

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	

		Agency No.		Rule No.		Section No.
Utah Admin. Code Ref (R no.):	R	156	-	69	-	
Changed to Admin. Code Ref. (R no.):	R		-		-	

1.	Agency:	Commerce/Division of Occupational and Professional Licensing			
	Room no.:				
	Building:	Heber M. Wells Building			
	Street address 1:	160 East 300 South			
	Street address 2:				
	City, state, zip:	Salt Lake City UT 84111-2316			
	Mailing address 1:	PO Box 146741			
	Mailing address 2:				
	City, state, zip:	Salt Lake City UT 84114-6741			
	Contact person(s):				
	Name:	Phone:	Fax:	E-mail:	
	Noel Taxin	801-530-6621	801-530-6511	ntaxin@utah.gov	

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2.	Title of rule or section (catchline):	Dentist and Dental Hygienist Practice Act Rule
3.	Type of notice:	New ___; Amendment XXX; Repeal ___; Repeal and Reenact ___
4.	Purpose of the rule or reason for the change:	The Division and the Dentist and Dental Hygienist Licensing Board are proposing amendments to the rule since some of the accredited American Dental Association dental and dental hygiene programs are now offering candidates the option of taking anesthesia and analgesia continuing education courses. The proposed amendments in this filing allows applicants to take a continuing education course if it is offered through an accredited program. The Division has been received course certificates for applicants to get licensed in this area but the current, existing rule language does not allow for it.
5.	This change is a response to comments from the Administrative Rules Review Committee.	No XXX; Yes ___
6.	Summary of the rule or change:	

	<p>Section 202 is updated to allow for continuing education classes offered through an American Dental Association accredited dental program to count as meeting the requirement for an upgraded anesthesia and analgesia permit for dentists. Section 204 is updated to allow for continuing education classes offered through an American Dental Association accredited dental hygiene program to count as meeting the requirement for an anesthesia and analgesia permit for dental hygienists. An additional proposed amendment also allows for all of the regional examinations with passing scores to count towards a dental hygienist anesthesia and analgesia permit.</p>						
7.	<p>Aggregate anticipated cost or savings to:</p> <p>A) State budget:</p> <p>Affected: No ___; Yes XXX</p> <p>The Division will incur minimal costs of approximately \$50.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.</p> <p>B) Local government:</p> <p>Affected: No XXX; Yes ___</p> <p>The proposed amendments only apply to licensed dentists and dental hygienists or applicants for licensure in those classifications that apply for an upgraded anesthesia and analgesia permit/license. As a result, the proposed amendments do not apply to local governments.</p> <p>C) Small businesses ("small business" means a business employing fewer than 50 persons):</p> <p>Affected: No ___; Yes XXX</p> <p>The proposed amendments only apply to licensed dentists and dental hygienists or applicants for licensure in those classifications that apply for an upgraded anesthesia and analgesia permit/license. The proposed amendments may affect small business by allowing more educational and examination latitude for licensees/applicants to meet the requirements for anesthesia and analgesia licensure. However, the Division is not able to determine any exact cost or savings to small businesses due to a wide range of circumstances involving licensees and applicants who may work for or in a small business.</p> <p>D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):</p> <p>Affected: No ___; Yes XXX</p> <p>The proposed amendments only apply to licensed dentists and dental hygienists or applicants for licensure in those classifications that apply for an upgraded anesthesia and analgesia permit/license. The proposed amendments allow more educational and examination latitude for licensees/applicants to meet the requirements for anesthesia and analgesia licensure. However, the Division is not able to determine any exact cost or savings to other persons due to a wide range of circumstances involving licensees and applicants.</p>						
8.	<p>Compliance costs for affected persons:</p> <p>The proposed amendments only apply to licensed dentists and dental hygienists or applicants for licensure in those classifications that apply for an upgraded anesthesia and analgesia permit/license. The proposed amendments allow more educational and examination latitude for licensees/applicants to meet the requirements for anesthesia and analgesia licensure. However, the Division is not able to determine any exact cost or savings to affected persons due to a wide range of circumstances involving licensees and applicants.</p>						
9.	<p>A) Comments by the department head on the fiscal impact the rule may have on businesses:</p> <p>As explained in the rule analysis, this filing identifies courses that are acceptable to satisfy the Utah requirements for obtaining a permit in anesthesia and analgesia. No fiscal impact to businesses is anticipated.</p> <p>B) Name and title of department head commenting on the fiscal impacts:</p> <p>Francine A. Giani, Executive Director</p>						
10.	<p>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.</p> <p>State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :</p> <table border="1"> <tr> <td>Section 58-69-101</td> <td>Subsection 58-1-106(1)(a)</td> </tr> <tr> <td>Subsection 58-1-202(1)(a)</td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </table>	Section 58-69-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)			
Section 58-69-101	Subsection 58-1-106(1)(a)						
Subsection 58-1-202(1)(a)							
11.	<p>This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; <i>if none, leave blank</i>):</p>						

