

## **BILL ANALYSIS**

Senate Research Center  
83R6778 BEF-D

S.B. 978  
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Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 978 allows the Texas Medical Board to have rulemaking authority regarding local anesthesia in an outpatient setting.

When the law regarding office-based anesthesia usage was first written, local anesthesia provided in an outpatient setting was not regulated because it was only used for minor procedures such as mole removal.

Currently, local anesthesia can be and is being used for more significant procedures in outpatient settings, such as plastic surgery and liposuction. Because of this, physicians are using much larger and sometimes toxic levels of anesthesia for procedures. At those levels, anesthesia can be harmful or life threatening to a patient if not properly administered, or if patient complications occur.

This bill is not intended to prevent any physician from performing local anesthesia, rather to ensure there are lifesaving safety standards in place and to weed out bad actors in the medical profession.

S.B. 978 gives the Texas Medical Board the authority to promulgate rules to implement best practices for local anesthesia usage, enhancing patient safety and outcomes.

As proposed, S.B. 978 amends current law relating to regulation by the Texas Medical Board of local anesthesia and peripheral nerve blocks administered in an outpatient setting.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Medical Board is modified in SECTION 1 (Section 162.103, Occupations Code) and SECTION 2 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 162.103, Occupations Code, as follows:

Sec. 162.103. APPLICABILITY. Provides that rules adopted by the Texas Medical Board (TMB) under this subchapter (Anesthesia in Outpatient Setting) do not apply to certain hospitals, clinics, surgical centers, and facilities, including an outpatient setting accredited by The Joint Commission relating to ambulatory surgical centers, rather than the Joint Commission on Accreditation of Healthcare Organizations relating to ambulatory surgical centers. Deletes existing text providing that rules adopted by TMB under this subchapter do not apply to an outpatient setting in which only local anesthesia, peripheral nerve blocks, or both are used. Makes nonsubstantive changes.

SECTION 2. Provides that the change in law made by this Act to Section 162.103, Occupations Code, and rules adopted by the TMB under Subchapter C, Chapter 162, Occupations Code, apply only to an outpatient setting in which only local anesthesia, peripheral nerve blocks, or both are used on or after the effective date of this Act. Provides that an outpatient setting in which only local anesthesia, peripheral nerve blocks, or both are used before the effective date of this Act is

governed by the law in effect on the date the local anesthesia, peripheral nerve blocks, or both are used, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2013.