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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Jun Maiquis
Department of Commerce, Community & Economic Development

FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081 

DATE: March 16, 2018

RE: Filed Permanent Regulations: Board of Dental Examiners

Board of Dental Examiners regulations regarding permit requirements and procedures for administration of sedation and general anesthesia (12 AAC 28.010 - 12 AAC 28.080; 12 AAC 28.235 - 12 AAC 28.360; 12 AAC 28.600 - 12 AAC 28.640; 12 AAC 28.720; 12 AAC 28.990(a))

Attorney General File:	JU2017200375
Regulation Filed:	3/15/2018
Effective Date:	4/14/2018
Print:	226, July 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF DENTAL EXAMINERS

The attached thirty-two pages of regulations, dealing with permit requirements, and practice, personnel, and facility standards for the administration of deep sedation, general anesthesia, moderate sedation, and minimal sedation for a patient younger than 13 years of age by a dentist, suspension or revocation of permit, mandatory reporting, on-site inspections, certification requirements for administration of local anesthetic agents and nitrous oxide sedation by dental hygienists, are hereby certified to be a correct copy of the regulation changes that the Board of Dental Examiners adopted at its December 8, 2017 meeting, under the authority of AS 08.01.065, AS 08.01.075, AS 08.01.087, AS 08.32.085, AS 08.32.110, AS 08.36.070, AS 08.36.100, AS 08.36.110, AS 08.36.234, AS 08.36.250, AS 08.36.315, AS 08.36.320, AS 08.36.342, AS 08.36.344, AS 08.36.346, and AS 08.36.360 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Dental Examiners paid special attention to the cost to private persons of the regulatory action being taken.


The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 12/8/17
Anchorage, Alaska


Dr. Paul Silveira, DMD, President
Board of Dental Examiners

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on March 15, 2018 at 2450 .m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.


Byron Mallott, Lieutenant Governor

Effective: April 14, 2018.

Register: 226, July 2018.

Chapter 28. Board of Dental Examiners.

The article heading of 12 AAC 28, Article 1 is changed to read:

Article 1. Administration of Deep Sedation, General Anesthesia, Moderate Sedation, and Minimal Sedation [ADMINISTERING OF ANESTHETIC AGENT].

12 AAC 28.010 is repealed and readopted to read:

12 AAC 28.010. Permit requirements for use of deep sedation or general anesthesia.

(a) Before administering deep sedation or general anesthesia a dentist licensed under AS 08.36 must have a deep sedation or general anesthesia permit issued by the board.

(b) An applicant for an initial or renewed permit to administer deep sedation or general anesthesia must

(1) submit a completed application on a form provided by the board;

(2) submit a dated and signed affidavit stating that the information provided is true, and that the dentist has read and complied with all applicable statutes and regulations;

(3) submit, on a form provided by the board, a dated and signed affidavit attesting that the dentist's facility meets the requirements of this chapter for the administration of deep sedation or general anesthesia;

~~(4) hold a valid license to practice dentistry in this state;~~

(4)

(5) hold a current registration to prescribe and administer controlled substances in this state issued by the United States Drug Enforcement Administration (DEA);

(5)

(6) provide proof of current certification in advanced resuscitative techniques with hands-on simulated airway and megacode training for healthcare providers, including basic electrocardiographic interpretation; qualifying certification for an applicant who seeks to treat

patients 13 years of age or older includes the American Heart Association's Advanced Cardiac Life Support (ACLS) for Health Professionals³ qualifying certification for an applicant who seeks to treat patients younger than 13 years of age includes Pediatric Advanced Life Support (PALS) for Health Professionals; an applicant who seeks to treat patients ~~older and younger than~~ ^{any} ^{also} ~~13 years of age~~ must be certified in both ACLS for Health Professionals and PALS for Health Professionals⁷ or must be certified in equivalent qualifying certifications under this paragraph, one for advanced cardiac life support for health professionals and one for pediatric advanced life support for health professionals; and

⁽⁶⁾ ~~(7)~~ submit the applicable fees specified in 12 AAC 02.190.

(c) In addition to meeting the requirements of (b) and (d) of this section, an applicant for an initial permit to provide deep sedation or general anesthesia must provide documentation that the applicant

(1) is a member of the American Association of Oral and Maxillofacial Surgery;

(2) successfully completed an advanced educational program in oral maxillofacial surgery accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association; or

(3) successfully completed an advanced educational program in dental anesthesiology accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association.

(d) In addition to meeting the requirements of (b) and (c) of this section, an applicant for an initial permit to provide deep sedation or general anesthesia must provide documentation that

(1) within three years immediately before application, the applicant completed identified in (c)(2) or (3) of this section
~~initial~~ training or education in general anesthesia or deep sedation;
¹

(2) if more than three years but less than five years have elapsed since completing (identified in (c)(2) or (3) of this section in general anesthesia or deep sedation) initial training or education, the applicant completed all continuing education that would have been required for a deep sedation or general anesthesia permit under this section;

(3) if more than three years but less than five years have elapsed since completing (identified in (c)(2) or (3) of this section in general anesthesia or deep sedation) initial training or education, the applicant completed a comprehensive review course approved by the board;

(4) if more than five years have elapsed since completing (identified in (c)(2) or (3) of this section in general anesthesia or deep sedation) initial training or education, the applicant holds a permit for general anesthesia or deep sedation from another jurisdiction where the applicant is also licensed to practice dentistry and where the applicant completed at least 25 anesthesia cases at the requested permit level not earlier than the 12 months immediately preceding application; or

(5) demonstrates current competency to the satisfaction of the board that the applicant has adequate sedation or anesthesia skill to safely deliver deep sedation or general anesthesia services to the public.

(e) In addition to meeting the requirements of (b) of this section, on or after March 1, 2019, a dentist who seeks to renew a permit to administer deep sedation or general anesthesia must

(1) during each biennial licensing period participate in four or more contact hours of continuing education that relates specifically to hands-on advanced airway management or general anesthesia; if the permit holder provides anesthesia for patients younger than 13 years of age, the course must be a pediatric course;

(2) during each biennial licensing period participate in eight contact hours of continuing education that focuses on one or more of the following:

- (A) physical evaluation;
- (B) medical emergencies;
- (C) monitoring and use of monitoring equipment;
- (D) pharmacology of drugs and agents used in deep sedation and general

anesthesia;

⁽⁴⁾
⁽³⁾ maintain continuing education records that can be audited, including course titles, instructors, dates attended, sponsors, and number of contact hours for each course; and

⁽³⁾
⁽⁴⁾ complete at least 50 general anesthesia or deep sedation cases each biennial licensing period; ⁽²⁾; and

(f) A dentist who has met the requirements of this section to administer deep sedation or general anesthesia to patients younger than 13 years of age will be issued a permit that so indicates.

(g) A permit to administer deep sedation and general anesthesia

(1) will be renewed when the dentist's license to practice is renewed, if the dentist demonstrates continued compliance with AS 08.36 and this chapter; and

(2) expires on the date the dentist's license expires.

(h) For purposes of this section,

(1) one contact hour equals ~~a minimum of~~ 50 minutes of instruction;

(2) one academic semester credit hour equals 15 contact hours;

(3) one academic quarter credit equals 10 contact hours; and

(4) one continuing education credit equals one contact hour.

(i) Credit is given only for class hours and not hours devoted to class preparation. (Eff.

4/10/70, Register 34; am 5/29/98, Register 146; am 6/24/2012, Register 202; am 12/15/2013,

Register 226, July 2018 PROFESSIONAL REGULATIONS

Register 208; am 4/14/2018, Register 226)

Authority: AS 08.01.065 AS 08.36.100 AS 08.36.234
 AS 08.36.070 AS 08.36.110 AS 08.36.250

12 AAC 28 is amended by adding a new section to read:

12 AAC 28.015. Permit requirements for use of moderate sedation, or for use of minimal sedation for a patient younger than 13 years of age. (a) Unless exempt under 12

AAC 28.065, before administering moderate sedation to a patient, or minimal sedation to a patient younger than 13 years of age, a dentist licensed under AS 08.36 must have a moderate sedation permit issued by the board.

(b) The requirement to obtain a permit to administer moderate or minimal sedation under this section does not apply to a dentist currently permitted under 12 AAC 28.010 to administer deep sedation and general anesthesia.

(c) A dentist who holds a permit under this section may not administer or employ an agent or technique that has so narrow a margin for maintaining consciousness that the agent or technique is most likely to produce deep sedation or general anesthesia. These agents include ~~but~~ are not limited to ketamine, propofol, brexival, and sodium pentothal.

