



House Bill No. 6937

Public Act No. 15-163

**AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S
RECOMMENDATIONS REGARDING THE DEFINITIONS OF
SEDATION AND GENERAL ANESTHESIA.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 20-123a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

For purposes of this section and section 20-123b, as amended by this act:

[(a) "Conscious sedation" means a drug-induced state in which the patient is calmed and relaxed, capable of making rational responses to commands and has all protective reflexes intact, including the ability to clear and maintain the patient's own airway in a patent state, but does not include nitrous oxide sedation or the administration of a single oral sedative or analgesic medication in a dose appropriate for the unsupervised treatment of insomnia, anxiety or pain that does not exceed the maximum recommended therapeutic dose established by the federal Food and Drug Administration for unmonitored home use;]

(1) "Deep sedation" means a drug-induced depression of consciousness during which (A) a person cannot be easily aroused but

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responds purposefully following repeated or painful stimulation, (B) a person's ability to independently maintain ventilator function may be impaired, (C) assistance may be required for a person to maintain his or her airway and spontaneous ventilation may be inadequate, and (D) cardiovascular function is usually maintained;

[(b)] (2) "General anesthesia" means [a controlled state of unconsciousness produced by pharmacologic or nonpharmacologic methods, or a combination thereof, accompanied by a partial or complete loss of protective reflexes including an inability to independently maintain an airway and to respond purposefully to physical stimulation or verbal commands; and] a drug-induced loss of consciousness during which (A) a person is not able to be aroused, even by painful stimulation, (B) a person's ability to independently maintain ventilator function is often impaired, (C) a person often requires assistance in maintaining his or her airway and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function, and (D) a person's cardiovascular function may be impaired;

(3) "Minimal sedation" means a minimally depressed level of consciousness that (A) is produced by a pharmacological method that retains a person's ability to independently and continuously maintain an airway and to respond appropriately to physical stimulation or a verbal command, (B) may result in modest impairment of cognitive function and coordination but does not affect a person's ventilator and cardiovascular function, and (C) is produced by nitrous oxide or an orally administered sedative using not more than the maximum therapeutic dose recommended by the federal Food and Drug Administration and that may be prescribed for unmonitored use by a person in his or her home;

(4) "Moderate sedation" means a drug-induced depression of consciousness during which (A) a person responds purposefully to

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verbal commands, either alone or when accompanied by light tactile stimulation, (B) intervention is not required to maintain a person's airway and spontaneous ventilation is adequate, and (C) a person's cardiovascular function is usually maintained; and

[(c)] (5) "Commissioner" means the Commissioner of Public Health.

Sec. 2. Subsection (a) of section 20-123b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) On and after the effective date of the regulations adopted in accordance with subsection (d) of this section, no dentist licensed under this chapter shall use moderate sedation, deep sedation or general anesthesia, [or conscious sedation,] as these terms are defined in section 20-123a, as amended by this act, on any patient unless such dentist has a permit, currently in effect, issued by the commissioner, initially for a period of twelve months and renewable annually thereafter, authorizing the use of such moderate sedation, deep sedation or general anesthesia. [or conscious sedation.] A dentist may use minimal sedation, as defined in section 20-123a, as amended by this act, without obtaining a permit issued by the commissioner.

Sec. 3. Subsection (a) of section 20-114 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) The Dental Commission may take any of the actions set forth in section 19a-17 for any of the following causes: (1) The presentation to the department of any diploma, license or certificate illegally or fraudulently obtained, or obtained from an institution that is not reputable or from an unrecognized or irregular institution or state board, or obtained by the practice of any fraud or deception; (2) proof that a practitioner has become unfit or incompetent or has been guilty

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of cruelty, incompetence, negligence or indecent conduct toward patients; (3) conviction of the violation of any of the provisions of this chapter by any court of criminal jurisdiction, provided no action shall be taken under section 19a-17 because of such conviction if any appeal to a higher court has been filed until the appeal has been determined by the higher court and the conviction sustained; (4) the employment of any unlicensed person for other than mechanical purposes in the practice of dental medicine or dental surgery subject to the provisions of section 20-122a; (5) the violation of any of the provisions of this chapter or of the regulations adopted hereunder or the refusal to comply with any of said provisions or regulations; (6) the aiding or abetting in the practice of dentistry, dental medicine or dental hygiene of a person not licensed to practice dentistry, dental medicine or dental hygiene in this state; (7) designating a limited practice, except as provided in section 20-106a; (8) engaging in fraud or material deception in the course of professional activities; (9) the effects of physical or mental illness, emotional disorder or loss of motor skill, including, but not limited to, deterioration through the aging process, upon the license holder; (10) abuse or excessive use of drugs, including alcohol, narcotics or chemicals; (11) failure to comply with the continuing education requirements set forth in section 20-126c; (12) failure of a holder of a [dental anesthesia or conscious sedation] permit authorizing the use of moderate sedation, deep sedation or general anesthesia to successfully complete an on-site evaluation conducted pursuant to subsection (c) of section 20-123b; (13) failure to provide information to the Department of Public Health required to complete a health care provider profile, as set forth in section 20-13j; or (14) failure to maintain professional liability insurance or other indemnity against liability for professional malpractice as provided in section 20-126d. A violation of any of the provisions of this chapter by any unlicensed employee in the practice of dentistry or dental hygiene, with the knowledge of the employer, shall be deemed a violation by the employer. The Commissioner of Public Health may order a license

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holder to submit to a reasonable physical or mental examination if his or her physical or mental capacity to practice safely is the subject of an investigation. Said commissioner may petition the superior court for the judicial district of Hartford to enforce such order or any action taken pursuant to section 19a-17.

Approved July 2, 2015