**PROPOSAL**

**Maryland Register**

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**Title 10   
MARYLAND DEPARTMENT OF HEALTH**

**Subtitle 44 BOARD OF DENTAL EXAMINERS**

**10.44.12 Anesthesia and Sedation**

Authority: Health Occupations Article, §4-205, Annotated Code of Maryland

**Notice of Proposed Action**

[19-153-P]

The Secretary of Health proposes to amend Regulations **.11** and **.21** under **COMAR 10.44.12 Anesthesia and Sedation**. This action was considered by the Board of Dental Examiners at a public meeting held on November 7, 2018, notice of which was given under the Notice of Public Meetings link on the Board’s website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to require a dentist who applies for an anesthesia or sedation permit to have either a defibrillator or an automated external defibrillator in their dental office as part of their on-site permit inspection, regardless of whether the dentist treats adult patients only. Additionally, the proposed amendments require the examination of either a defibrillator or an automated external defibrillator as part of the on-site inspection of a dental office when a dentist wishes to renew a Class III anesthesia permit, regardless of whether the dentist treats adult patients only.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

**.11 Facility Evaluation Criteria.**

A. Except as otherwise provided in this regulation, to qualify for a permit, the facility and the applicant shall pass an evaluation of facility equipment, medications, and clinical records to include at least the following:

(1)—(14) (text unchanged)

(15) Defibrillator or automated external defibrillator (AED) **[**for adult patients**]**;

(16)—(17) (text unchanged)

B.—C. (text unchanged)

**.21 Renewal of Class III Permits.**

A.—F. (text unchanged)

G. In addition to the requirements of §D of this regulation, a dentist who wishes to renew a Class III permit shall pass a facility evaluation of facility equipment, medications, and clinical records to include at least the following:

(1)—(15) (text unchanged)

(16) Defibrillator **[**and**]***or* automated external defibrillator (AED) **[**for adult patients**]**;

(17)—(18) (text unchanged)

H.—K. (text unchanged)

ROBERT R. NEALL  
Secretary of Health