(d) An applicant for an initial or renewed permit to administer moderate or minimal sedation under this section must

- (1) submit a completed application on a form provided by the board;
- (2) submit a dated and signed affidavit stating that the information provided is true, and that the dentist has read and complied with all applicable statutes and regulations;
- (3) submit, on a form provided by the board, a dated and signed affidavit attesting

that the dentist's facility meets the requirements of this chapter for the administration of moderate or minimal sedation under this section;

~~(4) hold a valid license to practice dentistry in this state;~~

(4)

(5) hold a current registration to prescribe and administer controlled substances in this state issued by the United States Drug Enforcement Administration (DEA);

(5)

(6) provide proof of current certification in advanced resuscitative techniques with hands-on simulated airway and megacode training for healthcare providers, including basic electrocardiographic interpretation; qualifying certification for an applicant who seeks to treat patients 13 years of age and older includes the American Heart Association's Advanced Cardiac Life Support (ACLS) for Health Professionals; ~~qualifying certification for an applicant who seeks to treat patients younger than 13 years of age includes Pediatric Advanced Life Support (PALS) for Health Professionals; an applicant who seeks to treat patients older and younger than 13 years of age must be certified in both ACLS for Health Professionals and PALS for Health Professionals~~ any also or must be certified in equivalent qualifying certifications under this paragraph, one for advanced cardiac life support for health professionals and one for pediatric advanced life support for health professionals; and

(6)


(7) submit the applicable fees specified in 12 AAC 02.190.

(e) In addition to meeting the requirements of (d) and (g) of this section, an applicant for an initial permit to administer moderate sedation to a patient who is at least 13 years of age under this section must provide documentation that the applicant completed either


(1) training in moderate sedation consistent with the *Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students*, as adopted by the ~~October 2016~~ October 2016, American Dental Association (ADA) House of Delegates, ~~and~~ adopted by reference; the applicant must


complete the training required under this paragraph while enrolled in

(A) a dental program accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association; or

(B) a post-doctoral university or teaching hospital program; 

(2) a board-approved continuing education course in sedation consistent with the *Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students*, adopted by reference in (1) of this subsection; the course must consist of a minimum of 60 hours of instruction plus administration of sedation for at least 20 individually managed patients per participant to establish competency and clinical experience in moderate sedation and management of a compromised airway.

(f) In addition to meeting the requirements of (d) and (g) of this section, an applicant for an initial permit to administer moderate or minimal sedation to a patient who is younger than 13 years of age under this section must provide documentation that the applicant has completed a Commission on Dental Accreditation (CODA) accredited residency in pediatric dentistry  or sufficient training in pediatric moderate sedation as determined by the board. The applicant must provide proof of administration of sedation for at least 20 individually managed patients younger than 13 years of age to establish competency and clinical experience in management of a compromised airway.

(g) In addition to meeting the requirements of (d) and (e) of this section, or (f)  if administering moderate or minimal sedation to a patient who is younger than 13 years of age, an applicant for an initial permit to provide moderate sedation and minimal sedation under this section must provide documentation that

(1) within three years immediately before application, the applicant completed

as required in this section
~~initial~~ training or education in moderate sedation;

(2) if more than three years but less than five years have elapsed since completing as required in this section in moderate sedation ~~initial~~ training or education, the applicant completed all continuing education that would have been required for a permit under this section;

(3) if more than three years but less than five years have elapsed since completing as required in this section in moderate sedation ~~initial~~ training or education, the applicant completed a comprehensive review course approved by the board in moderate sedation;

(4) if more than five years have elapsed since completing as required in this section in moderate sedation ~~initial~~ training or education, the applicant holds a permit for moderate sedation from another jurisdiction where the applicant is also licensed to practice dentistry and where the applicant completed at least 25 anesthesia cases at the moderate sedation level not earlier than the 24 months immediately preceding application; or

(5) demonstrates current competency to the satisfaction of the board that the applicant has skill in moderate sedation to safely deliver moderate sedation services to the public.

(h) In addition to meeting the requirements of (d) of this section, on or after March 1, 2019, a dentist who seeks to renew a permit to administer moderate or minimal sedation under this section must

(1) during each biennial licensing period participate in four or more contact hours of continuing education that relates specifically to hands-on advanced airway management; if the permit holder provides moderate or minimal sedation for patients younger than 13 years of age, the course must be a pediatric course; contact hours earned from certification in health care provider basic life support (BLS), advanced cardiac life support (ACLS), and pediatric advanced

life support (PALS) courses may be used to meet the continuing education requirements for obtaining or renewing a permit to administer moderate or minimal sedation under this section;

(2) during each biennial licensing period participate in four contact hours of continuing education that focuses on one or more of the following:

- (A) venipuncture;
- (B) intravenous sedation;
- (C) enteral sedation;
- (D) physiology;
- (E) pharmacology;
- (F) nitrous oxide analgesia;
- (G) patient evaluation, patient monitoring, or medical emergencies;

(3) maintain continuing education records that can be audited, including course titles, instructors, dates attended, sponsors, and number of contact hours for each course; and

(4) complete at least 25 moderate sedation cases per biennial renewal period; and

(i) A dentist who holds a permit for parenteral sedation that the board issued before April 14, 2018 ~~{effective date of regulations}~~, will be issued a moderate sedation permit immediately.

(j) A dentist who has met the requirements of this section to administer moderate or minimal sedation to patients younger than 13 years of age will be issued a permit that so indicates.

(k) A permit to administer moderate or minimal sedation under this section

(1) will be renewed when the dentist's license to practice is renewed, and if the dentist demonstrates continued compliance with AS 08.36 and this chapter;

(2) expires on the date the dentist's license expires.

(l) For purposes of this section,

(1) one contact hour equals ~~a minimum of~~ 50 minutes of instruction;

(2) one academic semester credit hour equals 15 contact hours;

(3) one academic quarter credit equals 10 contact hours; ^{and}

(4) one continuing education credit equals one contact hour.

(m) Credit is given only for class hours and not hours devoted to class preparation. (Eff.

4/14/2018, Register 226)

Authority:	AS 08.01.065	AS 08.36.100	AS 08.36.234
	AS 08.36.070	AS 08.36.110	AS 08.36.250

Editor's note: A copy of the *Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students*, adopted by reference in 12 AAC 28.015, or an electronic equivalent may be obtained by contacting the American Dental Association, 211 East Chicago Ave., Chicago, Illinois 60611-2678; Internet address:
http://www.ada.org/en/~media/ADA/Advocacy/Files/anesthesia_use_guidelines.

12 AAC 28.030 is repealed and readopted to read:

^{Persons} ~~12 AAC 28.030.~~ ^{A lowercase 11} **Other than permit holders.** (a) In addition to a dentist holding a valid permit under 12 AAC 28.010 or 12 AAC 28.015, the following persons may administer deep sedation, general anesthesia, or moderate sedation:

(1) a certified registered nurse anesthetist with a valid license under AS 08.68 and 12 AAC 44 from the Board of Nursing;

(2) a physician with a valid license under AS 08.64 and 12 AAC 40 from the State

Medical Board to practice anesthesiology.

(b) A dentist employing or collaborating with a person described in (a)(1) or (2) of this section must establish a written agreement with that person to ^{that,} guarantee when deep sedation, general anesthesia, or moderate sedation is provided, all facility, equipment, monitoring, and training requirements for all personnel under this chapter have been met. ~~The dentist and a person described in (a)(1) or (2) of this section may agree upon and arrange for either the dentist or that person to meet the facility, equipment, monitoring, and training requirements, if the delineation of those responsibilities is written into the agreement.~~ The dentist shall provide the written agreement to the board.

(c) The dentist employing or collaborating with a person described in (a)(1) or (2) of this section must

- ~~(1) hold a valid license to practice dentistry in this state;~~
- ⁽¹⁾ (2) hold a current registration to prescribe and administer controlled substances in this state issued by the United States Drug Enforcement Administration (DEA);
- ⁽²⁾ (3) provide all dental treatment and ensure that the person described in (a)(1) or (2) of this section remains in the dental facility until the patient receiving anesthesia or sedation services is discharged;
- ^{(3) ensure that} (4) get all sedation and anesthesia records provided by the person described in (a)(1) or (2) of this section ^{are maintained} and maintain the records as a permanent part of the patient's treatment record; and
- ⁽⁴⁾ (5) notify the board at the initiation of the employment or collaboration by filing notice of the written agreement, on a form provided by the board. ^(lowercase) The dentist must notify the board of ^{any amendments} updates to the agreement when a dental license is renewed. (Eff. 4/10/70, Register 34;

Register 226, July 2018 PROFESSIONAL REGULATIONS

am 6/24/2012, Register 202; am 4/14/2018, Register 226)

Authority: AS 08.36.070 [AS 08.36.247]

12 AAC 28.040 is repealed and readopted to read:

12 AAC 28.040. Informed written consent. Before administering deep sedation, general anesthesia, or moderate sedation, and before administering minimal sedation to a patient younger than 13 years of age, a dentist shall

with the patient, or with the patient's parent, legal guardian, or caregiver if the patient is younger than 13 years of age,

(1) discuss the nature and objectives of the sedation and anesthesia along with the risks, benefits, and alternatives;

(2) ^{obtain} get informed written consent of the patient or ^{of the parent or} legal guardian; and

(3) maintain a copy of the informed written consent in the patient's permanent record. (Eff. 4/10/70, Register 34; am 12/15/2013, Register 208; am 4/14/2018, Register 226)

Authority: AS 08.36.070

12 AAC 28.050 is repealed and readopted to read:

12 AAC 28.050. Medical history. (a) Before administering deep sedation, general anesthesia, or moderate sedation to a patient, and before administering minimal sedation to a patient younger than 13 years of age, a dentist shall

(1) ^{obtain} get and record the patient's medical history, including

(A) a description of all current treatments;

(B) all current medications and dosages;

(C) assessment of ^{the patient's} Body Mass Index (BMI); _{a lower BMI}

(D) impending operations;

(E) pregnancies; and

(F) other information that may be helpful to the person administering the sedation or anesthesia; and

(2) record the questions asked of and answers received from the patient, parent, legal guardian, or care giver, signed by the patient, parent, legal guardian, or care giver, as a permanent part of the patient's treatment record.

