



TO: The Honorable the Members of the Board of Regents

FROM: Johanna Duncan-Poitier

COMMITTEE: Higher and Professional Education
TITLE OF ITEM: Proposed Amendment to the Regulations of the
Commissioner of Education Relating to the Dental Hygiene
Restricted Local Infiltration Anesthesia/Nitrous Oxide
Analgesia Certificate

DATE OF SUBMISSION: February 24, 2003

PROPOSED HANDLING: Discussion

RATIONALE FOR ITEM: To Implement Statute

STRATEGIC GOAL: Goal 3

AUTHORIZATION(S):

SUMMARY:

Attached for discussion is a proposed amendment to section 52.9 and promulgation of section 61.17 of the Regulations of the Commissioner of Education, relating to the Dental Hygiene Restricted Local Infiltration Anesthesia/Nitrous Oxide Analgesia Certificate. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

The purpose of the proposed amendment is to establish procedures and education and training requirements for licensed dental hygienists to be certified to administer and monitor local infiltration anesthesia and nitrous oxide analgesia in the practice of dental hygiene under the personal supervision of a licensed dentist and requirements that college programs must meet to be registered by the State Education Department as leading to certification in this field. Section 6605-b of the Education Law, as added by Chapter 437 of the Laws of 2001, directs the Commissioner of Education to establish these requirements in regulation.

A Notice of Proposed Rule Making concerning the proposed amendment was published in the State Register on February 19, 2003. It is recommended that formal action on the proposed amendment be taken at the April 2003 meeting of the Board of Regents.

Attachment

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Sections 207, 6506, 6507, 6605-b, 6606 of the Education Law.

1. Section 52.9 of the Regulations of the Commissioner of Education is amended, effective May 22, 2003, as follows:

52.9 Dental hygiene.

(a) For licensure qualifying programs, [Admission]
admission requirements shall include successful completion of an approved four-year course of study in an approved secondary school.

(b) Requirements for programs leading to the dental hygiene restricted local infiltration anesthesia/nitrous oxide analgesia certificate.

(1) Definitions. As used in this subdivision:

(i) Analgesia means the diminution of pain.

(ii) Anxiolysis means the diminution or elimination of anxiety.

(iii) Conscious sedation means a minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and verbal command and that is produced by a pharmacologic or non-pharmacologic method or a combination thereof. Patients whose only response is

reflex withdrawal from repeated painful stimuli shall not be considered to be in a state of conscious sedation.

(iv) Deep sedation means an induced state of depressed consciousness accompanied by partial loss of protective reflexes, including the inability to continually maintain an airway independently and/or to respond purposefully to physical stimulation or verbal command, and is produced by a pharmacologic or non-pharmacologic method or a combination thereof.

(v) General anesthesia means an induced state of unconsciousness, accompanied by partial or complete loss of protective reflexes, including the inability to maintain an airway independently and respond purposefully to physical stimulation or verbal command, and is produced by a pharmacologic or non-pharmacologic method or a combination thereof.

(vi) Infiltration anesthesia means local anesthetic solution deposited near the terminal nerve endings in the area of prospective dental hygiene treatment.

(vii) Local anesthesia means the elimination of sensation, especially pain, in one part of the body by topical application or regional injection of a drug.

(viii) Local infiltration anesthesia means the administration of a local anesthetic solution, meant for the

elimination of sensation, especially pain, in one part of the body by the regional injection of a drug, near the terminal nerve endings in the area of prospective dental hygiene treatment.

(ix) Nitrous oxide analgesia means the administration of a combination of nitrous oxide and oxygen producing a diminution of pain and anxiety (anxiolysis).

(x) Scavenging system means the basic engineering control for waste nitrous oxide gas. Such systems collect waste gas and ventilate it from the operating room.

(xi) Under personal supervision of a licensed dentist means that the supervising licensed dentist remains in the dental office or other location where the local infiltration anesthesia or nitrous oxide analgesia services are being performed by the dental hygienist, personally authorizes and prescribes the use of local infiltration anesthesia or nitrous oxide analgesia for the patient and, before dismissal of the patient, personally examines the condition of the patient after the use of local infiltration anesthesia or nitrous oxide analgesia that is administered by the dental hygienist is completed.

(2) In addition to meeting all applicable provisions of this Part, to be registered as a program leading to the dental hygiene restricted local infiltration anesthesia/nitrous oxide analgesia certificate, the program shall be offered by an

institution which has programs that are registered by the department pursuant to Part 52 of this Title as leading to licensure in dentistry and/or dental hygiene and include the didactic component and clinical and laboratory experience component, as prescribed in this paragraph.

