

The following is an alert issued by the Texas Hospital Association to all hospitals in Texas.

**An urgent message from the Texas Hospital Association.**

## **THA Information Alert**

Time Sensitive \*\*\* Immediate Action Requested

July 18, 2006

**TO:** Chief Executive Officers, Texas Hospitals

Hospital Government Relations Contacts, THA Member Hospitals

**ISSUE:** Sanctions regarding administration of anesthesia in licensed hospitals

**BACKGROUND:** The Texas Department of State Health Services has announced a moratorium on the issuance of sanctions relating to violations of current rules that regulate who can administer anesthesia in licensed hospitals. The Texas Hospital Association has been asked by TDSHS to communicate the following information to hospitals.

TDSHS currently is revising the administrative rules that govern services provided by hospitals, codified at Title 25, Texas Administrative Code(T.A.C.), Chapter 133. The revision will include an amendment of the rule that regulates the delivery of anesthesia services in hospitals, currently codified at 25 T.A.C. §133.41(a)(1). The rule currently limits the types of licensed health care professionals who can provide anesthesia services in hospitals. The current rule has generated confusion over the authority of TDSHS and other state agencies to regulate the administration of anesthesia by licensed health professionals. The department will propose a revision to the rule to delete the list of authorized health practitioners and replace it with a requirement that each hospital establish policies and procedures to ensure that anesthesia is administered only by qualified personnel. The rule also will have documentation requirements regarding delegation of anesthesia service.

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The revision to the rule will be subject to public comment prior to final adoption. In the interim, TDSHS will investigate alleged violations of the rule, but will not sanction a hospital that permits anesthesia services to be provided by a person other than the practitioners listed in the current rule, provided the anesthesia services are provided in compliance with all other laws, including the laws and administrative rules that regulate medical practices. TDSHS reserves the right to take appropriate action if the health, safety or welfare of a patient or the public is adversely impacted by a violation of the current rule. All other rule violations are subject to sanctions, as determined by TDSHS.

As part of the consolidation of the functions of four former health and human services agencies into a single state health agency, the Texas Health and Human Services Commission assumed statutory responsibility for rulemaking for TDSHS. As part of that rulemaking authority and as rules are reviewed, reconsideration of their content and scope of agency authority may take place to ensure the rules align with the mission, policies and statutory authority of the new agency and the HHS enterprise.

Questions concerning this announcement should be directed to Nance Stearman in the Health Care Quality Section of TDSHS at 512/834-6752.