(b) The dentist is not required to make a medical examination of the patient and draw medical diagnostic conclusions. If the dentist suspects a problem and calls in a physician for an examination, the dentist may rely upon the physician's conclusion and diagnosis. (Eff. 4/10/70, Register 34; am 12/15/2013, Register 208; am 4/14/2018, Register 226)

Authority: AS 08.36.070

12 AAC 28.060 is repealed and readopted to read:

12 AAC 28.060. Requirements for administering deep sedation, general anesthesia, moderate sedation, or minimal sedation for a patient younger than 13 years of age. (a) The document *Guidelines for the Use of Sedation and General Anesthesia by Dentists*, as adopted by the ~~October 2016~~ October 2016, American Dental Association (ADA) House of Delegates, is adopted by reference as the standards for administering deep sedation, general anesthesia, and moderate sedation to patients 13 years of age and older and applies to all licensees subject to this chapter, unless otherwise specified in this chapter.

(b) The document *Guideline for Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic and Therapeutic Procedures*, developed and endorsed

by the American Academy of Pediatrics and the American Academy of Pediatric Dentistry, adopted in 2006 and reaffirmed in 2011, is adopted by reference as the standards for administering deep sedation, general anesthesia, moderate sedation, and minimal sedation to patients younger than 13 years of age and applies to all licensees subject to this chapter, unless otherwise specified in this chapter.

(c) When a patient younger than 13 years of age requires sedation or anesthesia, a sedating medication may not be prescribed for or administered to that patient before the patient arrives at the dentist's facility.

(d) When deep sedation, general anesthesia, moderate sedation, or minimal sedation to a patient younger than 13 years old ² is administered, the dentist ~~shall~~

^{shall} (1) record baseline vital signs before administration of a controlled substance and before discharge, unless the patient's behavior prevents this determination; in this paragraph "controlled substance" has the meaning given in AS 11.71.900;

^{shall} (2) continually monitor a patient's heart rate, blood pressure, and respiration using electrocardiographic monitoring, pulse oximetry, blood pressure monitoring device, and ^a respiration monitoring device;

^a ^{shall} (3) record sedation and anesthesia records in a timely manner; the records must include

(A) blood pressure;

(B) heart rate;

(C) respiration;

(D) blood oxygen saturation;

(E) drugs administered, including dosages, the time that drugs were

administered, and the route of administration;

(F) the length of the procedure;

(G) the patient's temperature if depolarizing medications or volatile anesthetics are administered; temperature must be monitored constantly; and

shall (H) any complications from anesthesia or sedation;

(4) stop the dental procedure if a patient enters a deeper level of sedation than the dentist is permitted to provide until the patient returns to, and is stable at, the intended level of sedation; while returning the patient to the intended level of sedation, the patient's pulse, respiration, blood pressure, and pulse oximetry must be monitored and recorded at least every five minutes;

may (5) not discharge a patient until the person who administered the sedation or anesthesia, or another practitioner qualified to administer the same level of sedation or anesthesia, determines that the patient's level of consciousness, oxygenation, ventilation, and circulation are satisfactory for discharge and vital signs have been taken and recorded;

shall (6) give postoperative instructions verbally and in writing; the written instructions must include a 24-hour emergency telephone number that directly calls the dental provider;

shall (7) discharge the patient to a responsible individual who has been instructed with regard to the patient's care; and

shall (8) make a discharge entry in the patient's record describing the patient's condition upon discharge and the responsible party to whom the patient was discharged.

(e) When deep sedation, general anesthesia, moderate sedation, or minimal sedation to a patient younger than 13 years of age is administered, the dentist's facility shall

(1) have an operating table or chair that permits the patient to be positioned so the

operating team can maintain the airway, quickly alter patient position in an emergency, and provide a firm platform for the administration of basic life support;

(2) have a lighting system that is adequate to permit evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit conclusion of the operation ~~underway~~ when power fails;

(3) have suction equipment capable of aspirating gastric contents from the mouth and pharyngeal cavities, and a backup suction device that does not depend on power supply from the facility ~~must be available;~~

(4) have an oxygen delivery system with adequate full face masks and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, and an adequate portable backup system;

(5) have a recovery area that has available oxygen, adequate lighting, suction, and electrical outlets, though the recovery area can be the operating area;

(6) have a defibrillator or automated external defibrillator (AED) available and in reach within 60 seconds from any area where anesthesia or sedation is administered;

(7) have written basic emergency procedures established and maintain a staff of supervised personnel capable of handling procedures, complications, and emergency incidents; all personnel involved in patient care must hold a certification in healthcare professional cardiopulmonary resuscitation (CPR);

(8) conduct a training exercise at least two times each calendar year and log each exercise; the log must be signed and dated and must include

(A) the names and positions of facility personnel or practitioners present;

(B) proof of current certification in cardiopulmonary resuscitation (CPR),

advanced cardiac life support (ACLS), or Pediatric Advanced Life Support (PALS) for each person involved in patient care; and

(C) a completed checklist provided by the board, or an equivalent, to establish competency in handling procedures, complications, and emergency incidents;

and

(9) maintain the following equipment and drugs in the facility and available for immediate use:

(A) oral and nasal airways of various sizes;

(B) supra-glottic airway device;

(C) a blood pressure cuff of appropriate size and stethoscope, or

equivalent monitoring devices;

(D) a pulse oximeter;

(E) a respiratory monitoring device;

(F) adequate equipment to establish an intravenous infusion, including hardware and fluids;

(G) a narcotic antagonist;

(H) a corticosteroid;

(I) a bronchodilator;

(J) an anticholinergic;

(K) an antiarrhythmic;

(L) an antihistamine;

(M) a coronary artery vasodilator;

(N) a benzodiazepine antagonist;

(O) sterile needles, syringes, tourniquets, and tape;

(P) epinephrine;

(Q) an antiemetic; and

(R) 50 percent dextrose or other anti-hypoglycemic;

and

(10) display a permit for moderate sedation, deep sedation, or general anesthesia

and current dental license in a conspicuous place where the dentist practices. (Eff. 4/10/70,

Register 34; am 6/24/2012, Register 202; am 12/15/2013, Register 208; am 4/14/2018,

Register 226)

Authority: AS 08.36.070

Editor's note: A copy of the *Guidelines for the Use of Sedation and General Anesthesia by Dentists*, adopted by reference in 12 AAC 28.060, or an electronic equivalent may be obtained by contacting the American Dental Association, 211 East Chicago Ave., Chicago, Illinois 60611-2678; Internet address:

http://www.ada.org/~media/ADA/Education%20and%20Careers/Files/anesthesia_use_guideline_s.pdf

An electronic copy of the *Guideline for Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic and Therapeutic Procedures*, adopted by reference in 12 AAC 28.060, may be obtained from the American Academy of Pediatric Dentistry; Internet address: http://www.aapd.org/media/Policies_Guidelines/G_Sedation.pdf

12 AAC 28 is amended by adding a new section 3 to read:

12 AAC 28.061. Additional requirements for administering deep sedation or general anesthesia. In addition to meeting the requirements of 12 AAC 28.060, when deep sedation or

general anesthesia is administered³

(1) the dentist's facility must have an operating area large enough to adequately accommodate the patient on a table or in an operating chair and permit an operating team consisting of at least three individuals to freely move about the patient;

(2) the dentist's facility must have a laryngoscope complete with adequate selection of blades, spare batteries, and bulb;³ ²⁰

(3) the dentist's facility must have endotracheal tubes and appropriate connectors, a supra-glottic airway device, and other appropriate equipment necessary to do an intubation;

(4) the dentist's facility must have a tonsillar or pharyngeal suction tip adaptable to all outlets;

(5) the dentist's facility must have endotracheal tube forceps;

(6) the dentist's facility must have an electrocardiographic monitor;

(7) the dentist ^{shall} must use an end-tidal carbon dioxide monitor to monitor respiration;

(8) the dentist's facility must have the following emergency equipment and drugs in the facility and available for immediate use:

(A) a vasopressor;

(B) a muscle relaxant;

(C) intravenous medications for treatment of cardiac arrest;

(D) an antihypertensive;

(E) an anticonvulsant; and

(F) dantrolene sodium or its equivalent if administering general anesthesia by means of inhalation;

(9) the provider administering deep sedation or general anesthesia ^{shall} ~~must~~ establish and maintain a secured intravenous line throughout the procedure, unless poor patient cooperation prevents placement or the ability to maintain the line;

(10) the provider administering deep sedation or general anesthesia shall remain in the operatory room to monitor the patient continuously until the patient is responsive and recovery care can be transferred to a staff member capable of handling procedures, complications, and emergency incidents related to the type of sedation or anesthesia used;

(11) the provider who administered deep sedation or general anesthesia, or another licensed practitioner qualified to administer the same level of sedation or anesthesia, shall remain on the premises of the dentist's facility until the patient has regained consciousness and is discharged; ^{and}

