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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Amy Demboski
Department of Commerce, Community, and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: July 9, 2020

RE: Filed Permanent Regulations: Board of Dental Examiners

Board of Dental Examiners regulations re: sedation, on-site inspection, and continuing education (12 AAC 28.068; 12 AAC 28.400; 12 AAC 28.405)

Attorney General File:	2020200285
Regulation Filed:	7/9/2020
Effective Date:	8/8/2020
Print:	235, October 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Sher Zinn, Regulations Specialist

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

The attached five pages of regulations, dealing with general anesthesia and deep sedation permit renewal requirements, on-site inspections, and renewal requirements, are hereby certified to be a correct copy of the regulation changes that the Board of Dental Examiners adopted at its May 5, 2020 meeting, under the authority of AS 08.01.075; AS 08.01.087; AS 08.32.071; AS 08.32.085; AS 08.36.070; AS 08.36.250; AS 08.36.344, 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: May 5th, 2020
Anchorage, Alaska



Dr. David Nielson, President
Board of Dental Examiners

April Simpson for

FILING CERTIFICATION

I, [↑]Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on July 9th, 2020 at 9:29 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

for 

Kevin Meyer, Lieutenant Governor

Effective: August 8, 2020

Register: 235, October 2020

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2018.



K. Meyer
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**KEVIN MEYER
LIEUTENANT GOVERNOR**

Chapter 28. Board of Dental Examiners.

12 AAC 28.068 is repealed and readopted to read:

12 AAC 28.068. On-site inspections. (a) A licensed dentist who holds a permit for deep sedation or general anesthesia under 12 AAC 28.010, or holds a permit for moderate sedation or minimal sedation for patients younger than 13 years of age under 12 AAC 28.015, must obtain at least once every four years, ^Y an on-site inspection where sedation or anesthesia is provided. The inspection must be conducted by an organization approved by the board under (b) of this section. If the permit holder provides anesthesia or sedation in more than one office, the permit holder must choose one office for the inspection and provide an attestation that all the same inspection standards have been met in each office where anesthesia or sedation is provided.

(b) Organizations approved by the board to perform an on-site inspection of a dental office where anesthesia or sedation is provided include

- (1) the Accreditation Association for Dental Offices (AAFDO);
- (2) the American Association of Oral and Maxillofacial Surgeons (AAOMS);
- (3) the American Association for Accreditation of Ambulatory Surgery Facilities (AAAASF);
- (4) the Accreditation Association for Ambulatory Health Care (AAAHC); or
- (5) other substantially equivalent organizations approved by the board that conduct inspections in accordance with applicable guidelines provided in the *Office Anesthesia Evaluation Manual*, Ninth Edition, 2019, adopted by reference.

(c) For anesthesia or sedation permits issued before ^{August 8, 2020} {effective date of regulations}, an on-site inspection required under this section must be completed ^{before} by the end of

the first full ^(licensing) renewal period after ↑ \$ \$ ^{August 8, 2020} {effective date of regulations}.

(d) For initial anesthesia or sedation permits issued on or after ↑ \$ \$ ^{August 8, 2020} {effective date of regulations}, an on-site inspection must be completed not later than two years after issuance.

(e) Unless otherwise provided under (c) or (d) of this section, a licensed dentist who seeks to renew a permit to administer deep sedation or general anesthesia under 12 AAC 28.010, or moderate sedation or minimal sedation for patients younger than 13 years of age under 12 AAC 28.015, must submit documentation of an on-site inspection by an organization approved by the board under (b) of this section within the ^(preceding) previous four years before the end of the licensing period.

(f) If the inspection report submitted to the board finds ^{that} the equipment, facilities, or personnel training are inadequate to assure safe use of anesthesia or sedation, the board will allow for a follow-up inspection not later than 90 days after the date of the submitted report. If after review of the follow-up inspection the board finds that the equipment, facilities, or trained personnel are still inadequate to assure safe use of sedation or anesthesia, the board may deny issuance or renewal of a permit under 12 AAC 28.010 or 12 AAC 28.015, or order the dentist to ^(by a certified registered nurse anesthetist or a physician) immediately cease sedation or anesthesia services if provided under 12 AAC 28.030. (Eff. 4/14/2018, Register 226; am 8 / 8 / 2020, Register 235)

Authority: AS 08.01.075 AS 08.01.087 AS 08.36.070

^(in bold))
^{((one 0.5" tab))} 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 Association of Oral and Maxillofacial Surgeons, 9700 West Bryn Mawr Avenue, Rosemont, Illinois 60018-5701**

[AMERICAN DENTAL ASSOCIATION, 211 EAST CHICAGO AVENUE, CHICAGO, ILLINOIS 60611-2678].

12 AAC 28.400(a)(2) is amended to read:

(2) cardiopulmonary resuscitation (CPR) certification that meets the requirements of [AS 08.36.070 AND] 12 AAC 28.920; and

12 AAC 28.400(a)(3) is amended to read:

(3) if the applicant holds a valid federal Drug Enforcement Administration registration number, verification that the applicant has completed not less than two hours of continuing education in pain management and opioid use and addiction [DURING THE CONCLUDING LICENSING PERIOD].

12 AAC 28.400(b)(2) is amended to read:

(2) cardiopulmonary resuscitation (CPR) certification that meets the requirements of [AS 08.36.070 AND] 12 AAC 28.920.

12 AAC 28.400 is amended by adding a new subsection to read:

(f) Except as provided under 12 AAC 02.965, the continuing education requirements of 12 AAC 28.010, 12 AAC 28.015, and 12 AAC 28.400 – 12 AAC 28.410 must be completed during the concluding licensing period. (Eff. 4/1088, Register 106; am 2/18/93; Register 125; am 4/8/93, Register 126; am 5/29/98, Register 146; am 12/5/2009, Register 192; am 12/15/2013,

Register 208; am 9/26/2018, Register 227; am 3/5/2020, Register 233; am 8 / 8 / 2020,

Register 235)

Authority: AS 08.32.071 AS 08.36.070 AS 08.36.344
AS 08.32.085 AS 08.36.250

12 AAC 28.405(a)(1) is amended to read:

(1) completion of at least one-half of the number of contact hours of continuing education required by 12 AAC 28.400(a)(1) for each complete [CALENDAR] year that the applicant was licensed during the concluding licensing period; and

12 AAC 28.405(a)(2) is amended to read:

(2) cardiopulmonary resuscitation (CPR) certification that meets the requirements of [AS 08.36.070 AND] 12 AAC 28.920.

(((delete space)))

12 AAC 28.405(b)(1) is amended to read:

(1) completion of at least one-half of the number of contact hours of continuing education required by 12 AAC 28.400(b)(1) and (c) for each complete [CALENDAR] year that the applicant was licensed during the concluding licensing period; and

12 AAC 28.405(b)(2) is amended to read:

(2) cardiopulmonary resuscitation (CPR) certification that meets the requirements of [AS 08.36.070 AND] 12 AAC 28.920. (Eff. 5/29/98, Register 146; am 12/5/2009, Register 192; am 3/5/2020, Register 233; am 8 / 8 / 2020, Register 235)

Register 235, October 2020 PROFESSIONAL REGULATIONS

Authority: AS 08.32.071 AS 08.36.070 AS 08.36.344
AS 08.32.085 AS 08.36.250