	First Incorporation	Second Incorporation
Official Title of Materials Incorporated (from title page)		
Publisher		
Date Issued		
Issue, or version		
ISBN Number (optional)		
ISSN Number (optional)		
Cost of Incorporated Reference		
Action: Adds, updates, or removes		
(If this rule incorporates more than two items by reference, please attach additional pages)		
12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)		
A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):		01/14/2014
B) A public hearing (optional) will be held:		
On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
13. This rule change may become effective on (mm/dd/yyyy):		01/21/2014
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
14. Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:		
licensing	dentists	
dental hygienists		
15. Attach an RTF document containing the text of this rule change (filename):		R156-69.pro
To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.		
AGENCY AUTHORIZATION		
Agency head or designee, and title:	Mark B. Steinagel, Director	Date (mm/dd/yyyy): 11/18/2013

R156. Commerce, Occupational and Professional Licensing.

R156-69. Dentist and Dental Hygienist Practice Act Rule.

R156-69-202. Qualifications for Anesthesia and Analgesia Permits - Dentist.

In accordance with Subsection 58-69-301(4)(b), the qualifications for anesthesia and analgesia permits are:

(1) for a class I permit:

- (a) current licensure as a dentist in Utah; and
- (b) documentation of current CPR or BCLS certification;

(2) for a class II permit:

- (a) current licensure as a dentist in Utah;
- (b) documentation of current BCLS certification;

(c) evidence of ~~having~~ successful~~ly~~ complet~~ed~~ion of training in the administration of nitrous oxide and pharmacological methods of conscious sedation ~~which~~that:

(i) conforms to the Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, published by the American Dental Association, October 2007, which is incorporated by reference; ~~and~~or

(ii) is the substantial equivalent of Subsection (2)(c)(i) provided in a continuing education format offered by an American Dental Association accredited school; and

(d) certification that the applicant will comply with the scope of practice as set forth in Subsection R156-69-601(2);

(3) for a class III permit:

- (a) compliance with Subsections (1)(a) and (2) above;
- (b) evidence of current Advanced Cardiac Life Support (ACLS)

certification;

(c) evidence of holding a current Utah controlled substance license in good standing and a current Drug Enforcement Administration (DEA) Registration in good standing;

(d) evidence of ~~having~~ successful~~ly~~ complet~~ed~~ion of:

(i)(A) a comprehensive predoctoral or post doctoral training in the administration of conscious sedation ~~which~~that conforms to the Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, published by the American Dental Association, October 2007, ~~and~~ including a letter from the course director documenting competency in performing conscious sedation; and

(B) 60 hours of didactic education in sedation and successful completion of 20 cases; ~~and~~or

(ii) the substantial equivalent of Subsection (3)(d)(i) provided in a continuing education format offered by an American Dental Association accredited school; and

(e) certification that the applicant will comply the scope of practice as set forth in Subsection R156-69-601(3); and

(4) for a class IV permit:

- (a) compliance with Subsections (1), (2), and (3) above;
- (b) evidence of current ACLS certification;

(c) evidence of having successfully completed advanced training in the administration of general anesthesia and deep sedation consisting of not less than one year in a program which conforms to the Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, published by the American Dental Association, October 2007, and a letter from the course director documenting competency in performing general anesthesia and deep sedation;

(d) documentation of successful completion of advanced training in obtaining a health history, performing a physical examination and diagnosis of a patient consistent with the administration of general anesthesia or deep sedation; and

(e) certification that the applicant will comply with the scope of practice as set forth in Subsection R156-69-601(4).

R156-69-204. Qualifications for Anesthesia and Analgesia Permits - Dental Hygienist.

In accordance with Subsection 58-69-301(4)(b), the qualifications for a local anesthesia permit are the following:

(1) current Utah licensure as a dental hygienist or documentation of meeting all requirements for licensure as a dental hygienist;

(2) successful completion of a program of training in the administration of local anesthetics that:

(i) is accredited by the Commission on Dental Accreditation of the ADA; or

(ii) is the substantial equivalent of Subsection (2)(i) provided in a continuing education format offered by an American Dental Association accredited school; and

(3) (a) a passing score on the WREB, NERB, SRTA, or CRDTS anesthesia examination[~~-in anesthesiology~~]; or

(b) documentation of having a current, active license to administer local anesthesia in another state in the United States; and

(4) documentation of current CPR or BCLS certification.

KEY: licensing, dentists, dental hygienists

Date of Enactment or Last Substantive Amendment: ~~[August 8, 2013]~~ 2014

Notice of Continuation: March 10, 2011

Authorizing, and Implemented or Interpreted Law: 58-69-101; 58-1-106(1)(a); 58-1-202(1)(a)