(12) if the deep sedation or general anesthesia provider is the dentist, ^{trained} at all times during the procedure ^{treating} a second ^{the treatment team shall include} person ^{is necessary} to monitor and observe the patient, and a third person to assist the ^{operating} dentist. (Eff. 4/14/2018, Register 226)

Authority: AS 08.36.070

~~12 AAC 28 is amended by adding a new section to read:~~

12 AAC 28.062. Additional requirements for administering moderate sedation, or minimal sedation for a patient younger than 13 years of age. In addition to meeting the requirements of 12 AAC 28.060, when moderate sedation is administered ^{to a patient of any age}, or minimal sedation is administered to a patient ^{years of age,} younger than 13

(1) the dentist's facility must have an operating area of size and design to permit access of emergency equipment and personnel and to permit effective emergency management;

(2) the dentist ^{shall} ~~must~~ use an end-tidal carbon dioxide monitor or a pre-cordial stethoscope to monitor respiration; and

(3) the treatment team shall consist of the ^{treating,} operating dentist and a second person to ^{operating area} assist, monitor and observe the patient. Both shall be in the ~~operatory~~ with the patient throughout the dental procedure. (Eff. 4/14/2018, Register 226)

Authority: AS 08.36.070

~~12 AAC 28 is amended by adding a new section to read:~~

12 AAC 28.065. Exceptions to permit requirements under 12 AAC 28.010 - 12 AAC 28.080. The requirement to ^{obtain} ~~get~~ a permit under 12 AAC 28.010 or 12 AAC 28.015 does not apply to

(1) the administration of local anesthesia;

(2) the administration of nitrous oxide sedation to patients of any age if the delivery system for the nitrous oxide-oxygen contains a mechanism that guarantees that an oxygen concentration of at least 25 percent will be administered to the patient at all times during the administration of the nitrous oxide; ^{or} ~~or~~

(3) the administration of an oral medication to achieve minimal sedation if

(A) the patient is 13 years of age or older;

(B) the dose of the administered drug is within the United States Food and Drug Administration's (FDA) ^{maximum} ~~maximum~~ recommended dose as printed in that agency's approved labeling for unmonitored home use; the dentist may not use a second drug without obtaining a permit under 12 AAC 28.010 or 12 AAC 28.015, as applicable;

(C) the dose of the administered drug is used in combination with nitrous

oxide or oxygen and does not exceed minimal sedation; and

(D) the patient is re-appointed if the intended level of minimal sedation is not achieved; ^{or}

(4) the administration of deep sedation, general anesthesia, moderate ^{sedation,} or minimal sedation in a licensed hospital, ^a state-operated hospital, or a facility directly maintained or operated by the federal government. (Eff. 4/14/2018, Register 226)

Authority: AS 08.36.070 AS 08.36.315 AS 08.36.360

~~9~~ 12 AAC 28 is amended by adding a new section to read:

12 AAC 28.068. Inspections. (a) The board may require an on-site inspection of the dentist's facility where deep sedation, general anesthesia, or moderate sedation is administered.

(b) A dentist will be notified in writing if an on-site inspection is required and will be provided with information about how the board conducts an on-site inspection. A dentist shall cooperate in scheduling a timely inspection not later than 90 days after receiving notice of an inspection.

(c) A designee of the board or the board's investigator shall carry out the inspection.

(d) An inspection shall be conducted according to the guidelines provided in the *Office Anesthesia Evaluation Manual*, Eighth Edition, 2012, adopted by reference, and may include the evaluation of equipment, medications, patient records, documentation of personnel training, and other items as determined necessary by the board, the designee of the board, or the board's investigator.

(e) If a dentist maintains membership in the American Association of Oral and Maxillofacial Surgeons (AAOMS) and receives notification from the board that an on-site

inspection is required, the board may accept reports that result from the periodic office examinations required by that association.

(f) If the equipment, facilities, or personnel training are inadequate to assure safe use of sedation or anesthesia, the board will notify the dentist in writing and will conduct a follow-up inspection. If the board finds that the equipment, facilities, or trained personnel are still inadequate to assure safe use of sedation or anesthesia, the board will deny issuance of a permit under 12 AAC 28.010 or 12 AAC 28.015, immediately suspend a permit issued under 12 AAC 28.010 or 12 AAC 28.015, or order the dentist to immediately cease sedation or anesthesia services provided under 12 AAC 28.030.

(g) This section does not apply to investigations by the board, a designee of the board, or the board's investigator upon an allegation that a licensee has violated a provision of AS 08.32, AS 08.36, or this chapter. (Eff. 4/14/2018, Register 226)

Authority: AS 08.01.075 AS 08.01.087 AS 08.36.070

Editor's note: A copy of the *Office Anesthesia Evaluation Manual*, adopted by reference in 12 AAC 28.068, can be obtained by contacting the American Dental Association, 211 East Chicago Avenue, Chicago, Illinois 60611-2678.

12 AAC 28.070 is repealed and readopted to read:

12 AAC 28.070. Suspension or revocation of permit. The board will automatically suspend or revoke a permit under 12 AAC 28.010 or 12 AAC 28.015 upon the suspension or revocation of the holder's license to practice dentistry in the state. (Eff. 4/10/70, Register 34; am 4/14/2018, Register 226)

Authority: AS 08.36.070 AS 08.36.315 AS 08.36.320

12 AAC 28.080 is repealed and readopted to read:

12 AAC 28.080. Mandatory reporting. (a) If a dental patient dies or experiences sedation or anesthesia complications that require hospitalization or emergency room care during or immediately after receiving sedation or general anesthesia, the dentist who treated the patient shall submit a written or electronic report of the incident to the board not later than 48 hours after learning of the death or hospitalization. The report must include

- (1) the name, age, and address of the patient;
- (2) the name ^{of} the dentist and other personnel or providers present during the treatment;
- (3) the address of the facility where the treatment took place;
- (4) the medical history of the patient;
- (5) a description of the type of sedation or anesthetic that was used and the dosages of drugs administered to the patient;
- (6) a narrative description of the incident including approximate times and evolution of symptoms; and
- (7) as requested by the board, a designee of the board, or the board's investigator, additional information that is relevant to investigating the incident.

(b) Not later than 30 days after the receipt of a report required under (a) of this section, the board investigator may review the report, consult with a member of the board who is a dentist licensed under AS 08.36, and make a recommendation in writing as to whether further investigation by the board or the board's investigator should be made. The department ^{will} ~~shall~~ make

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a report of recommendations under this subsection at the next board meeting. If a

recommendation by the department is that further investigation is not warranted, the department

will shall make only a summary report. The board may accept the recommendation or request the

department to make further investigations. (Eff. 4/10/70, Register 34; am 11/10/2001, Register

160; am 4/14/2018 2, Register 226)

Authority: AS 08.01.087 AS 08.36.070 AS 08.36.315

The article heading of 12 AAC 28, Article 3 is changed to read:

**Article 3. Administration of Local Anesthetic Agents and Nitrous Oxide Sedation
by Dental Hygienists.**

12 AAC 28 is amended by adding a new section to read:

12 AAC 28.325. Application for certification to administer nitrous oxide sedation.

The board will issue a certification to administer nitrous oxide sedation under direct or indirect supervision to a dental hygienist licensed in this state if the hygienist

(1) submits a completed, notarized application on the form provided by the department;

(2) pays the applicable fee required in 12 AAC 02.190; and

(3) provides written verification of successful completion of an accredited college or university course of instruction in the administration of nitrous oxide, approved by the board under 12 AAC 28.345. (Eff. 4/14/2018, Register 226)

Authority: AS 08.01.065 AS 08.32.110 AS 08.36.070

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12 AAC 28.330(3) is amended to read:

(3) a course outline **that** [WHICH] verifies inclusion of the subjects and procedures required **under**

(A) [BY] 12 AAC 28.340 **if certification to administer local anesthesia is sought; or**

(B) **12 AAC 28.345, if certification to administer nitrous oxide sedation is sought; and**

(Eff. 5/31/81, Register 78; am 8/1/82, Register 83; am 12/15/2013, Register 208; am

4/14/2018, Register 226)

Authority: AS 08.32.110 **AS 08.36.070**

12 AAC 28 is amended by adding a new section to read:

12 AAC 28.345. Requirements for course of instruction for administering nitrous oxide. (a) To satisfy the requirements for a certification under 12 AAC 28.325, a course of instruction for administering nitrous oxide, must be provided by an organization accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association or approved by the board. ~~This course must contain a minimum of three hours of clinical and three hours of didactic instruction.~~

(b) To satisfy the requirements for certification under 12 AAC 28.325, a course of instruction for administering nitrous oxide must include

(1) a minimum of three hours of clinical instruction sufficient to establish the ability to

(A) inspect, operate, and decontaminate nitrous oxide delivery and

scavenging systems;

(B) properly induce nitrous oxide sedation; and

(C) recognize and counteract complications;

(2) a minimum of three hours of didactic instruction including

(A) sedation techniques;

(B) physiology of respiration and pharmacology of nitrous oxide;

(C) nitrous oxide machines;

(D) induction techniques; and

(E) complications and their management; and

(3) procedures for determining whether the dental hygienist has acquired the necessary knowledge and proficiency to administer nitrous oxide sedation. (Eff. 4/14/2018,

Register 226)

