

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 420
Department or Agency: Alabama State Board of Health Division of Licensure and Certification
Rule No.: 420-5-7-.18
Rule Title: Anesthesia Services
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Sancha Howard
Sancha Howard

Date

Thursday, September 19, 2024

REC'D & FILED
SEP 19, 2024
LEGISLATIVE SVC AGENCY

ALABAMA STATE BOARD OF HEALTH
DIVISION OF LICENSURE AND CERTIFICATION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Public Health

RULE NO. & TITLE: 420-5-7-.18 Anesthesia Services

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

This amendment will allow for the Department to define the meaning of procedural ordering and the provision of anesthesia services.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

A public hearing will be held on October 24, 2024, at 9:00 a.m. at the RSA Tower, Suite 982, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, November 4, 2024

CONTACT PERSON AT AGENCY:

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Standards
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Sancha Howard

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(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

420-5-7-.18 Anesthesia Services.

(1) If the hospital furnishes anesthesia services, they shall be provided in a well-organized manner under the direction of a qualified doctor of medicine or osteopathy. The service is responsible for all anesthesia administered in the hospital.

(2) Organization and staffing. The organization of anesthesia services shall be appropriate to the scope of the services offered. Anesthesia ~~must be administered only by~~ may only be administered by 1 of the following:

- (a) An anesthesiologist~~†.~~
- (b) A doctor of medicine or osteopathy (other than an anesthesiologist)~~†.~~
- (c) A dentist or oral surgeon~~†.~~
- (d) A podiatrist, but limited to administering local anesthetics to the foot~~†.~~
- (e) A certified registered nurse anesthetist (CRNA) who is performing or assisting in any act involving the determination, preparation, administration, procedural ordering, or monitoring of any drug used to render an individual insensible to pain for surgical or other therapeutic or diagnostic procedures and who is under the direction of or in coordination with a physician licensed to practice medicine, a podiatrist, or a dentist, who is immediately available~~†-or.~~
- (f) An anesthesiologist's assistant who is under the direction of an anesthesiologist who is immediately available.

(3) Delivery of services. Anesthesia services shall be consistent with needs and resources. Policies on anesthesia procedures shall include the delineation of pre-anesthesia and post-anesthesia responsibilities. The policies shall ensure that the following are provided for each patient:

- (a) A pre-anesthesia evaluation completed and documented by an individual qualified to administer anesthesia performed within 48 hours prior to surgery or a procedure requiring anesthesia services.
- (b) An intra-operative anesthesia record.
- (c) A post-anesthesia evaluation completed and documented by an individual qualified to administer anesthesia, no later than 48 hours after surgery or a procedure requiring anesthesia services. The post-anesthesia evaluation for anesthesia recovery shall be completed in accordance with hospital policies and procedures that have been approved by the medical staff and that reflect current standards of anesthesia care.

Author: W.T. Geary, Jr., M.D., Carter Sims

Statutory Authority: Code of Ala. 1975, §§22-21-20, et seq.

History: Filed September 1, 1982. **Repealed and New Rule:** Filed November 18, 1994; effective December 23, 1994. Repealed and **New Rule:** Filed August 24, 2012; effective September 28, 2012. **Amended:** Published _____; effective _____.