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Governor

Arizona State Board of Dental Examiners

“Caring for the Public’s Dental
Health and Professional Standards”

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OPEN SESSION MINUTES

February 5, 2021 Anesthesia & Sedation Committee Meeting

Members of the Arizona State Board of Dental Examiners (“Board”) Anesthesia & Sedation Committee held a meeting at 1:06 p.m. on Friday, February 5, 2021 which was held in person and virtually. The Committee met in Executive Session during its consideration of Agenda Item No. V.

Committee Members

Nick Goodman, Committee Chair
Ali Baghai, CRNA
Lisa B. Bienstock, DMD
Randall J. Blazic, DDS
Jason W. Brady, DMD
Jeffrey N. Brownstein, DDS
Ed Christensen, DDS
Anthony Herro, DDS
Jonathan Jerman, MD
Randall Lout, DDS
Heath Snell, DDS

I. CALL TO ORDER AND ROLL CALL

Dr. Herro called the Committee’s meeting to order at 1:06 p.m.

ROLL CALL

The following Committee members were present:

Dr. Baghai, *Dr. Bienstock, Dr. Blazic, Dr. Brady, Dr. Brownstein, *Dr. Christensen, Dr. Herro, Dr. Jerman, Dr. Lout and Dr. Snell.

**Drs. Christensen and Bienstock joined the meeting at 1:10 p.m. and 1:17 p.m., respectively*

The following Committee member was absent:

Chairman Goodman.

ALSO PRESENT

The following Board staff were present:

Ryan P. Edmonson, Executive Director; Kristina C. Gomez, Deputy Director; Sherrie Biggs, Assistant Deputy Director; Selena Acuna, Legal Administrator; Susie Adams, Program and Project Specialist; and, Lisa Schmelling, Chief Compliance Officer.

The following Board staff and Assistant Attorneys General participated in the meeting virtually:

Seth T. Hargraves, AAG; Nancy Elia, Licensing Administrator; and, Andrea Cisneros, Minutes Administrator.

The following individuals were also present:

Anthony Caputo, DDS

III. REVIEW, DISCUSSION AND POSSIBLE ACTION ON COMMITTEE MEETING MINUTES

- A. Discussion and approval of the Open Session Minutes from the November 10, 2020 committee meeting.

MOTION: Dr. Blazic moved for the Committee to approve the November 10, 2020 committee meeting Open Session Minutes.

SECOND: Dr. Herro

VOTE: 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

VI. CURRENT STATUTE(S) AND/OR RULE(S) REGARDING ANESTHESIA & SEDATION STATUTE AND RULES

Dr. Herro directed staff to table this matter to the Committee's next meeting.

II. CALL TO THE PUBLIC

Dr. Caputo addressed the Committee during the Call to the Public and stated his concerns regarding the recently proposed changes to rules and how they currently apply to the provision of anesthesia in dentistry. He asked the Committee to consider patient safety at the forefront of its discussions for rule changes relating to better access to care.

VIII. ARIZONA ASSOCIATION OF NURSE ANESTHETISTS ("AZANA")

The Committee noted that the Board considered this item at its January 29, 2021 meeting and referred it to the Committee for review and possible recommendation back to the Board. The Committee members stated their concerns regarding the removal of sedation regulations and discussed reporting requirements for adverse occurrences. The Committee further observed that there is currently legislation pending that would remove sedation from statute if passed.

Dr. Baghai informed the Committee that the correspondence submitted by AZANA stemmed from a recent presentation to the Board by a local oral surgeon who made comments about their profession that AZANA felt was not accurate or justified. The Committee recognized that the Nursing Board regulates CRNAs in Arizona and has an adverse occurrence reporting requirement. Board staff reported that they reached out to the Nursing Board and the information received was limited due to their confidentiality statutes. Dr. Christensen commented that each facility has an obligation to self-regulate through its permitting process to ensure safety. Dr. Brady pointed out that the Board had the authority to revoke permits and restrict licensee's from performing anesthesia services, but does not have jurisdiction over non-permitted anesthesia providers.

IX. LEGISLATIVE UPDATE

Executive Director Edmonson reported that the staff is currently tracking around 68 bills that have potential to affect the Dental Board either directly or indirectly.

- A. Dental specific:

8. SB1372 (*specifically changes statutes related to sedation*); and

Executive Director Edmonson reported that the Dental Board has taken a strong opposition to this bill and has disseminated its opinion to local its member associations. The Committee reviewed the bill and discussed the number of items that were struck from statutes relating to sedation and individuals allowed to perform procedures on patients under anesthesia.

Dr. Baghai pointed out that certification is required for medical offices performing general anesthesia and that there is no such requirement for sedation in medical offices. He also stated that when sedation or anesthesia is administered in a medical office, there is always a single individual that is responsible for it. Dr. Blazic stated that the Committee members have the ability to influence their respective associations' position on this bill and that it was not the Committee's purview to take a position at this time.

Executive Director Edmonson reported that the Board opposed the original bill and has not taken a position on the latest version striking a number of items and adding a new section that will require the Board to refer individuals not licensed by the Board to their respective regulatory board if involved in an adverse occurrence reported to the Board. Dr. Herro instructed staff to provide the Committee members with the updated file of pending legislative matters that are being tracked, and to pass the information on to the full Board as well.

9. SB1504

Executive Director Edmonson reported that this bill would allow licensees of the Dental Board to administer vaccinations with specific training.

VII. BENEFITS OF A TEAM MODEL, A TWO-PROVIDER MODEL OR A SINGLE PROVIDER MODEL WHEN ADMINISTERING ANESTHESIA/SEDATION

The Committee elected to table this item until such time that it had an opportunity to review the adverse occurrence reports.

The Committee recessed from 2:03 p.m. to 2:18 p.m.

V. STUDY/REVIEW OF ADVERSE OCCURRENCE REPORTS

MOTION: Dr. Herro moved for the Committee to enter into Executive Session to review confidential information and to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(2) and (3).

SECOND: Dr. Brady

VOTE: 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Committee entered into Executive Session at 2:19 p.m.

The Committee returned to Open Session at 4:44 p.m.

No legal action was taken by the Committee during Executive Session.

The Committee directed staff to gather the information in the form of a spreadsheet and return to the Committee to review the data at a future meeting. Executive Director Edmonson confirmed that the data would be condensed to a spreadsheet for the Committee's review, with Dr. Jerman's oversight.

X. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

Dr. Herro proposed that the adverse occurrence reports received by the Board be referred to the Committee for real-time review by different specialists. Executive Director Edmonson stated that the Board could look into obtaining the statutory authority to establish an investigative committee to make recommendations to the Board.

Blazic suggested the Committee limit the number of items on its next agenda.

XI. NEXT COMMITTEE MEETING DATES

Executive Director Edmonson stated that he would email the Committee members proposed dates for its next meeting.

Dr. Herro thanked the Committee and staff for their hard work and efforts.

XII. ADJOURNMENT

MOTION: Dr. Herro moved for the Committee to adjourn.

SECOND: Dr. Jerman

VOTE: 10-aye, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Committee's meeting adjourned at 4:52 p.m.