Authority: AS 08.32.110 AS 08.36.070

repealed and readopted

12 AAC 28.350 is amended to read:

12 AAC 28.350. Expiration ~~[AND RENEWAL]~~ of certification. (a) A certification to administer local anesthetic agents or nitrous oxide sedation expires on the date the dental hygienist's license expires or is revoked or suspended. *12.2 Repeal and underline not necessary.*

~~(b) **Repealed** / / [A CERTIFICATION TO ADMINISTER LOCAL ANESTHETIC AGENTS WILL BE RENEWED WHEN THE DENTAL HYGIENIST'S LICENSE TO PRACTICE IS RENEWED].~~

~~(c) A certification to administer local anesthesia or nitrous oxide sedation will remain active as long as the holder's dental hygiene license is active and in good standing.~~ *(b) (c) } Repeal and underline not necessary*

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(c) (d) The board will notify a dental hygienist of initial certification to provide local anesthesia or nitrous oxide sedation and thereafter certification will be listed on the dental hygiene license. (Eff. 5/31/81, Register 78; am 4/14/2018, Register 226)

*local-
face and
under-
lining
not
necessary*

Authority: AS 08.32.110 AS 08.36.070 AS 08.36.315

[AS 08.32.110(b)]

12 AAC 28.360 is amended to read:

12 AAC 28.360. Registry. The board will [SHALL] maintain a registry of all board approved courses of instruction and all dental hygienists certified to administer local anesthetic agents or nitrous oxide sedation. (Eff. 5/31/81, Register 78; am 4/14/2018, Register 226)

Authority: AS 08.32.110 [AS 08.32.110(b)] AS 08.36.070

Article 6. Parenteral Sedation.

Section

600. **Repealed** [ADMINISTRATION OF PARENTERAL SEDATION]

610. **Repealed** [PARENTERAL SEDATION PERMIT]

620. **Repealed** [EDUCATION, TRAINING, AND CERTIFICATION REQUIREMENTS]

630. **Repealed** [EQUIPMENT, FACILITIES, AND STAFF STANDARDS]

640. **Repealed** [MANDATORY REPORTING]

12 AAC 28.600 is repealed:

12 AAC 28.600. Administration of parenteral sedation. Repealed. (Eff. 4/13/91, Register 118; am 6/24/2012, Register 202; repealed 4/14/2018, Register 226)

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12 AAC 28.610 is repealed:

12 AAC 28.610. Parenteral sedation permit. Repealed. (Eff. 4/13/91, Register 118; am 12/5/2009, Register 192; readopt 12/15/2013, Register 208; repealed 4/14/2018, Register 226)

to Publisher: Please delete the editor's note that follows 12 AAC 28.610.)))

12 AAC 28.620 is repealed:

12 AAC 28.620. Education, training, and certification requirements. Repealed. (Eff. 4/13/91, Register 118; am 4/18/2002, Register 162; repealed 4/14/2018, Register 226)

12 AAC 28.630 is repealed:

12 AAC 28.630. Equipment, facilities, and staff standards. Repealed. (Eff. 4/13/91, Register 118; am 6/24/2012, Register 202; am 3/11/2016, Register 217; repealed 4/14/2018, Register 226)

to Publisher: Please delete editor's note that follows 12 AAC 28.630.)))

12 AAC 28.640 is repealed:

12 AAC 28.640. Mandatory reporting. Repealed. (Eff. 4/13/91, Register 118; am 11/10/2001, Register 160; readopt 12/15/2013, Register 208; repealed 4/14/2018, Register 226)

to Publisher: Please delete editor's note that follows 12 AAC 28.640.)))

12 AAC 28.720 is repealed:

12 AAC 28.720. Administration of nitrous oxide. Repealed. (Eff. 6/17/98, Register 146; am 1/28/2000, Register 153; repealed 4/14/2018, Register 226)

12 AAC 28.990(a) is repealed and readopted to read:

(a) In this chapter,

(1) "administer local anesthetic agents" means to administer an agent that induces local anesthesia and to administer that agent by injection, both infiltration and block, limited to the oral cavity, for the purposes of pain control;

(2) "American Association of Dental Examiners Clearinghouse for Board Actions" means the American Association of Dental Examiners information source described in AS 08.36.110(a)(1)(F);

(3) "board" means the Board of Dental Examiners;

(4) "coronal polishing," within the meaning given in AS 08.36.370, means removal of supragingival plaque and stains from teeth without calculus, including the removal of soft deposits, such as materia alba, plaque, and stains from the anatomical crowns of the teeth;

(5) "deep sedation" means a drug-induced depression of consciousness during which

(A) patients cannot be easily aroused but respond purposefully following repeated or painful stimulation;

(B) the ability to independently maintain ventilatory function may be impaired;

(C) patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate; and

(D) cardiovascular function is usually maintained;

(6) "department" means the Department of Commerce, Community, and Economic Development;

(7) "facility" means a dental practice, office, or clinic that is subject to the requirements of AS 08.36.367;

(8) "general anesthesia" means a drug-induced loss of consciousness during which

(A) patients are not arousable, even by painful stimulation;

(B) the ability to independently maintain ventilatory function is often impaired;

(C) patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function; and

(D) cardiovascular function may be impaired;

(9) "local anesthesia" means the elimination of sensation, especially pain, in one part of the body by the topical application or regional injection of a drug;

(10) "minimal sedation" means a minimally depressed level of consciousness, produced by a pharmacological method, in which

(A) the patient retains the ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command; and

(B) although cognitive function and coordination may be modestly impaired, ventilatory and cardiovascular functions are unaffected;

(11) "moderate sedation" means a drug-induced depression of consciousness, during which

(A) a patient responds purposefully to verbal commands, either alone or accompanied by light tactile stimulation;

(B) no interventions are required to maintain a patent airway, and

spontaneous ventilation is adequate; and

(C) cardiovascular function is usually maintained;

(12) "nitrous oxide sedation" means an induced, controlled state of minimal sedation, produced solely by the inhalation of a combination of nitrous oxide and oxygen in which the patient retains the ability to independently and continuously maintain an airway and to respond purposefully to physical stimulation and to verbal command;

(13) "radiological equipment" means a control panel and associated radiological tubeheads capable of exposing a dental patient to x-rays;

(14) "restorative function" means under the direct supervision of a licensed dentist, to place restorations into a cavity prepared by the licensed dentist and thereafter carve, contour, and adjust contacts and occlusion of the restoration.

(Eff. 5/31/81, Register 78; am 4/13/91, Register 118; am 11/7/99, Register 152; am 3/30/2001, Register 157; am 1/15/2003, Register 165; am 7/25/2010, Register 195; am 3/18/2011, Register 197; am 12/15/2013, Register 208; am 4/14/2018, Register 226)

Authority:	AS 08.32.085	AS 08.36.342	AS 08.36.346
	AS 08.36.070	AS 08.36.344	

MEMORANDUM

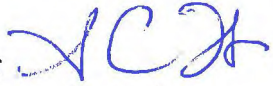
State of Alaska Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: March 15, 2018

File No.: JU2017200375

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Board of Dental Examiners
regulations regarding permit
requirements and procedures for
administration of sedation and general
anesthesia (12 AAC 28.010 - 12 AAC
28.080; 12 AAC 28.325 - 12 AAC
28.360; 12 AAC 28.600 - 12 AAC
28.640; 12 AAC 28.720; 12 AAC
28.990(a))

We have reviewed the attached regulations from the Board of Dental Examiners against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation of authority dated March 15, 2018 from the Regulations Attorney. The regulations bring up to date permitting requirements and procedures for administration of sedation and general anesthesia for the dentistry profession, and also bring up to date certification requirements and procedures for administration of nitrous oxide by dental hygienists.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

Please note that 12 AAC 28.015(i) contains a placeholder for a date that is timed to the effective date of the regulations. Once the regulations are filed and the effective date thus established under AS 44.62.180, we request that your office make handwritten edits to substitute the correct date for the placeholder text. Though the placeholder is structured "___/___/___", please fill in the date using the name of the month, the day followed by a comma, and the year; for example, if the regulations are filed March 19, 2018, please set out the effective date as "April 18, 2018" rather than "4/18/2018".

Also, this regulations project is a companion project to a set of Department of Commerce, Community, and Economic Development regulations regarding fees for professions regulated by the Board of Dentistry (Department of Law file number JU2017200374). We request that your office file the two projects on the same date, so that the fee regulations in project file number

Hon. Byron Mallott, Lieutenant Governor
Our file: JU2017200375

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Page 2

JU2017200374 and the sedation and general anesthesia regulations in project file number JU2017200375 will have the same effective date.

The June 16, 2017 public notice and the December 8, 2017 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to the regulations in accordance with AS 44.62.125, as shown on the attached copy.