(i) Didactic component. The program shall include at least 30 clock hours of didactic instruction relating to the administration and monitoring of local infiltration anesthesia and nitrous oxide analgesia in the practice of dental hygiene. Such coursework shall include, but not be limited to, the following content areas:

(a) relevant New York State Education Law and Commissioner's Regulations;

(b) medical history and evaluation procedures;

(c) review of pediatric and adult respiratory and circulatory physiology and related anatomy;

(d) stages of drug-induced central nervous system depression through levels of anxiolysis, conscious sedation, deep sedation and general anesthesia;

(e) definitions and descriptions of physiological and psychological aspects of anxiety and pain;

(f) pharmacology of agents used in inhalation sedation, local anesthesia and vasoconstrictors, including drug interactions and incompatibilities;

(g) indications and contraindications for use of inhalation sedation and local anesthesia;

(h) recommended dosages of local anesthesia and nitrous oxide analgesia;

(i) patient monitoring using observation, with particular attention to vital signs and reflexes related to consciousness;

(j) selection and preparation of the armamentaria and record keeping for administering various local anesthetic agents and nitrous oxide analgesia;

(k) recognition and management of complications and management of reactions to local anesthetic agents and nitrous oxide analgesia;

(l) proper infection control techniques with regard to local anesthetic and nitrous oxide analgesia and proper disposal of sharps;

(m) description and use of inhalation sedation equipment;

(n) introduction to potential health hazards of trace anesthetics and proposed techniques for limiting occupational exposure such as appropriate scavenging systems;

(o) abuse potential and hallucinatory effects of nitrous oxide analgesia;

(p) post-operative care of the patient and instruction to the patient; and

(g) a course in basic life support (BLS), or its equivalent as determined by the department.

(ii) Clinical and laboratory experience component. The program shall include at least 15 clock hours of clinical and laboratory experience relating to the administration and monitoring of local infiltration anesthesia and nitrous oxide analgesia in the practice of dental hygiene. When a student administers or monitors nitrous oxide analgesia or local infiltration anesthesia in such clinical or laboratory practice, the student shall be under the personal supervision of a licensed dentist, as defined in paragraph (1) of this subdivision. Such experience shall include, but not be limited to, the following:

(a) selection and preparation of the armamentaria for administering various local anesthetic agents and nitrous oxide analgesia including demonstrations regarding scavenging systems;

(b) demonstration of proper infection control techniques with regard to local anesthetic agents and nitrous oxide analgesia and proper disposal of sharps;

(c) demonstration of proper evaluation of the patient's health status, taking the patient's vital signs and monitoring the patient's physical status while under the effects of local anesthesia and/or nitrous oxide analgesia;

(d) administration of local anesthetic in conjunction with inhalation sedation techniques;

(e) a clinical experience, under the personal supervision of a licensed dentist as defined in paragraph (1) of this subdivision, demonstrating the successful use of local infiltration anesthesia on no fewer than 15 patients; and a clinical experience, under the personal supervision of a licensed dentist as defined in paragraph (1) of this subdivision, demonstrating the successful use of nitrous oxide analgesia on no fewer than 15 patients of which 5 would be induced by the candidate and observation of not less than 10 patients.

2. Section 61.17 of the Regulations of the Commissioner of Education is added, effective May 22, 2003, as follows:

61.17 Dental hygiene restricted local infiltration anesthesia/nitrous oxide analgesia certificate.

(a) Definitions. As used in this section:

(1) Acceptable accrediting body means an accrediting body which is accepted by the department as a reliable authority for the purpose of accrediting educational programs leading to licensure in dentistry and/or dental hygiene, applying its criteria for granting accreditation in a fair, consistent, and nondiscriminatory manner, and which accredits such programs on a national basis.

(2) Under personal supervision of a licensed dentist means that the supervising licensed dentist remains in the dental office or other location where the local infiltration anesthesia or nitrous oxide analgesia services are being performed by the dental hygienist, personally authorizes and prescribes the use of local infiltration anesthesia or nitrous oxide analgesia for the patient and, before dismissal of the patient, personally examines the condition of the patient after the use of local infiltration anesthesia or nitrous oxide analgesia that is administered by the dental hygienist is completed.

(b) General provisions.

(1) A licensed dental hygienist shall not administer or monitor nitrous oxide analgesia or local infiltration anesthesia in the practice of dental hygiene without being issued a dental hygiene restricted local infiltration anesthesia/nitrous oxide analgesia certificate in accordance with the requirements of the this section, except that such administration or monitoring of nitrous oxide analgesia or local infiltration anesthesia by a licensed dental hygienist who is certified under this section must be under the personal supervision of a licensed dentist, as defined in subdivision (a) of this section, and in conjunction with the performance of dental hygiene procedures authorized by section 6606 of the Education law.

(2) The applicant for certification or the renewal of certification must be a licensed dental hygienist or be concurrently licensed as a dental hygienist at the time of initial certification; and shall meet the additional requirements of this section.

(3) The certificate issued pursuant to this section shall be issued for a three-year term and shall be renewable.

(c) Requirements for initial certification.

(1) Application requirement. The applicant shall apply for initial certification on forms prescribed by the department and pay the fee prescribed in section 6605-b of the Education Law.

(2) Education and training requirement. For initial certification, the applicant shall complete a program registered pursuant to subdivision (b) of section 52.9 of this Title and offered by an institution which has programs that are registered by the department pursuant to Part 52 of this Title as leading to licensure in dentistry and/or dental hygiene; or equivalent educational preparation offered by an institution that has programs leading to licensure in dentistry and/or dental hygiene that are accredited by an acceptable accrediting body.

(d) Requirements for renewal of certification.

(1) Each certificate holder shall renew certification with the department triennially on a schedule determined by the department.

(2) The certificate holder shall renew certification on forms prescribed by the department and pay the fee prescribed in section 6605-b of the Education Law.