

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 456
Finance

(Senator Kelley, *et al.*)

Department of Health and Mental Hygiene - Emergency Standards for Moderate Sedation

This bill requires the Department of Health and Mental Hygiene (DHMH) to adopt regulations to ensure that appropriate emergency care can be provided at a health care practice site where moderate sedation is conducted.

Fiscal Summary

State Effect: The bill's requirement that DHMH develop and adopt regulations can likely be handled with existing resources. The criminal penalty provisions of the bill are not expected to have a material impact on State finances or operations.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: "Health care practice site" means a site at which health care services are provided and that is neither required to be licensed by DHMH under Title 19 of the Health General Article nor subject to emergency standards for moderate sedation under a health occupations board. "Moderate sedation" means the use of medication to depress a patient's level of consciousness while allowing the patient to independently maintain a patent airway and respond appropriately to commands or tactile stimulation.

The regulations required under the bill must address (1) appropriate supplies and equipment; and (2) appropriate standards and procedures to be followed in the event of an emergency, including a requirement that a patient be transported to the nearest appropriate emergency care facility if an emergency occurs.

A person that violates a regulation adopted under the bill is guilty of a misdemeanor and on conviction is subject to a fine of up to \$1,000.

Current Law/Background: Health care facilities that must be licensed by DHMH include hospitals, ambulatory surgical facilities, freestanding endoscopy facilities, freestanding facilities utilizing major medical equipment, kidney dialysis centers, and freestanding birthing centers. Doctor's offices and other freestanding health care clinics are not required to be licensed by DHMH.

According to the American Society of Anesthesiologists, moderate sedation (also known as "conscious sedation") is a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.

The State Board of Dental Examiners has extensive regulations related to sedation. In addition, the State Board of Nursing has regulations related to anesthesia, and DHMH has regulations related to the use of anesthesia in freestanding ambulatory care facilities.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): American Society of Anesthesiologists, Department of Health and Mental Hygiene, Department of Legislative Services

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mc/mwc

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