SCW

cc w/enc: (via email)

Dr. Paul Silveira, DMD, President
Board of Dental Examiners
(via e-mail through Jun Maiquis)

Micaela Fowler, Regulations Contact
Department of Commerce, Community, and Economic Development

Janey McCullough, Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Sher Zinn, Licensing Supervisor
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Megyn A. Greider, Assistant Attorney General
Commercial, Fair Business, and Child Support Section

Harriet Dinegar Milks, Assistant Attorney General
Commercial, Fair Business, and Child Support Section

MEMORANDUM

State of Alaska

Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: March 15, 2018

FILE NO.: JU2017200375

TELEPHONE NO.: (907) 465-3600

FROM: Susan R. Pollard *SPP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation/Regulations Section

SUBJECT: Specific delegation of authority
regarding regulations review on
Board of Dental Examiners
regulations regarding permit
requirements and procedures for
administration of sedation and
general anesthesia (12 AAC
28.010 - 12 AAC 28.080;
12 AAC 28.325 - 12 AAC
28.360; 12 AAC 28.600 -
12 AAC 28.640; 12 AAC 28.720;
12 AAC 28.990(a))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General and
Assistant Regulations Attorney
Legislation/Regulations Section

**NOTICE OF PROPOSED CHANGES RELATING TO ADMINISTRATION OF DEEP
SEDATION, GENERAL ANESTHESIA, MODERATE SEDATION, MINIMAL SEDATION,
AND LOCAL ANESTHETIC AGENTS AND NITROUS OXIDE SEDATION IN THE
REGULATIONS OF THE BOARD OF DENTAL EXAMINERS**

BRIEF DESCRIPTION: The Board of Dental Examiners proposes to update various regulations including the permit requirements, and practice, personnel, and facility standards for the administration of deep sedation, general anesthesia, moderate sedation, and minimal sedation for a patient younger than 13 years of age by a dentist, suspension or revocation of permit, mandatory reporting, on-site inspections, certification requirements for administration of local anesthetic agents and nitrous oxide sedation by dental hygienists, requirements for course of instruction for administering nitrous oxide, expiration of certification, registry, and definitions.

The Board of Dental Examiners (Board) proposes to adopt regulation changes in Title 12, Chapter 28 of the Alaska Administrative Code including the following:

1. **12 AAC 28.010, Permit requirements for use of deep sedation or general anesthesia**, is proposed to be changed to alter the requirements for a permit to administer deep sedation or general anesthesia by a dentist.
2. **12 AAC 28.015, Permit requirements for use of moderate sedation, and for use of minimal sedation for a patient younger than 13 years of age**, is a proposed new section that establishes requirements for a permit to administer moderate sedation to a patient, or minimal sedation to a patient younger than 13 years of age by a dentist.
3. **12 AAC 28.030, Other than permit holders**, is proposed to be changed to alter the provisions related to persons, other than a dentist holding a valid permit, who may administer deep sedation, general anesthesia, or moderate sedation.
4. **12 AAC 28.040, Informed written consent**, is proposed to be changed to amend the requirements for informed consent before administering deep sedation, general anesthesia, or moderate sedation to a patient, and before administering minimal sedation to a patient younger than 13 years of age by a dentist.
5. **12 AAC 28.050, Medical history**, is proposed to be changed to amend the requirements for collecting a medical history before administering deep sedation, general anesthesia, or moderate sedation to a patient, and before administering minimal sedation to a patient younger than 13 years of age by a dentist.
6. **12 AAC 28.060, Requirements for administering deep sedation, general anesthesia, moderate sedation, or minimal sedation for a patient younger than 13 years of age**, is proposed to be changed to establish standards and amend the personnel and facility requirements that must be met in order to administer deep sedation, general anesthesia, and moderate sedation, or minimal sedation to patients younger than 13 years of age that the Board adopts by reference.
7. **12 AAC 28.061, Additional requirements for administering deep sedation or general anesthesia**, is a proposed new section that establishes additional requirements for administering deep sedation or general anesthesia to a dental patient.
8. **12 AAC 28.062, Additional requirements for administering moderate sedation, or minimal sedation for a patient younger than 13 years of age**, is a proposed new section that establishes additional requirements for administering moderate sedation or minimal sedation to a patient younger than 13 years of age.
9. **12 AAC 28.065, Exceptions to permit requirements under 12 AAC 28.010 – 12 AAC 28.080**, is a proposed new section that establishes exceptions to the requirement to obtain a permit to administer deep sedation, general anesthesia, moderate sedation, and minimal sedation to a patient

younger than 13 years of age.

10. **12 AAC 28.068, Inspections**, is a proposed new section that establishes requirements for an on-site inspection of the dentist's facility where deep sedation, general anesthesia, or moderate sedation is administered.
11. **12 AAC 28.070, Suspension or revocation of permit**, is proposed to be changed to alter the provisions related to suspension or revocation of a permit to administer deep sedation, general anesthesia, moderate sedation, or minimal sedation by a dentist.
12. **12 AAC 28.080, Mandatory reporting**, is proposed to be changed to amend the requirements for filing a patient incident report by a dentist.
13. **12 AAC 28.325, Application for certification to administer nitrous oxide sedation**, is a proposed new section that establishes requirements for certification to administer nitrous oxide by a dental hygienist.
14. **12 AAC 28.330, Approval of course of instruction**, is proposed to be amended to include requirements for approval of a course of instruction for administering nitrous oxide.
15. **12 AAC 28.345, Requirements for course of instruction for administering nitrous oxide**, is a proposed new section that establishes requirements for a course of instruction for administering nitrous oxide.
16. **12 AAC 28.350, Expiration of certification**, is proposed to be changed to amend the provisions related to initial notice and active status of a certification to administer local anesthetic agents or nitrous oxide sedation by a dental hygienist.
17. **12 AAC 28.360, Registry**, is proposed to be changed to include dental hygienists certified to administer nitrous oxide in the registry that the board maintains.
18. **12 AAC 28.600, Administration of parenteral sedation**, is proposed to be repealed. The intended effect of this repeal is to conform to the proposed changes in section 12 AAC 28.015.
19. **12 AAC 28.610, Parenteral sedation permit**, is proposed to be repealed. The intended effect of this repeal is to conform to the proposed changes in section 12 AAC 28.015.
20. **12 AAC 28.620, Education, training, and certification requirements**, is proposed to be repealed. The intended effect of this repeal is to conform to the proposed changes in section 12 AAC 28.015.
21. **12 AAC 28.630, Equipment, facilities, and staff standards**, is proposed to be repealed. The intended effect of this repeal is to conform to the proposed changes in section 12 AAC 28.060, and 12 AAC 28.062.
22. **12 AAC 28.640, Mandatory reporting**, is proposed to be repealed. The intended effect of this repeal is to conform to the proposed changes in section 12 AAC 28.080.
23. **12 AAC 28.720, Administration of nitrous oxide**, is proposed to be repealed. The intended effect of this repeal is to conform to the proposed changes in sections 12 AAC 28.325 – 12 AAC 28.360.
24. **12 AAC 28.990, Definitions**, is proposed to be changed to amend, and further define terms used in AS 08.32, AS 08.36, and 12 AAC 28.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted

through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/186215>, and using the comment link. **The comments must be received not later than 5:00 p.m. on July 20, 2017.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at jun.maiquis@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofDentalExaminers.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov not later than July 13, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/DEN-0217.pdf>

A copy of the material proposed for adoption by reference may be viewed at the Board's office at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, State Office Building, 333 W. Willoughby Avenue, 9th Floor, Juneau, AK.

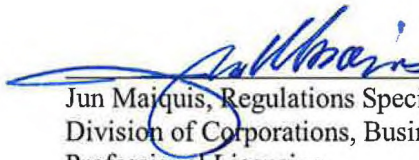
After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.01.065; AS 08.01.075; AS 08.01.087; AS 08.32.085; AS 08.32.110; AS 08.36.070; AS 08.36.100; AS 08.36.110; AS 08.36.234; AS 08.36.250; AS 08.36.315; AS 08.36.320; AS 08.36.342; AS 08.36.344; AS 08.36.346; AS 08.36.360

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.065; AS 08.01.075; AS 08.01.087; AS 08.32.085; AS 08.32.110; AS 08.36.070; AS 08.36.100; AS 08.36.110; AS 08.36.234; AS 08.36.250; AS 08.36.315; AS 08.36.320; AS 08.36.342; AS 08.36.344; AS 08.36.346; AS 08.36.360


Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 6/15/17


Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. **Adopting agency:** Board of Dental Examiners – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Permit requirements for use of deep sedation or general anesthesia, permit requirements for use of moderate sedation, and for use of minimal sedation for a patient younger than 13 years of age, other than permit holders, informed written consent, medical history, requirements for administering deep sedation, general anesthesia, moderate sedation, or minimal sedation for a patient younger than 13 years of age, additional requirements for administering deep sedation or general anesthesia, additional requirements for administering moderate sedation, or minimal sedation for a patient younger than 13 years of age, exceptions to permit requirements under 12 AAC 28.010 – 12 AAC 28.080, inspections, suspension or revocation of permit, mandatory reporting, application for certification to administer nitrous oxide sedation, approval of course of instruction, requirements for course of instruction for administering nitrous oxide, expiration of certification, registry, administration of parenteral sedation, parenteral sedation permit, education, training, certification requirements, equipment, facilities, staff standards, and definitions.
3. **Citation of regulation:** 12 AAC 28.010 through 12 AAC 28.990.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations, compliance with state statutes.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: \$100 application, \$100 permit, and \$100 permit renewal fees for nitrous oxide for dental hygienists; for permits to administer deep sedation, general anesthesia, moderate sedation, or minimal sedation to a patient younger than 13, the cost of 12 specific continuing education courses, additional equipment, drugs, and qualified personnel as described in the regulations.
Another state agency: None known.
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2017 or in subsequent years.
9. **The name of the contact person for the regulation:**
Jedediah Smith, Licensing Examiner
Board of Dental Examiners
Division of Corporations, Business and Professional Licensing
Telephone: (907) 465-2542
E-mail: jedediah.smith2@alaska.gov
10. **The origin of the proposed action:** Board of Dental Examiners.
11. **Date:** 6/15/17 **Prepared by:** 
Jun Maiquis
Regulations Specialist

