



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health- Dental Quality Assurance Commission

- Preproposal Statement of Inquiry was filed as WSR 09-15-115 ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

WAC 246-817-701 Administration of anesthetics agents for dental procedures and WAC 246-817-722 Defibrillator.

Hearing location(s): Department of Health
310 Israel Rd SE, Room 152/153
Tumwater, WA 98501

Date: 09/17/10

Time: 8:00 am

Submit written comments to:

Name: Jennifer Santiago
Address: PO Box 47852
Olympia, WA 98504
Website: <http://www3.doh.wa.gov/policyreview/>
fax 360-236-2901 by (date) 09/10/2010

Assistance for persons with disabilities: Contact

Jennifer Santiago by 09/10/2010

TTY (800) 833-6388 or () 711

Date of intended adoption: 09/17/2010

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed rules remove the twenty-four hour on-call availability requirement following procedures using local anesthetic and the automated external defibrillator (AED) requirement for dental offices only performing local anesthetic (not sedation). The proposed rule also modifies the current AED requirement for dental offices performing sedation by allowing an office to share access to an AED or defibrillator with another business if it is available and in reach within sixty seconds.

Reasons supporting proposal:

Proposed rule amendments are based on input from stakeholders, specifically dentists. Rules adopted in January 2009 increased the requirements regarding on-call availability and the placement of AED or defibrillators in dental offices. Dentists demonstrated there was insufficient data to support the requirement for on-call availability and AED's following procedures that used only local anesthetic. Based on professional experience and judgment, the commission approved the proposal for official public comment.

Statutory authority for adoption:

RCW 18.32.640 and 18.32.0365

Statute being implemented:

RCW 18.32.640

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

DATE 07/30/10

NAME (type or print)

Andrew A. Vorono, D.D.S.

SIGNATURE

TITLE

Chair

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 02, 2010

TIME: 5:12 PM

WSR 10-16-118

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Washington State Dental Quality Assurance Commission

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Jennifer Santiago	310 Israel Rd SE, Tumwater WA 98501	360-236-4893
Implementation..... Jennifer Santiago	310 Israel Rd SE, Tumwater WA 98501	360-236-4893
Enforcement..... Jennifer Santiago	310 Israel Rd SE, Tumwater WA 98501	360-236-4893

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Jennifer Santiago

Address: 310 Israel Rd SE
Tumwater, WA 98501

phone 360-236-4893

fax 360-236-2901

e-mail jennifer.santiago@doh.wa.gov

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Jennifer Santiago

Address: PO Box 47852
Olympia, WA 98504

phone 360-236-4893

fax 360-236-2901

e-mail jennifer.santiago@doh.wa.gov

No: Please explain:

AMENDATORY SECTION (Amending WSR 09-04-042, filed 1/30/09, effective 3/2/09)

WAC 246-817-701 Administration of anesthetic agents for dental procedures. The purpose of WAC 246-817-701 through 246-817-790 is to govern the administration of sedation and general anesthesia by dentists licensed in the state of Washington in settings other than hospitals as defined in WAC 246-320-010 and ambulatory surgical facilities as defined in WAC 246-310-010, pursuant to the DQAC authority in RCW 18.32.640.

(1) The DQAC has determined that anesthesia permitting should be based on the "level" of anesthesia because anesthesia/sedation is a continuum, and the route of administration and drug combinations are both capable of producing a deeper level of sedation/anesthesia than is initially intended. Practitioners intending to produce a given level of sedation should be able to rescue patients who enter a state deeper than initially intended.

(2) All anesthesia providers must provide twenty-four hour, on-call availability following an anesthesia procedure, excluding those procedures using only local anesthetic.

(3) The dental assistant and expanded function dental auxiliary may not administer any general or local anesthetic, including intravenous sedation.

AMENDATORY SECTION (Amending WSR 09-04-042, filed 1/30/09, effective 3/2/09)

WAC 246-817-722 Defibrillator. (1) Every dental office in the state of Washington that administers (~~(anesthetic)~~) minimal, moderate, or deep sedation, or general anesthesia, as defined in WAC 246-817-710, must have an (~~(automatic)~~) automated external defibrillator (AED) or defibrillator.

(2) The dentist and staff must (~~(be prepared)~~) have access to ((use this equipment)) the AED or defibrillator in an emergency, and it must be available and in reach within sixty seconds.

(3) A dental office may share a single AED or defibrillator with adjacent businesses if it meets the requirements in this section.