

Purpose

Defines responsibilities of the Department of Health to create and maintain a database of deaths and adverse events from the administration of sedation or anesthesia in outpatient settings and non-emergency departments. Also creates reporting requirements and whistleblower protections for the database. Defines unprofessional conduct related to administration of sedation or anesthesia.

Current Sunset Date

July 1, 2022 (Utah Code Sections [63I-1-226](#) and [63I-1-258](#))

Sections of Code that Sunset

- [26-1-40](#)
- [58-5a-502](#)
- [58-31b-502.5](#)
- [58-67-502.5](#)
- [58-68-502.5](#)
- [58-69-502.5](#)

26-1-40. Reports of anesthesia adverse events – Whistle blower protections.

- (1) (a) Beginning January 1, 2018, the department shall create a database of deaths and adverse events from the administration of sedation or anesthesia in outpatient settings that are not emergency departments in the state.
(b) The database required by Subsection [\(1\)\(a\)](#) shall include reports submitted by health care providers under Sections [58-5a-502](#), [58-31b-502.5](#), [58-67-502.5](#), [58-68-502.5](#), and [58-69-502.5](#).
- (2) The department shall adopt administrative rules under [Title 63G, Chapter 3, Utah Administrative Rulemaking Act](#), regarding:
 - (a) the format of the reports; and
 - (b) what constitutes a reportable adverse event, which shall include at least the administration of intravenous sedation or anesthesia when there is:
 - (i) an escalation of care required for the patient; or
 - (ii) a rescue of a patient from a deeper level of sedation than was intended.
- (3) (a) Information the department receives under this section that identifies a particular individual is subject to [Title 63G, Chapter 2, Government Records Access and Management Act](#), and the federal Health Insurance Portability and Accountability Act of 1996.
(b) Beginning July 1, 2018, and on or before July 1 of each year thereafter, the department shall:
 - (i) publicly report:
 - (A) the number of deaths and adverse events reported under Subsection [\(1\)](#);
 - (B) the type of health care providers, by license category and specialty, who submitted reports under Subsection [\(1\)](#) and who administered the sedation or anesthesia that resulted in an adverse event; and
 - (C) the type of facility in which the death or adverse event took place; and

- (ii) submit a report to the Health and Human Services Interim Committee with the information required by this Subsection [\(3\)](#).
- (4) An employer of a health care provider who submits a report under this section may not take an adverse employment action against the reporting health care provider if the employment action is based on the provider submitting a report under this section.
- (5) (a) This section sunsets in accordance with Section [631-1-226](#).
 - (b) The sunset review of this section shall include an analysis of:
 - (i) the number and types of adverse events reported under this section;
 - (ii) the types of health care providers and locations involved in the adverse events;
 - (iii) the adequacy of sedation and anesthesia requirements in Sections [58-5a-502](#), [58-31b-502.5](#), [58-67-502.5](#), [58-68-502.5](#), and [58-69-502.5](#) related to the adverse events reported under this section; and
 - (iv) the adequacy of the reporting requirements under this section and the need for additional protections for health care providers who report events under this section.

58-5a-502. Unprofessional conduct.

In addition to unprofessional conduct as defined in Section [58-5a-102](#), it is unprofessional conduct for an individual licensed under this chapter to administer sedation or anesthesia intravenously to a patient in an outpatient setting that is not an emergency department without:

- (1) first obtaining consent from the patient in writing, which shall include:
 - (a) the type of sedation or anesthesia being administered;
 - (b) the identity and type of license or permit under this title of the person who is performing the procedure for which the sedation or anesthesia will be administered;
 - (c) the identity and type of license or permit under this title of the person who will be administering the sedation or anesthesia; and
 - (d) monitoring that will occur during the sedation or anesthesia, including monitoring of the patient's oxygenation, ventilation, and circulation;
- (2) reporting any adverse event under Section [26-1-40](#); and
- (3) having access during the procedure to an advanced cardiac life support crash cart with equipment that is regularly maintained according to guidelines established by the American Heart Association.