FIRST JUDICIAL DISTRICT

AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS AND FURNISHING OF ADDITIONAL INFORMATION

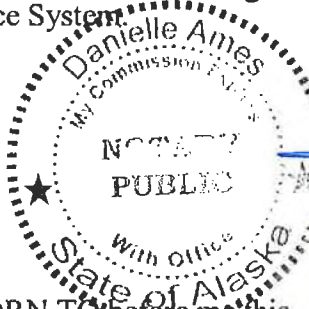
I, Jun Maiquis, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 28.010 through 12 AAC 28.990, dealing with permit requirements, and practice, personnel, and facility standards for the administration of deep sedation, general anesthesia, moderate sedation, and minimal sedation for a patient younger than 13 years of age by a dentist, suspension or revocation of permit, mandatory reporting, on-site inspections, certification requirements for administration of local anesthetic agents and nitrous oxide sedation by dental hygienists, has been given by being:

1. published in a newspaper or trade publication;
2. furnished to interested persons;
3. furnished to appropriate state officials;
4. furnished to the Department of Law, along with a copy of the proposed regulations;
5. electronically transmitted to incumbent State of Alaska legislators;
6. furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
8. furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: 10/13/17
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 13 day of October, 2017.

Notary Public in and for the
State of Alaska

My commission expires: W/O FICE


STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

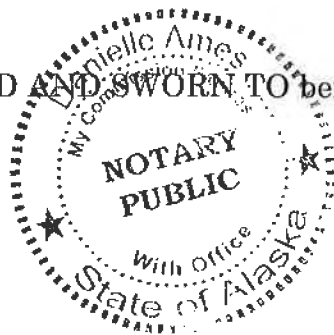
In compliance with AS 44.62.215, the Board of Dental Examiners has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Dental Examiners regulations on dealing with permit requirements, and practice, personnel, and facility standards for the administration of deep sedation, general anesthesia, moderate sedation, and minimal sedation for a patient younger than 13 years of age by a dentist, suspension or revocation of permit, mandatory reporting, on-site inspections, certification requirements for administration of local anesthetic agents and nitrous oxide sedation by dental hygienists.

DATE: 10/13/17
Juneau, Alaska


Jun Maiquis, Regulation

Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 13 day of October, 2017.



Bill Ames

Notary Public in and for the
State of Alaska
My commission expires: *4/office*

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RECEIVED
Juneau

JUN 23 2017

CBPL

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

June 16, 2017

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Joleesa Stepetin

Subscribed and sworn to before me this 16th day of June, 2017

Notary Public in and for
The State of Alaska.

Third Division

Anchorage, Alaska

MY COMMISSION EXPIRES

4/14/21

ANGELA M SIMMONS
NOTARY PUBLIC
State of Alaska
My Commission Expires Apr. 14, 2021

NOTICE OF PROPOSED CHANGES RELATING TO ADMINISTRATION OF DEEP SEDATION, GENERAL ANESTHESIA, MODERATE SEDATION, MINIMAL SEDATION, AND LOCAL ANESTHETIC AGENTS AND NITROUS OXIDE SEDATION IN THE REGULATIONS OF THE BOARD OF DENTAL EXAMINERS

The Board of Dental Examiners (Board) proposes to adopt regulation changes in Title 12, Chapter 28 of the Alaska Administrative Code including the following:

1. **12 AAC 28.010, Permit requirements for use of deep sedation or general anesthesia,** proposed to be changed to alter the requirements for a permit to administer deep sedation or general anesthesia by a dentist.
2. **12 AAC 28.015, Permit requirements for use of moderate sedation, and for use of minimal sedation for a patient younger than 13 years of age,** is a proposed new section that establishes requirements for a permit to administer moderate sedation to a patient, or minimal sedation to a patient younger than 13 years of age by a dentist.
3. **12 AAC 28.030, Other than permit holders,** is proposed to be changed to alter the provisions related to persons, other than a dentist holding a valid permit, who may administer deep sedation, general anesthesia, or moderate sedation.
4. **12 AAC 28.040, Informed written consent,** is proposed to be changed to amend the requirements for informed consent before administering deep sedation, general anesthesia,



STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

AFFIDAVIT OF BOARD ACTION

I, Jedediah Smith, Licensing Examiner for the Board of Dental Examiners, being duly sworn, state the following:

The attached motion dealing with permit requirements, and practice, personnel, and facility standards for the administration of deep sedation, general anesthesia, moderate sedation, and minimal sedation for a patient younger than 13 years of age by a dentist, suspension or revocation of permit, mandatory reporting, on-site inspections, certification requirements for administration of local anesthetic agents and nitrous oxide sedation by dental hygienists was passed by the Board of Dental Examiners during its August 18, 2017 teleconference meeting.

Date: 10/2/17
Juneau, Alaska

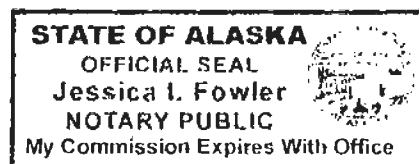

Jedediah Smith, Licensing Examiner

SUBSCRIBED AND SWORN TO before me this 2nd day of October, 2017.

Jessica Fowler

Notary Public in and for the
State of Alaska

State of Alaska
My commission expires: with the office



STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF BOARD ACTION

I, Jedediah Smith, Licensing Examiner for the Board of Dental Examiners, being duly sworn, state the following:

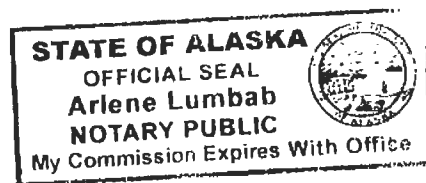
The attached motion dealing with permit requirements, and practice, personnel, and facility standards for the administration of deep sedation, general anesthesia, moderate sedation, and minimal sedation for a patient younger than 13 years of age by a dentist, suspension or revocation of permit, mandatory reporting, on-site inspections, certification requirements for administration of local anesthetic agents and nitrous oxide sedation by dental hygienists was passed by the Board of Dental Examiners during its December 8, 2017 meeting.

Date: 12/28/2017
Juneau, Alaska

Jedediah Smith, Licensing Examiner

SUBSCRIBED AND SWORN TO before me this 28 day of December, 2017.

Humbal
Notary Public in and for the
State of Alaska
My commission expires: *with office*



MINUTES OF MEETING

August 18, 2017

The meeting was called to order by Dr. Thomas Wells, President, at 8:33

Roll Call

Those present, constituting a quorum of the board, were:

Dr. Thomas Wells, President – Anchorage
Dr. Paul Silveira – Valdez
Dr. David Nielson – Anchorage
Ms. Paula Ross – Anchorage
Dr. Thomas Kovaleski – Chugiak
Ms. Gail Walden – Wasilla
Dr. Steven Scheller – Fairbanks
Dr. Michael Moriarty – Seward

Absent:

Ms. Robyn Chaney, Secretary – Dillingham

In attendance from the Division of Corporations, Business & Professional Licensing, Department of Commerce, Community and Economic Development were:

Mr. Jedediah A. Smith, Licensing Examiner – Juneau
Ms. Jasmin Bautista, Investigator – Anchorage
Ms. Angela Birt, Chief Investigator – Anchorage
Mr. Douglas Fell, Investigator – Anchorage
Ms. Marilyn Zimmerman, Paralegal II – Juneau

47 Ms. Megyn Greider, Assistant Attorney General – Anchorage

48
49 Members of the public in attendance:

50
51 Dr. Kenley Michaud, Dentist – Anchorage

52 Dr. Sharon Osborn Popp, WREB Official

53
54 **Agenda Item 1 – Review of Agenda**

55
56 Dr. Wells asked the board if they had any matters that they would like to add to
57 the agenda. Dr. Wells himself requested that the board discuss the matter of a pending
58 Continuing Education Course Application that had been tabled for discussion.

59
60 **Agenda Item 2 – Review/Approve Minutes**

61
62 **On a motion duly made by Kovalski, seconded by Ross, and approved by roll**
63 **call vote, it was**

64
65 **RESOLVED to approve the minutes of the April 28, 2017 teleconference.**

66
67 **Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovalski – yea,**

68 **Walden – yea, Scheller – yea, Moriarty – yea.**

69 **8 yeas, 0 nays. Motion passed.**

70
71 **On a motion duly made by Kovalski, seconded by Ross, and approved by roll**
72 **call vote, it was**

73
74 **RESOLVED to approve the minutes of the June 1, 2017 teleconference.**

75
76 **Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovalski – yea,**

77 **Walden – yea, Scheller – yea, Moriarty – yea.**

78 **8 yeas, 0 nays. Motion passed.**

79
80 **Agenda Item 3 - Ethics Report**

81
82 **There were no ethics violations to report.**

83
84 The board was well ahead of schedule, and chose to discuss the matter of the
85 pending Continuing Education Course Application, titled “BTY Study Club”. The board
86 did not feel comfortable approving a course for 40 hours of CE without deeper
87 knowledge of the content of the course and demographic it is intended to educate.

