

AMENDED IN ASSEMBLY MAY 20, 1997  
AMENDED IN ASSEMBLY APRIL 24, 1997  
AMENDED IN ASSEMBLY APRIL 10, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 745**

**Introduced by Assembly Member Thompson**

February 26, 1997

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An act to *add Sections 1646.9 and 2079 to the Business and Professions Code, and to amend Section 1248.1 of the Health and Safety Code, relating to outpatient care.*

LEGISLATIVE COUNSEL'S DIGEST

AB 745, as amended, B. Thompson. Outpatient settings: *general anesthesia.*

Existing law prohibits the operation of an outpatient setting, as defined, where anesthesia is used, unless the setting is one of enumerated settings, including a setting that is used by a dentist or physician and surgeon in compliance with provisions of law regulating use of general anesthesia and conscious sedation by dentists.

This bill would delete from those enumerated settings a setting that is used by a dentist or physician and surgeon in compliance with provisions of law regulating use of conscious sedation by dentists. The bill would provide that the requirements of the provisions of law regulating use of general anesthesia are satisfied for the purposes of the law regulating outpatient settings without need for a general

anesthesia permit when anesthesia is administered in a facility that meets the requirements of prescribed law and regulations by a physician and surgeon who has successfully completed a postgraduate residency program in anesthesia.

*Existing law provides for the licensure and regulation of the practice of dentistry by the Board of Dental Examiners of California. Existing law prohibits a dentist from administering or supervising the administration of general anesthesia to patients on an outpatient basis unless the dentist has a permit issued by the board authorizing the use of general anesthesia.*

*This bill would permit general anesthesia to be administered in the office of a dentist who has not been certified to perform general anesthesia if the dental office is certified by the Board of Dental Examiners. The bill would require the Board of Dental Examiners to adopt regulations implementing the certification of dental offices as facilities where general anesthesia may be administered.*

*Existing law provides for the licensure and regulation of physicians and surgeons by the Medical Board of California.*

*This bill would require a physician and surgeon to be certified by the Medical Board of California in order to administer general anesthesia in the office of a dentist if the dentist is not certified to administer general anesthesia.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. *Section 1646.9 is added to the Business*
- 2 *and Professions Code, to read:*
- 3 *1646.9. (a) In order for general anesthesia to be*
- 4 *administered in the office of a dentist who has not been*
- 5 *certified to administer general anesthesia pursuant to*
- 6 *Section 1646.1, the office shall be certified by the board as*
- 7 *an approved facility where general anesthesia may be*
- 8 *administered.*
- 9 *(b) The board shall adopt regulations establishing the*
- 10 *requirements and procedures for the issuance of*
- 11 *certificates pursuant to subdivision (a). These*
- 12 *requirements and procedures shall be based, to the extent*



1 appreciable, upon the requirements that apply to the  
2 administration of general anesthesia permits pursuant to  
3 this article, and the regulations adopted pursuant to that  
4 article.

5 (c) This section shall not affect the requirement under  
6 existing law that a dentist who administers general  
7 anesthesia be certified by the board to administer general  
8 anesthesia pursuant to this article.

9 SEC. 2. Section 2079 is added to the Business and  
10 Professions Code, to read:

11 2079. (a) A physician and surgeon who administers  
12 general anesthesia in the office of a dentist pursuant to  
13 Section 1646.9 shall be certified by the board.

14 (b) The board shall establish a process whereby  
15 qualified physicians and surgeons may obtain  
16 certification to administer general anesthesia in the office  
17 of a dentist pursuant to Section 1646.9. This certification  
18 process shall include, but not be limited to, a  
19 determination by the board that a physician and surgeon  
20 is qualified to administer general anesthesia in a dental  
21 office and that the physician and surgeon has not been  
22 disciplined for a reason relating to the quality of patient  
23 care that would make it unsafe for him or her to practice  
24 in a dental office.

25 SEC. 3. Section 1248.1 of the Health and Safety Code  
26 is amended to read:

27 1248.1. No association, corporation, firm, partnership,  
28 or person shall operate, manage, conduct, or maintain an  
29 outpatient setting in this state, unless the setting is one of  
30 the following:

31 (a) An ambulatory surgical center that is certified to  
32 participate in the Medicare program under Title XVIII  
33 (42 U.S.C. Sec. 1395 et seq.) of the federal Social Security  
34 Act.

35 (b) Any clinic conducted, maintained, or operated by  
36 a federally recognized Indian tribe or tribal organization,  
37 as defined in Section 450 or 1601 of Title 25 of the United  
38 States Code, and located on land recognized as tribal land  
39 by the federal government.



1 (c) Any clinic directly conducted, maintained, or  
2 operated by the United States or by any of its  
3 departments, officers, or agencies.

4 (d) Any primary care clinic licensed under subdivision  
5 (a) and any surgical clinic licensed under subdivision (b)  
6 of Section 1204.

7 (e) Any health facility licensed as a general acute care  
8 hospital under Chapter 2 (commencing with Section  
9 1250).

10 (f) Any outpatient setting to the extent that it is used  
11 by a dentist or physician and surgeon in compliance with  
12 Article 2.7 (commencing with Section 1646) of Chapter  
13 4 of Division 2 of the Business and Professions Code. For  
14 the purposes of this subdivision, the requirements of  
15 Article 2.7 (commencing with Section 1646) of Chapter  
16 4 of Division 2 of the Business and Professions Code are  
17 satisfied without need for a general anesthesia permit  
18 when anesthesia is administered, in a facility that meets  
19 the requirements of that article and regulations adopted  
20 by the Board of Dental Examiners to implement that  
21 article, by a physician and surgeon who has successfully  
22 completed a postgraduate residency program in  
23 anesthesia.

24 (g) An outpatient setting accredited by an  
25 accreditation agency approved by the division pursuant  
26 to this chapter.

27 (h) A setting, including, but not limited to, a mobile  
28 van, in which equipment is used to treat patients  
29 admitted to a facility described in subdivision (a), (d), or  
30 (e), and in which the procedures performed are staffed  
31 by the medical staff of, or other healthcare practitioners  
32 with clinical privileges at, the facility and are subject to  
33 the peer review process of the facility but which setting  
34 is not a part of a facility described in subdivision (a), (d),  
35 or (e).

36 Nothing in this section shall relieve an association,  
37 corporation, firm, partnership, or person from complying



1 with all other provisions of law that are otherwise  
2 applicable.

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