

JAN 29 2015

A BILL FOR AN ACT

RELATING TO DENTISTRY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the practice of
2 sedation and anesthesia by licensed dentists is regulated by the
3 State. However, recent tragedies have led to calls for more
4 oversight of the use of sedation and anesthesia by licensed
5 dentists. In January 2014, a three-year-old patient died after
6 falling into a coma after a dental procedure. It was later
7 determined that the dentist had used five different sedatives on
8 the young child, who weighed less than fifty pounds. In March
9 2014, a twenty-four-year-old woman from Hilo fell into a coma
10 while having two wisdom teeth removed.

11 Although new sedation rules went into effect last year, the
12 legislature concludes that additional oversight for the use of
13 sedation and anesthesia by licensed dentists is needed.

14 Accordingly, the purpose of this Act is to:

- 15 (1) Specify requirements for the administration of general
16 anesthesia and sedation;



- (2) Require licensed dentists to possess a written authorization or permit to administer general anesthesia, deep sedation, or moderate (conscious) sedation from the board of dental examiners;
- (3) Require the board of dental examiners to establish a process and requirements, including a continuing education component, for the issuance of a written authorization or permit;
- (4) Require the board of dental examiners to report to the legislature, no later than twenty days prior to the regular session of 2016, any updates to the written authorization or permit process, including the status of the five year recertification process and continuing education requirements;
- (5) Require a report to the board of dental examiners within twenty-four hours of an adverse occurrence during or resulting from anesthesia; and
- (6) Specify penalties for failure to report an adverse occurrence.



1 SECTION 2. Chapter 448, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§448- Administration of general anesthesia and
5 sedation; written authorization or permit; recertification. (a)

6 No dentist shall administer or employ another person to
7 administer general anesthesia, deep sedation, or moderate
8 (conscious) sedation for dental patients, unless the licensed
9 dentist possesses a written authorization or permit from the
10 board of dental examiners.

11 (b) The board of dental examiners shall review the
12 established process and requirements for the issuance and
13 renewal of a written authorization or permit to administer or
14 employ another person to administer general anesthesia, deep
15 sedation, or moderate (conscious) sedation. The written
16 authorization or permit shall be required every five years, and
17 the requirements for issuance or renewal of a written
18 authorization or permit shall include a continuing education
19 component, to be determined by the board. No later than twenty
20 days prior to the regular session of 2016, the board shall
21 report to the legislature any updates to the written



1 authorization or permit process, including the status of the
2 five year renewal process and continuing education requirements.

3 (c) The board shall issue a written authorization or
4 permit to a licensed dentist to use general anesthesia, deep
5 sedation, or moderate (conscious) sedation if the licensed
6 dentist employs or works in conjunction with a physician who is
7 licensed in good standing pursuant to chapter 453 and who is a
8 member of the anesthesiology staff of an accredited hospital;
9 provided that the anesthesiologist shall remain on the premises
10 of the dental facility until the patient is fully recovered and
11 discharged from the facility.

12 (d) Licensed dentists intending to produce a given level
13 of sedation shall have the capability and necessary training to
14 rescue patients whose level of sedation becomes deeper than
15 initially intended.

16 (e) Licensed dentists administering anesthesia shall
17 provide twenty-four hour, on-call availability following an
18 anesthesia procedure; provided that this section shall not apply
19 to procedures using only local anesthetic.

20 (f) Dental assistants or technicians shall not administer
21 any general or local anesthetic, including intravenous sedation.



1 §448- Adverse occurrences; report; failure to report.

2 (a) All licensed dentists engaged in the practice of dentistry
3 in the State shall submit a report to the board of dental
4 examiners within twenty-four hours of any mortality or other
5 incident that results in temporary or permanent physical or
6 mental injury requiring hospitalization of a patient during or
7 as a direct result of anesthesia related thereto; provided that
8 if the mortality or other incident occurs on any Friday, or on
9 any Saturday, Sunday, or legal holiday, the twenty-four hour
10 period shall be extended until 4:30 p.m. on the first day
11 following the weekend or legal holiday.

12 (b) The report required under subsection (a) shall include
13 at minimum responses to the following:

- 14 (1) Description of the dental procedure;
15 (2) Description of the physical condition of the patient,
16 unless the patient has a Class I status as defined by
17 the American Society of Anesthesiologists;
18 (3) List of drugs and dosage administered;
19 (4) Detailed description of techniques utilized in
20 administering the drugs utilized;
21 (5) Description of the adverse occurrence, including:



(c) Failure to comply with subsection (a) when the occurrence is related to the use of general anesthesia, deep sedation, or moderate (conscious) sedation shall result in the temporary loss of the license to practice and disciplinary action by the board of dental examiners within thirty days."

SECTION 4. This Act shall take effect upon its approval.

Ma diana J
Elvira

Ronald H Baker

Will Lyso

S.B. NO. 1263

Report Title:

Dentistry; Board of Dental Examiners; Dentists; Anesthesia; Sedation; Recertification; Adverse Occurrence; Reporting Requirement; Penalties

Description:

Specifies requirements for the administration of general anesthesia and sedation. Requires licensed dentists to possess a written authorization or permit to administer or employ another person to administer general anesthesia, deep sedation, or moderate (conscious) sedation from the board of dental examiners. Requires the board to review the process and requirements for the issuance and renewal of written authorization or permit. Requires the board to report to the legislature, no later than twenty days prior to the regular session of 2016, any updates to the written authorization or permit process, including the status of the five year renewal process and continuing education requirements. Requires a report to the board of dental examiners within twenty-four hours of an adverse occurrence during or resulting from anesthesia. Specifies penalties for failure to report an adverse occurrence.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