58-31b-502.5. Anesthesia and sedation – Unprofessional conduct.

In addition to unprofessional conduct as defined in Section [58-31b-502](#), it is unprofessional conduct for an individual licensed under this chapter to administer sedation or anesthesia intravenously to a patient in an outpatient setting that is not an emergency department without:

- (1) first obtaining consent from the patient in writing, which shall include:
 - (a) the type of sedation or anesthesia being administered;
 - (b) the identity and type of license or permit under this title of the person who is performing the procedure for which the sedation or anesthesia will be administered;
 - (c) the identity and type of license or permit under this title of the person who will be administering the sedation or anesthesia; and
 - (d) monitoring that will occur during the sedation or anesthesia, including monitoring the patient's oxygenation, ventilation, and circulation;
- (2) reporting any adverse event under Section [26-1-40](#); and

- (3) having access during the procedure to an advanced cardiac life support crash cart with equipment that is regularly maintained according to guidelines established by the American Heart Association.

58-67-502.5. Anesthesia and sedation – Unprofessional conduct.

In addition to unprofessional conduct as defined in Section [58-67-502](#), it is unprofessional conduct for an individual licensed under this chapter to administer sedation or anesthesia intravenously to a patient in an outpatient setting that is not an emergency department without:

- (1) first obtaining consent from the patient in writing, which shall include:
 - (a) the type of sedation or anesthesia being administered;
 - (b) the identity and type of license or permit under this title of the person who is performing the procedure for which the sedation or anesthesia will be administered;
 - (c) the identity and type of license or permit under this title of the person who will be administering the sedation or anesthesia; and
 - (d) monitoring that will occur during the sedation or anesthesia, including monitoring of the patient's oxygenation, ventilation, and circulation;
- (2) reporting any adverse event under Section [26-1-40](#); and
- (3) having access during the procedure to an advanced cardiac life support crash cart with equipment that is regularly maintained according to guidelines established by the American Heart Association.

58-68-502.5. Anesthesia and sedation – Unprofessional conduct.

In addition to unprofessional conduct as defined in Section [58-68-502](#), it is unprofessional conduct for an individual licensed under this chapter to administer sedation or anesthesia intravenously to a patient in an outpatient setting that is not an emergency department without:

- (1) first obtaining consent from the patient in writing, which shall include:
 - (a) the type of sedation or anesthesia being administered;
 - (b) the identity and type of license or permit under this title of the person who is performing the procedure for which the sedation or anesthesia will be administered;
 - (c) the identity and type of license or permit under this title of the person who will be administering the sedation or anesthesia; and
 - (d) monitoring that will occur during the sedation or anesthesia, including monitoring of the patient's oxygenation, ventilation, and circulation;
- (2) reporting any adverse event under Section [26-1-40](#); and
- (3) having access during the procedure to an advanced cardiac life support crash cart with equipment that is regularly maintained according to guidelines established by the American Heart Association.

58-69-502.5. Anesthesia and sedation – Unprofessional conduct.

In addition to unprofessional conduct as defined in Section [58-69-502](#), it is unprofessional conduct for an individual licensed under this chapter to administer sedation or anesthesia intravenously to a patient in an outpatient setting that is not an emergency department without:

- (1) first obtaining consent from the patient in writing, which shall include:
 - (a) the type of sedation or anesthesia being administered;
 - (b) the identity and type of license or permit under this title of the person who is performing the procedure for which the sedation or anesthesia will be administered;
 - (c) the identity and type of license or permit under this title of the person who will be administering the sedation or anesthesia; and



- (d) monitoring that will occur during the sedation or anesthesia, including monitoring of the patient's oxygenation, ventilation, and circulation;
- (2) reporting any adverse event under Section [26-1-40](#); and
- (3) having access during the procedure to an advanced cardiac life support crash cart with equipment that is regularly maintained according to guidelines established by the American Heart Association.