CHAPTER 215
SB 147 - FINAL VERSION

03/16/2023 0658s
4May2023... 1493h
06/29/2023 2213CofC

2023 SESSION

23-0825
09/05

SENATE BILL ***147***

AN ACT relative to the board of dental examiners.

SPONSORS: Sen. Innis, Dist 7; Sen. Avard, Dist 12; Sen. Watters, Dist 4; Sen. Bradley, Dist 3; Sen. Rosenwald, Dist 13; Sen. Fenton, Dist 10; Sen. Ward, Dist 8; Sen. Birdsell, Dist 19; Sen. Carson, Dist 14; Sen. Ricciardi, Dist 9; Sen. Soucy, Dist 18; Sen. Chandley, Dist 11; Rep. J. Harvey-Bolia, Belk. 3; Rep. Sellers, Graf. 18

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill makes adjustments to the board of dental examiners, primarily regarding the use of anesthesia and sedation by dentists and dental facilities.

The bill is a request of the board of dental examiners.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the board of dental examiners.

Be it Enacted by the Senate and House of Representatives in General Court convened:

215:1 Dentists and Dentistry; Board Appointment; Term; Compensation. Amend RSA 317-A:2, I to read as follows:

I. There shall be a board of dental examiners consisting of 9 members; including 6 dentists, 2 dental hygienists, and one public member, each to be appointed by the governor, with the approval of the council, to a term of 5 years. ***One dentist member shall have a current permit to administer general anesthesia and deep sedation.*** No member of the board shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

215:2 New Section; Dentists and Dentistry; Examining Board. Amend RSA 317-A by inserting after section 2-a the following new section:

317-A:2-b Anesthesia and Sedation Committee.

I.(a) An anesthesia and sedation committee is established, which shall consist of one dentist member of the board, and 4 additional licensed anesthesia providers, permitted to administer anesthesia in a dental office appointed by the board.

(b) The committee shall elect a chair for a 3-year term. There shall be no term limits on committee membership.

II. The committee shall develop and propose the administrative rules regarding the practice, discipline, education, examination, and permitting of dentists and facilities authorized to administer anesthesia in a dental practice, for the board's consideration pursuant to RSA 317-A:12. The committee shall have no independent regulatory or disciplinary authority.

III. The rules proposed by the committee may be accepted by the board for adoption under RSA 317-A:12 and RSA 541-A or the board may decline to accept the committee recommendations if the board finds that the proposed rules exceed the jurisdiction or expand the scope of the committee beyond the authority granted in paragraph II; create an undue financial impact on dentists, the public, or the board; or are not supported by the record.

215:3 Dentists and Dentistry; Rulemaking Authority. Amend RSA 317-A:12, XII-a to read as follows:

XII-a. The use of general anesthesia, deep sedation, and moderate sedation, in dental treatment under RSA 317-A:20, including:

(a) Required credentials.

(b) Application [~~and application fee~~].

(c) On-site evaluations of personnel, facility, equipment, and records as they pertain to the use of required drugs, general anesthesia, deep sedation, or moderate sedation, or any combination thereof.

[~~(d) Fee for the on-site evaluations under subparagraph (c). If the evaluation is done by a third party, the fee need not be established by rule under or pursuant to RSA 541-A. Third party fees shall be paid directly to the third party.~~]

[~~(e)~~] ***(d)*** The issuance of permits for use of general anesthesia, deep sedation, and moderate sedation, or of permits for use of moderate sedation.

(e) The issuance of permits to dental facilities for use of general anesthesia, deep sedation, and moderate sedation at the dental facilities where the services are performed.

(f) The establishment of the qualifications and requirements of dental facilities where general anesthesia, deep sedation, and moderate sedation are performed.

[~~(f)~~] ***(g)*** The requirement that the physical presence of the dentist licensed under RSA 317-A:7, an anesthesiologist licensed under RSA 329, or a nurse anesthetist licensed under RSA 326-B:18 is required while general anesthesia, deep sedation or moderate sedation is in effect.

[~~(g)~~] ***(h)*** The establishment of the qualifications of dentists to administer general anesthesia or deep sedation which may include a residency training program accredited by the Commission on Dental Accreditation (CODA) or equivalent, and which may include a method for established practitioners to document his or her qualifications. Administration of general anesthesia or deep sedation to patients under the age of 13 shall be subject to additional rules including:

(1) In addition to the dentist performing the procedure, there shall be a dedicated anesthesia provider present to monitor the procedure and recovery from anesthesia. The dedicated anesthesia provider shall be a dentist who is qualified to administer general anesthesia or deep sedation, a physician anesthesiologist, or a certified registered nurse anesthetist (CRNA). The board may exempt [~~dentists who are~~] ***the dentist from this requirement if they are*** board eligible or board certified in either dental anesthesiology or oral and maxillofacial surgery [~~from this requirement~~].

(2) The dentist shall be trained in pediatric advanced life support (PALS) and airway management, equivalent to the American Academy of Pediatrics and American Academy of Pediatric Dentistry (AAP-AAPD) guidelines or equivalent as determined by the board.

(3) Informed consent shall include the statement that the procedure may be performed in a hospital setting with additional anesthesia personnel, possibly at an increased expense.

[~~(h)~~] ***(i)*** A physical evaluation and medical history shall be taken before the administration of moderate sedation, deep sedation, or general anesthesia. The board shall adopt rules regarding the minimum requirements for physical evaluation and medical history;

215:4 Dentists and Dentistry; Rulemaking Authority. Amend RSA 317-A:12, XII-c(c) to read as follows:

(c) Permits[~~, fees,~~] and training required for dentists ***and dental facilities*** who administer pediatric minimal sedation. Such training shall include training in airway management and patient rescue from moderate sedation.

215:5 Dentists and Dentistry; Practice of Dentistry; Anesthesia. Amend RSA 317-A:20, II(a) through II(b) to read as follows:

II.(a) Any dentist ***or dental facility*** who wishes to administer general anesthesia, deep sedation, or moderate sedation shall apply to the board for the appropriate permit and pay an application fee [~~set by the board in accordance with RSA 317-A:12, XII-a~~].

(b) The board shall require the documentation of competence according to the rules adopted under RSA 317-A:12, XII-a[~~(g)~~]***(f) and RSA 317-A:12, XII-a(h)*** before issuing such a permit.

215:6 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 04, 2023
Effective Date: October 03, 2023