

1 H. B. 2905

2  
3 (By Delegates Fleischauer, Pasdon, Campbell,  
4 Lynch, Hunt, Ferns, Perry, Moore, Marshall,  
5 Barill and Perdue)

6 [Introduced March 12, 2013; referred to the  
7 Committee on Health and Human Resources then the  
8 Judiciary.]  
9

10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new section, designated §30-3-18, relating to  
12 establishing anesthesia patient safety standards for  
13 office-based surgery; granting regulatory authority to the  
14 Board of Medicine and the Board of Osteopathy; making  
15 legislative findings; establishing registration requirements;  
16 requiring registration fees; and authorizing rule making.

17 *Be it enacted by the Legislature of West Virginia:*

18 That the Code of West Virginia, 1931, as amended, be amended  
19 by adding thereto a new section, designated §30-3-18, to read as  
20 follows:

21 **ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.**

22 **§30-3-18. Anesthesia patient safety standards for office-based**  
23 **surgery; findings; exceptions; rule making.**

24 (a) The Legislature finds that for the safety of patients and

1 to eliminate preventable patient death or patient injury it is  
2 appropriate to establish anesthesia patient safety standards for  
3 office-based surgery and in the public interest to require the  
4 Board of Medicine and the Board of Osteopathy to regulate the  
5 practice of office-based surgery.

6 (b) Physicians' offices where procedures are performed with  
7 moderate sedation/analgesia, deep sedation/analgesia or general  
8 anesthesia are subject to the office-based surgery standards of  
9 care, registration requirements, inspection requirements, and  
10 registration fees required by this section. This subsection does  
11 not apply to hospital or ambulatory surgical facility currently  
12 regulated by article five-b, chapter sixteen of this code.

13 (c) The Board of Medicine and the Board of Osteopathy shall  
14 propose rules by July 31, 2013 for legislative approval, in  
15 accordance with article three, chapter twenty-nine-a of this code  
16 necessary to effectuate this section, to:

17 (1) Establish office-based surgery standards of care under the  
18 guidance of the American Medical Association's Office-based Surgery  
19 Core Principles and the American Society of Anesthesiologists'  
20 Practice Guidelines for Sedation and Analgesia by Non-  
21 Anesthesiologists that are in effect on the effective date of this  
22 section.

23 (2) Require physicians who perform office procedures with  
24 moderate sedation/analgesia, deep sedation/analgesia or general

1 anesthesia to register the office with the Board of Medicine or the  
2 Board of Osteopathy;

3       (3) Determine whether any additional requirements are needed  
4 to ensure patient safety and promote the public interest, such as  
5 inspections and/or accreditation by an accrediting organization  
6 approved by the Board of Medicine and the Board of Osteopathy; and

7       (4) Set fees for registration.

NOTE: The purpose of this bill is to establish anesthesia patient safety standards for office-based surgery. The bill makes legislative findings. The bill grants regulatory authority to the Board of Medicine and the Board of Osteopathy. The bill establishes registration requirements. The bill requires registration fees. The bill authorizes rule making.

This section is new; therefore, it has been completely underscored.