88
89 **On a motion duly made by Nielson, seconded by Moriarty, and approved by roll**
90 **call vote, it was**

Agenda Item 5 – Incomplete Audit

On a motion duly made by Ross, seconded by Nielson, and approved by roll call vote, it was

RESOLVED to go in to executive session in accordance with Alaska Statute 44.62.310(c)(2) and 44.62.310(c)(3) for the purposes of discussing ongoing investigations.

**Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea, Walden – yea, Scheller – yea, Moriarty – yea.
8 yeas, 0 nays. Motion passed.**

Board staff to remain.

Off record at 9:31 a.m.

On record at 9:44 a.m.

The board requested a brief recess at 9:45 a.m.

Off record at 9:45 a.m.

On record at 9:53 a.m.

Agenda Item 6 – Pending Sedation Regulations

Ms. Megyn Greider joined the meeting at 9:59 a.m.

The board began discussion of the sedation regulations prior to adoption. There were some minor edits that they felt would make the regulations easier to understand, or that had been suggested in the public comments and the board felt were valid, as follows:

12 AAC 28.010. (c)(2) Change to: “successfully completed an advanced educational program in oral maxillofacial surgery accredited by Commission On Dental Accreditation of American Dental Association”

12 AAC 28.010. (c)(3) Change to: “successfully completed an advanced educational program in dental anesthesiology accredited by Commission On Dental Accreditation of the American Dental Association”

12 AAC 28.010. (f) add brackets to direct reviser of statutes to input date of implementation of regs.

12 AAC 28.010. (i)(5) 5 will become 4 and 4 will drop out.

12 AAC 28.015. in heading change “and” to “or” for continuity of titles.

12 AAC 28.015. (c) Leave the examples. The regs exclude hospitals, but most dentists are not comfortable with the listed drugs in the general practice offices. Other states use these (ketamine, propofol, brexital, and sodium pentothal) as examples of general anesthetics.

12 AAC 28.015. (f) Change “equivalent” to “sufficient”

12 AAC 28.015. (g)(4) Change to “not earlier than 24 months” and **12 AAC 28.015. (h)(4)** Change to “25 cases per biennial renewal period”

12 AAC 28.015. (l)(4) Delete and renumber **(l)(5)** as **(l)(4)**.

A form needs to be developed for the establishment of collaborative agreements between dentists and anesthesiologists. The board discussed whether a fee might be necessary for processing collaborative agreements, but on the advisement of Ms. Greider, decided to wait until a collaborative agreement had been submitted in order for board staff to plot time and resources used to process and record the agreement, then take that information to the division and see if a fee is needed.

The topic of collaborative agreements will be revisited at a later meeting when additional information is available.

12 AAC 28.060. Remove subsection **(c)** completely and re-letter **(d)**, **(e)**, and **(f)** to **(c)**, **(d)**, and **(e)**, respectively.

12 AAC 28.061. (12) Change to “If the deep sedation or general anesthesia provider is the dentist, a second person is necessary to monitor and observe the patient, and a third person to assist the operating dentist.”

12 AAC 28.065. (4) Change to “the administration of deep sedation, general anesthesia, moderate or minimal sedation in a licensed hospital...”

Mr. Smith asked if it was the Board’s intent to remove the renewal requirement for the Local Anesthesia and Nitrous Oxide permits. This requirement provides approximately \$55,000.00 of revenue for the board per biennial renewal period. The board stated that with the recent increase in licensing fees, the renewal costs for additional permits are unnecessary and place an excessive financial burden on the licensees. The removal of the requirement will also result in decreased administrative costs associated with the renewal.

12 AAC 28.068. (e) Change to “If a dentist maintains membership in the American Association of Oral and Maxillofacial Surgeons (AAOMS) and receives notification from the board that an on-site inspection is required, the board may accept reports that result from the periodic office examinations required by that association.

Ms. Greider brought up that the wording in the publicly noticed fee regulations associated with the sedation regulations, the word “permit” was used. For the sake of continuity, this could be changed to “certification”.

12 AAC 28.345. (a) Change to “To satisfy the requirements for a certification under 12 AAC 28.325, a course of instruction for administering nitrous oxide, must be provided by an organization accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association or approved by the board. This course must contain a minimum of three hours of clinical and three hours of didactic instruction.”

On a motion duly made by Wells, seconded by Walden, and approved by roll call vote, it was

Resolved to adopt the sedation regulations, as amended.

**Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovalski – yea,
Walden – yea, Scheller – yea, Moriarty – yea.
8 yeas, 0 nays. Motion passed.**

On a motion duly made by Walden, seconded by Ross, and approved by roll call vote, it was

RESOLVED to approve the fee regulations set out for public comment as amended (change “permit” to “certification” and remove 12 AAC 02.190. (a)(11) and (a)(12)).

**Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovalski – yea,
Walden – yea, Scheller – yea, Moriarty – yea.
8 yeas, 0 nays. Motion passed.**

Ms. Sara Chambers joined the meeting at 11:24 a.m.

Agenda Item 7 – Division Update

Ms. Chambers proceeded with an explanation of the 3rd quarter fiscal report, including detailed descriptions of each grouping of expenditures and how they relate to the board and state budgets.

Ms. Walden expressed a concern regarding the impending increase in the amount of paperwork as a result of the new sedation regulations. Her concern is that timelines will be unmanageable and that excessive delays could cause practice issues for dental practitioners and patients alike. Ms. Chambers reassured the board that resources are available to assist the sole staff member with the workload.

1 **STATE OF ALASKA**
2 **DEPARTMENT OF COMMERCE, COMMUNITY AND**
3 **ECONOMIC DEVELOPMENT**
4 **DIVISION OF CORPORATIONS,**
5 **BUSINESS & PROFESSIONAL LICENSING**
6 **BOARD OF DENTAL EXAMINERS**

7
8 **MINUTES OF MEETING**
9 **December 8, 2017**

10
11 These DRAFT minutes were prepared by the staff of the Division of Corporations,
12 Business and Professional Licensing. They have not been reviewed or approved by the
13 Board.

14
15 By authority of AS 08.01.070(2) and AS 08.36.040 and in compliance with the
16 provisions of Article 6 of AS 44.62, a meeting of the Board of Dental Examiners was
17 held December 8, 2017.

18
19 The meeting was called to order by Dr. Thomas Wells, Acting President, at 8:33 a.m.

20
21 **Roll Call**

22
23 Those present, constituting a quorum of the board, were:

24
25 Dr. Thomas Wells – Anchorage
26 Dr. David Neilson – Anchorage
27 Ms. Paula Ross – Anchorage
28 Dr. Thomas Kovaleski – Chugiak
29 Ms. Gail Walden, Secretary – Wasilla
30 Dr. Steven Scheller – Fairbanks
31 Ms. Robin Wahto – Anchorage
32 Dr. Michael Moriarty – Seward

33
34 Absent:

35
36 Dr. Paul Silveira, President – Valdez

37
38 In attendance from the Division of Corporations, Business & Professional
39 Licensing, Department of Commerce, Community and Economic Development
40 were:

41
42 Mr. Jedediah A. Smith, Licensing Examiner – Juneau
43 Ms. Jasmin Bautista, Investigator – Anchorage
44 Mr. Alvin Kennedy, Senior Investigator – Anchorage
45 Ms. Sara Chambers, Deputy Director – Juneau

On a motion duly made by Nielson, seconded by Scheller, and approved unanimously, it was

RESOLVED to form a subcommittee to review current statute and develop a list of necessary statutory changes and possibly add statutory authority. The committee is to be formed of two board members, to be assigned by the president, two members of the ADS, and two members of the ADHS, to be assigned by their respective Societies.

Agenda Item 7 – Pending Sedation Regulations

12 AAC 28.010(e) “In addition to meeting the requirements of (b) of this section, **on or after March 1, 2019...**” and removing (f) of that section

12 AAC 28.010(e)(4) “Complete at least 50 general anesthesia or deep sedation cases each biennial licensing period.” The board stated, and verified by way of Dr. Kenly Michaud, a practicing dentist and member of the public who holds a General Anesthesia Permit, that holders of permits such as this typically complete hundreds of cases per year, and that this is not an onerous requirement.

12 AAC 28.015(h) “In addition to meeting the requirements of (d) of this section, **on or after March 1, 2019...**” and removing 12 AAC 28.015(i)(2).

12 AAC 28.015(i) “A dentist who holds a permit for parenteral sedation that the board issued before (effective date of regulations)”

12 AAC 28.010(b)(7) “submit applicable fees specified in 12 AAC 02.190”

12 AAC 28.015(d)(7) “submit applicable fees specified in 12 AAC 02.190”

12 AAC 28.030(b) “The dentist shall provide the written agreement to the board.”
(Replacing the last sentence)

The board stated on record that an applicant for a nitrous oxide permit will have to pay the application and permit fees.

On a motion duly made by Nielson, seconded by Kovalski, and approved unanimously, it was

RESOLVED to adopt amended sedation regulations, including the edits discussed above.

The board requested a brief break.

Off record at 11:15 a.m.

Back on record at 11:25