



Notice of Proposed Changes to the Regulations of the Board of Dental Examiners

Proposed Regulations - FAQ

March 2020

1. 12 AAC 28.010(e)(5)(B)-

What are the changes to the regulations being proposed?

The board is proposing to amend the deep sedation and general anesthesia permit renewal requirements.

Current regulations require a minimum of 50 deep sedation or general anesthesia cases documented on the sedation permit renewal form, of which 20 of those cases must be for patients younger than 13 years of age. The changes to the regulation will no longer require deep sedation or general anesthesia for the 20 patients younger than 13 years of age, meaning they can be minimal sedation, moderate sedation, deep sedation, or general anesthesia.

The dentist must still provide documentation of at least 50 deep sedation or general anesthesia cases to renew the deep sedation or general anesthesia permit.

Why are these changes being proposed?

The current regulation requires 50 deep sedation or general anesthesia cases to be documented at renewal for the previous biennial renewal period. Of those 50 cases, 20 must be for children 13 years of age or younger. The board feels that might force a dentist to use a deeper level of sedation on a younger patient than is required to ensure they meet the current renewal requirements. The change will allow the dentist to use the correct level of sedation that is appropriate for the child. This will add a margin of safety in that sedation providers would not feel the need to sedate a child deeper than needed to fulfill the requirement. Therefore, the change will allow a greater margin of safety during sedation of younger patients.

2. 12 AAC 28.068. On-site inspections.

What are the changes to the regulations being proposed?

This section is being repealed and readopted. The new regulations will require a dentist holding a sedation permit to undergo an inspection by a third-party organization in order to help ensure sedation in the dental office setting is provided in a safe manner with all of the appropriate equipment, rescue drugs, proper procedures, and training required in the event of a medical emergency. The regulation will require the office to be inspected at least every four years.

Why are these changes being proposed?

Sedation of patients in a dental office should not be taken lightly, especially with the ever increasing numbers of medically compromised elderly patients and young children being sedated in a dental office. There has been a nationwide increase in frequency and diversity of medical emergencies while under sedation in a dental office. The biggest safety issue is the failure to recognize trouble immediately and respond perfectly under pressure. Part of the inspection process is to make sure each provider performs drills and remains ready for an emergency.

Inspections will help ensure that sedation provided in the dental office will be done in a safe environment, with proper equipment and trained staff to deal with an emergency.

The only foreseen negative consequence to this change is the cost to the provider for the inspection. However, the Board feels the improvement in patient safety during an office sedation procedure outweighs the expenditure of the inspection.

What organizations will be approved for the inspections?

The organizations in the regulations that will be allowed to perform the inspections are listed in the proposed regulations:

- Accreditation Association for Dental Offices (AAFDO);
- American Association of Oral and Maxillofacial Surgeons (AAOMS);
- American Association for Accreditation of Ambulatory Surgery Facilities (AAAASF);
- Accreditation Association for Ambulatory Health Care (AAAC); or
- Other substantially equivalent organizations approved by the board that conduct inspections in accordance with the applicable guidelines provided in the *Office Anesthesia Evaluation Manual*, Ninth Edition, 2019, available from the American Association of Oral and Maxillofacial Surgeons.

Will offices hiring a CRNA to come into the office to perform the sedation procedure be required to have an inspection?

Yes, the inspection will need to be done while the CRNA is in the office with their equipment.

If I am a Dental Anesthesiologist, can I choose which dental office I have my inspection in?

Yes, but then you must sign an affidavit stating every office you work in will also comply with the same inspection requirements.

When will the new requirement of having an independent inspection be required?

The new requirement for the inspection will be the effective date of the regulations. The regulations will allow a sedation permit holder who has been issued a permit *before* the effective date of the regulation to have an inspection completed by the end of the first renewal period *after* the effective date of the regulation. If the regulation takes effect before February 28, 2021, the next renewal date, the permit holder will be required to have an inspection no later than February 28, 2023. The permit holder will then be required to have an inspection at least once every four years after the first inspection.

If the sedation permit is not issued until after the effective date of the regulation, the inspection must be completed no later than two years after the issuance of the initial sedation permit.

Documentation of the on-site inspections must be submitted to the Board upon initial inspection, and at each renewal period thereafter.

3. 12 AAC 28.400. Continuing education requirements for dentistry and dental hygienists licensees.

What are the changes being proposed?

The changes to this section are: removal of a statute citation that was removed in the statutes in 2012 referring to CPR certification; removal of the wording in (a)(1) “during the concluding licensing period” in the CE requirements for a dentist holding a federal Drug Enforcement Administration number.

In addition, a new section is being added that will clarify all of the continuing education for renewal must be completed during the “concluding licensing period”.

Why are these changes being proposed?

The statutory citation is no longer in existence and therefore is meaningless. The removal of “during the concluding licensing period” is because the new section is being added to clarify all continuing education must be done “during the concluding licensing period”. This is not a new requirement, it is for clarification purposes only. It would be redundant to keep the wording in paragraph (a)(1) and have it in the new subsection.

4. 12 AAC 28.405. Continuing education requirements for first time renewal of a license.

What are the changes being proposed?

The changes in this section include: removing a statute citation that no longer exists for CPR requirements; and removing the word “calendar”.

Why are the changes being proposed?

These changes are needed because the citation reference no longer exists for CPR requirements, and several years ago the board changed from renewal at the end of December of every even year, to February 28 of every odd year. Therefore, the term “calendar year” no longer applies to the regulation.

The changes noted above are housekeeping issues, no significant changes to licensee continuing education are included.

5. When will the new regulations be effective?

After the public comment deadline, comments received are compiled and given to the Board for consideration. The Board may adopt the regulation as written/publicly noticed, may amend and adopt them, or choose to take no action, or may withdraw the proposed regulations in part or in its whole. After Board action, the adopted regulations go to Department of Law (DOL) for final review/approval. DOL either approves or disapproves regulations. Once approved by DOL, it goes to the Lt. Governor for filing. Regulation takes effect on the 30th day after they have been filed by the Lt. Governor.

Do you have a question that is not answered here? Please email RegulationsAndPublicComment@alaska.gov so it can be added.