



STATE OF WASHINGTON

DEPARTMENT OF HEALTH

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September 20, 2023

To Whom It May Concern,

The Dental Quality Assurance Commission (commission) adopted rules to establish new and updated requirements for the administration of anesthetic agents for dental procedures. Rule amendments include 24 hour on-call availability, updates basic life support education, adds requirements for emergency protocols and training, clarifies record keeping and emergency medications, establishes self-inspections for all dentists when anesthetic is administered, updates on-site medications, updates on-site inspections for dentists with moderate with parenteral agents and general anesthesia permits, and creates a pediatric sedation endorsement.

The rules have had several updates and a complete review was necessary. Creating a pediatric sedation endorsement is necessary to provide safeguards for the unique sedation needs of pediatric patients. Interested parties have expressed concern with the lack of 24 hour on-call availability after dental procedures. Although current rule requires 24 hour on-call availability when anesthesia is used, there are complex dental procedures that do not involve anesthesia and on-call availability is necessary. Self-inspections are needed to ensure all dentists are prepared for dental emergencies when any type of anesthetic is administered during a dental procedure. Current rule requires on-site inspections for dentists holding general anesthesia permits, the rule amendment adds moderate sedation with parenteral agents permits and creates standards for the on-site inspections to ensure patient safety.

The commission made the following edits to the proposed rule:

- To enable enough time to obtain the endorsement, the date in WAC 246-817-765 (1) was changed from “January 1, 2024” to “January 1, 2025”.
- To align with correct WAC formatting, the word “and” was added to WAC 246-817-765(3)(c)(ii)(B)(V); the word “or” was removed from WAC 246-817-740(1)(a) and (1)(b)

The adopted amendments to chapters 246-817-701 through 246-817-790 WAC will become effective 31 days after filing. A copy of the adopted rules are attached.

See matrix below for a summary of received comments.

Any person may petition the adoption or amendment of these rules in accordance with RCW 34.05.330.

For more information regarding these rules, you may contact me by email at amber.freeberg@doh.wa.gov or by phone at 360-236-4893.

Cordially,



Amber Freeberg
Program Manager

Topic/Citation	Comments on Proposed Rules	Commission Response
WAC 246-817-724	<ul style="list-style-type: none"> Expressed concerns with requirement to obtain vitals on patients when administering topical anesthesia only. Expressed concerns regarding exception of patients aged 13 or younger and classified as ASA 1. 	<p>The commission discussed concerns on March 10, 2023, and agreed to exception of patients aged 13 or younger and classified as ASA 1.</p> <p><i>Was the rule changed as a result of these comments? No.</i></p>
WAC 246-817-722	<ul style="list-style-type: none"> Expressed concerns about requirements for offices that only administer topical anesthesia to have an AED or defibrillator. 	<p>The commission discussed concerns on March 10, 2023. The commission determined that these requirements are necessary to ensure public safety.</p> <p><i>Was the rule changed as a result of these comments? No.</i></p>
WAC 246-817-774	<ul style="list-style-type: none"> Expressed concerns with the requirement to provide written declaration that a minimum of 12 emergency drill scenarios be performed for moderate sedation with enteral agents and parenteral IV sedation permits at least two times per year. 	<p>The commission discussed concerns on March 10, 2023. The commission determined that these requirements are necessary to ensure public safety.</p> <p><i>Was the rule changed as a result of these comments? No.</i></p>
WAC 246-817-740, 246-817-745 and 246-817-755	<ul style="list-style-type: none"> Expressed concerns with requirement for a second individual to be in the office and able to immediately respond to any request from an individual administering minimal sedation with or without nitrous oxide, or when moderate sedation with enteral agents is administered. 	<p>The commission discussed concerns on March 10, 2023. The commission determined that these requirements are necessary to ensure public safety.</p> <p><i>Was the rule changed as a result of these comments? No.</i></p>

<p>WAC 236-817-755, 246-817-760, and 246-817-770</p>	<ul style="list-style-type: none"> • Asked for removal of obligation for providers to assess patient body mass index (BMI) prior to sedation. 	<p>The commission discussed concerns on March 10, 2023. The commission determined that these requirements are necessary to ensure public safety.</p> <p><i>Was the rule changed as a result of these comments? No.</i></p>
<p>WAC 246-817-760</p>	<ul style="list-style-type: none"> • Asked for removal of requirement to keep a backup suction devise for moderate sedation with parenteral agents. 	<p>The commission discussed concerns on March 10, 2023. The commission determined that these requirements are necessary to ensure public safety.</p> <p><i>Was the rule changed as a result of these comments? No.</i></p>
<p>WAC 246-817-760</p>	<ul style="list-style-type: none"> • Expressed concerns with requirement that for moderate sedation with parenteral agents, providers must perform continuous electrocardiographic monitoring when the patient has clinically significant cardiovascular disease. 	<p>The commission discussed concerns on March 10, 2023. The commission determined that these requirements are necessary to ensure public safety.</p> <p><i>Was the rule changed as a result of these comments? No.</i></p>
<p>WAC 246-817-760 and 246-817-770</p>	<ul style="list-style-type: none"> • Expressed concerns with requirement that providers must consult with a patient’s primary care provider (PCP) or consulting medical specialist prior to administering sedation when the patient is considered an ASA classification III or IV. 	<p>The commission discussed concerns on March 10, 2023. The commission determined that these requirements are necessary to ensure public safety.</p> <p><i>Was the rule changed as a result of these comments? No.</i></p>
<p>Small Business Economic Impact Statement (SBEIS)</p>	<ul style="list-style-type: none"> • Expressed concerns that the SBEIS underestimates the financial impact of the regulations. 	<p>The commission discussed concerns on September 8, 2023. The commission determined the estimated financial impact was negligible as compared to the benefits to ensure public safety.</p> <p><i>Was the rule changed as a result of these comments? No</i></p>