

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 361

(Senator Pinsky)

Education, Health, and Environmental Affairs

Health and Government Operations

State Board of Dental Examiners - Regulation of Sedation - Issuance of Permits

This bill broadens the State Board of Dental Examiners' authority to regulate all sedation used by licensed dentists. The board may not require a facility or dentist to obtain a permit if a dentist: (1) administers nitrous oxide that is not administered with another pain relief method or anxiety-relieving medication; or (2) prescribes or administers oral medication to a patient within the maximum recommended dosage for the sole purpose of relieving anxiety when medication is not prescribed with the administration of nitrous oxide or any other pain relief.

The board must develop regulations concerning the administration of sedation after consulting with a committee of representatives from the board, pediatric dentistry, periodontal dentistry, oral and maxillofacial surgery, general dentistry, and any other dental specialty affected by sedation regulation. The board must hold one or more public hearings regarding the regulations.

Fiscal Summary

State Effect: No effect on the board's special fund revenues or expenditures, assuming the board alters its parenteral sedation regulations and permits to instead cover the broader conscious sedation.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The board may adopt regulations governing: (1) administering general anesthesia by a licensed dentist; (2) administering parenteral sedation by a licensed dentist; (3) using a dental assistant in performing intraoral procedures; (4) issuing a permit to a facility not otherwise regulated where a dentist administers or has general anesthesia or parenteral sedation administered; (5) issuing a permit to a dentist who administers or has general anesthesia or parenteral sedation administered; (6) training and evaluation requirements for a dentist before he or she may administer general anesthesia or parenteral sedation; (7) disciplining a facility or administration permit holder for the administration of general anesthesia or parenteral sedation; and (8) releasing patient dental records.

Background: The dental board permits dentists to use two types of sedation on patients: parenteral sedation and anesthesia. Parenteral sedation is sedation under which patients can maintain their airway and respond to physical stimulation and verbal command. It does not include sedation that is administered through the digestive system, such as by swallowing a pill. Conscious sedation includes all types of sedation under which patients can maintain their airway and respond to physical stimulation and verbal command.

The board has issued 40 parenteral sedation facility and administration permits. Parenteral sedation permit fees are \$1,050 for the initial permit and \$450 for a renewal permit. These permits are renewed every five years.

State Fiscal Effect: No effect on special fund revenues because Legislative Services assumes the board will replace the existing parenteral sedation regulations and permit with one for conscious sedation. The dental board has not decided whether it will replace the existing parenteral sedation fee with a broader conscious sedation fee or whether it will issue two fees, one for parenteral sedation and one for conscious sedation.

Additional Information

Prior Introductions: None.

Cross File: None. However, as amended, HB 558 is identical.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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