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Dental bill advances in House

Legislation would regulate anesthesia for patients

BY JANET L. METZNER The Dominion Post

It was Dec. 20, 2002, when 13-year-old Morgantown resident Kelsie Moore went to the dentist's office to get a piece of her braces moved. She never woke up from general anesthesia, and died about four hours later.

Her parents, Gregg and Julie Moore, unwrapped the Christmas gifts they had gotten her. The Christmas clothes they bought ultimately adorned her body in the casket.

That's the story Barbara Evans Fleischauer said she told several times at the Capitol building this week, as she urged support of proposed legislation aimed at regulating how anesthesia is administered in dentists' offices.

"That picture. It's the worst I've ever heard," the former delegate and friend of the Moore family said Thursday. "We want to make sure that with pediatric dentistry, that we are taking every precaution. And that's what the family wants. They don't want anyone else to have to go through that."

House Bill 2929, aimed at regulating how anesthesia is administered in dentist's offices, passed the House Health and Human Resources Committee this week. It now goes to the House Judiciary Committee.

North-central West Virginia Sens. Roman Prezioso, D-Marion, and Sarah Minear, R-Tucker introduced a similar bill — Senate Bill 649, dubbed "The Kelsie Moore Bill" — to the Legislature early this week, days after Moore's family visited them to tell Kelsie's story.

Prezioso is chairman of the Senate Health and Human Resources Committee and was ready to bring SB649 up for discussion in his committee Thursday. But because the House bill is moving, it's been put on hold.

"We found a House version of the bill passed (committee) ... and we're going to wait to take up the House version of the bill," said Jeff Johnson, legal counsel for the Senate committee.

It's the policy of the Legislature to not have two of the same bills moving in both houses, he explained. House Bill 2929 was introduced by Speaker of the House Bob Kiss, D-Raleigh, on March 7. If HB2929 passes the House, Prezioso's 10-member committee, which also includes Sen. Jon Blair Hunter, D-Monongalia, and Sen. Larry Edgell, D-Wetzel, likely will work on the bill.

Fleischauer said she hopes that, as HB2929 passes through committees in both houses, specific rules for dealing with pediatric patients will be included — rules that are actually included in SB649.

"What the family wants is someone who is a certified anesthetist, (or) an M.D. with training ... in anesthesia, or a dentist with training beyond a dentist's degree in anesthesia" in the room with the surgeon, she said.

Fleischauer introduced a similar bill last year in the House of Delegates. That bill failed, she said.

In June 2003, Moore's parents filed a lawsuit in Monongalia County Circuit Court accusing Dr. James G. Bryant of gross negligence. The lawsuit alleged Bryant did not meet established standards for administering anesthesia to pediatric patients.

Bryant has said Moore's death was a tragedy for which he was truly sorry. The facts will prove he was not negligent, he has said.

That case was settled in October, a representative of the court said Thursday. The terms of the settlement are confidential.

Julie Moore could not be reached for comment this week. Moore is out of town, Fleischauer said.

