

## **Joint Committee for Review of Administrative Rules**

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- **CR 04-095**

### **Report to the Legislature Clearinghouse Rule 04-095**

#### **The Joint Committee for Administrative Rules**

Produced pursuant to 227.19(6)(a), Stats.

Clearinghouse Rule 04-095 is an order to repeal and recreate dental rules relating to the requirements for administering the office facilities and equipment for safe and effective administration and the applicable standards of care, and to provide for reporting of adverse occurrences related to anesthesia administration.

#### **Description of the Problem**

Wisconsin Statutes, section 447 indicates that a dentist may be permitted to induce general anesthesia or conscious sedation. Clearinghouse Rule 04-095 is an attempt by the Dentistry Examining Board to develop standards for the safe and effective administration. The Department of Regulation and Licensing (DRL) held a public hearing on November 3, 2004 at which time they received objections related to conscious sedation. CR 04-095 was given a hearing by the Senate Committee on Health, Children, Families, Aging and Long Term Care and on December 14, 2005 voted 5-0 to request modifications, specifically, a change to the Advanced Cardiac Life Support training and the Pediatric Advanced Life Support training, and to DE 11.09(7) which limited a dentist's ability to provide multiple doses, (or to titrate) of a drug during a dental appointment.

*DE 11.09(7) only dentists who hold a class 1,2, or 3 permit may administer multiple doses of oral medications on any given treatment day provided that the maximum recommended dose of that medication is not*

*exceeded and that the minimum time between doses is not less than the time necessary for the medication to reach its peak plasma level.*

The DRL and the Dentistry Examining Board sent a revised rule to the Senate Health committee on February 7, 2006 which included a change to the Advanced Cardiac Life Support training and the Pediatric Advanced Life Support training. However, the rule did not include the requested modification on titration. On February 11, 2006, The Senate Health committee voted 5-0 to partially object to the rule, specifically DE 11.09(7).

### **Arguments in Favor of Objection**

- Maximum doses may not achieve sedation.
- It may force dentists to administer maximum doses of sedation at the start of an appointment rather than starting with a safer, lower dose.
- The American Dental Association guidelines allows for exceptions to exceed maximum dosage in “unusual circumstances”.
- Oral conscious sedation drugs are reversible without I.V.
- The rule may deny care for those who might need more medication, or might require a longer appointment that would also require more medication.

### **Arguments Against Objection**

- The Dentist Examining Board (DEB) found that most dentists in Wisconsin who practice oral conscious sedation learned to do so from a relatively new and unproved course.
- An expert from the Marquette School of Dentistry said Marquette does not teach titration procedures, nor does any other dental school in the United States.
- Patients could progress into a deeper level of sedation than a dentist intended, maybe even after leaving the dentist office.
- Putting “unusual circumstances” language in the rule would make a loophole that would make the rule unenforceable.

**Action by Joint Committee for Review of Administrative Rules**

On April 18, 2006, the Joint Committee for Review of Administrative Rules held a hearing and an executive session on Clearinghouse Rule 04-095. The committee passed a motion 5-4, that pursuant to s.227.19(4)(d) 6. and (5)(d), Stats. to concur in the objection to s. DE.11.09(7) of Clearinghouse Rule 04-095. On May 3, 2006, the Joint Committee voted to introduce LRB 4962/1 and 4963/1 which prohibit the dental examining board from promulgating a rule limiting dosage of oral conscious sedatives.