.02. RULES. Requires the board to establish, by rule, the minimum standards for provision of anesthesia. Requires the rules to include certain provisions.

Sec. 7.04. COMPLIANCE WITH ANESTHESIA RULES. Requires a physician or surgeon practicing medicine in this state and performing in-office surgical procedures to comply with the rules adopted under this subchapter, on or after September 1, 2000. Requires a failure to comply with the rules adopted under this subchapter to be grounds for disciplinary action under Section 3.08 of Subchapter C of this Act, an administrative penalty under Section 4.125 of Subchapter D, of this Act, and a civil penalty under Section 4.126 of Subchapter D of this Act. Authorizes the board, in its discretion, to require a physician to submit and comply with a corrective action plan to remedy or address any current or potential deficiencies with the physician in-office provision of anesthesia as required by this Act or a rule of the board.

Sec. 7.05. ANNUAL REGISTRATION. Requires each physician who performs in-office procedures using anesthesia to register with the board on a form adopted by the board and to pay a fee as established by the board on or after September 1, 2000. Requires the payment to be made to the board. Requires the physician to register annually thereafter. Requires the board to coordinate the registration required under Section 3.01 of Subchapter C of this Act.

Sec. 7.06. INSPECTION. Authorizes the board to conduct examinations including examinations of the office site and related documents of a physician's practice as it relates to in-office procedures. Requires the board to provide at least five business days notice prior to conducting an on-site examination, unless it would jeopardize an ongoing investigation. Authorizes the board to consider a request by a physician for an on-site visit. Authorizes the board in its sole discretion, and upon payment of a fee established by the board, to conduct such examination and provide certain advisory opinions.

SECTION 2. Amends Section 3.10(b), Article 4495b, V.T.C.S., by adding new Subparagraph (12), to set forth certain fees, including a fee of \$300 for processing an application and registration for in-office anesthesia.

SECTION 3. Authorizes the board to permit the annual registration requirement under SECTION 1 of this Act to be staggered and phased in over a period of one year so that by September 1, 2001 all physicians required to register under this Act will be in compliance.

SECTION 4. Requires the rules required by SECTION 1 of this Act to be adopted by January 7, 2000.

SECTION 5. Requires the board to report to the speaker of the house and the lieutenant governor on the implementation and enforcement of the rules and this Act by January 1, 2001. Requires the report to include any suggested amendments of changes to this Act to make it more effective or efficient.

SECTION 6. Effective date: September 1, 1999.

SECTION 7. Emergency clause.