

HB 470 - AS INTRODUCED

2025 SESSION

25-0713

09/05

HOUSE BILL

470

AN ACT relative to the use of general anesthesia, deep sedation, and moderate sedation in dental treatment.

SPONSORS: Rep. Kofalt, Hills. 32; Rep. Layon, Rock. 13; Rep. Nagel, Belk. 6; Rep. Grote, Rock. 24; Sen. Avard, Dist 12; Sen. Murphy, Dist 16

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill modifies the rulemaking authority of the board of dental examiners, including to allow dentists to administer moderate sedation to patients under the age of 13 without a second anesthesia provider, provided that they meet certain standards for doing so.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to the use of general anesthesia, deep sedation, and moderate sedation in dental treatment.

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

1 1 Dentists and Dentistry; Rulemaking Authority. Amend RSA 317-A:12, XII-a to read as
2 follows:

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

5 (a) Required credentials.

6 (b) Application.

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

10 (d) The criteria for the issuance of permits for use of general anesthesia, deep sedation,
11 and moderate sedation, or of permits for use of moderate sedation ***consistent with national***
12 ***educational standards established by the Commission on Dental Accreditation (CODA) or***
13 ***delineated in the American Dental Association's "Guidelines for Teaching Pain Control***
14 ***and Sedation to Dentists and Dental Students"***.

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

18 (f) The establishment of the qualifications and requirements of dental facilities where
19 general anesthesia, deep sedation, and moderate sedation are performed ***consistent with national***
20 ***professional standards, including those of the American Association of Oral and***
21 ***Maxillofacial Surgeons (AAOMS), the American Society of Dentist Anesthesiologists***
22 ***(ASDA), the American Academy of Pediatric Dentistry (AAPD), and the American Dental***
23 ***Association (ADA)***.

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

27 (h) The establishment of the qualifications of dentists to administer general anesthesia
28 or deep sedation, which may include a residency training program accredited by the Commission on
29 Dental Accreditation (CODA) or equivalent, and which may include a method for established

1 practitioners to document his or her qualifications. Administration of general anesthesia or deep
2 sedation to patients under the age of 13 shall be subject to additional rules including:

3 (1) In addition to the dentist performing the procedure, there shall be a dedicated
4 anesthesia provider present to monitor the procedure and recovery from anesthesia. The dedicated
5 anesthesia provider shall be a dentist who is qualified to administer general anesthesia or deep
6 sedation, a physician anesthesiologist, or a certified registered nurse anesthetist (CRNA). The board
7 ~~may~~ **shall** exempt the dentist from this requirement if they are board-eligible or board certified in
8 either dental anesthesiology or oral and maxillofacial surgery. ***Any limitation to the exemption,***
9 ***or other criteria, implemented by the board shall be consistent with national professional***
10 ***standards for dentist anesthesiologists, as determined by ASDA, and for oral and***
11 ***maxillofacial surgeons, as determined by AAOMS, and must not create an undue financial***
12 ***impact on the public, dentistry, or reduce access to care for the public, without compelling***
13 ***evidence that the limitation or criteria is necessary to prevent actual public harm.***

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

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

20 (i) ***The establishment of qualifications of dentists to administer moderate***
21 ***sedation, which shall include a residency training program accredited by the Commission***
22 ***on Dental Accreditation (CODA) or equivalent, and which shall include a method for***
23 ***established practitioners to document his or her qualifications. Administration of***
24 ***moderate sedation to patients under 13 years of age shall not require a second anesthesia***
25 ***provider but shall be subject to additional guidelines including:***

26 (1) ***The dentist shall be trained in Pediatric Advanced Life Support (PALS)***
27 ***and airway management, equivalent to the American Academy of Pediatrics and American***
28 ***Academy of Pediatric Dentistry (AAP-AAPD) guidelines or equivalent as determined by the***
29 ***board.***

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

33 (3) ***Moderate sedation shall not be limited to a specific route of***
34 ***administration.***

35 (j) A physical evaluation and medical history shall be taken before the administration of
36 moderate sedation, deep sedation, or general anesthesia. The board shall adopt rules regarding the
37 minimum requirements for physical evaluation and medical history;

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- Page 3 -

1 2 Effective Date. This act shall take effect 60 days after its passage.