

PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

Symbols in proposed rule text. Proposed new language is indicated by underlined text. ~~Square brackets and strikethrough~~ indicate existing rule text that is proposed for deletion. “(No change)” indicates that existing rule text at this level will not be amended.

CHAPTER 110. SEDATION AND ANESTHESIA

22 TAC §110.7

The State Board of Dental Examiners (Board) proposes new rule §110.7, concerning Portability. This new rule will require dentists who provide anesthesia services in multiple locations to attest to that fact on their permit applications. This rule mimics the statutory language added by SB313 and reminds dentists that they are responsible for the services they provide wherever they may provide them.

Tyler Vance, Interim Executive Director, has determined that for the first five-year period the proposed rule is in effect, there will not be any fiscal implications for state or local government as a result of enforcing or administering the rule.

Tyler Vance has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the agency's compliance with legislative directives. Mr. Vance has determined that for the first five-year period the proposed rule is in effect, costs to persons or small businesses will be minimal. There is no foreseeable impact on employment in any regional area where the rule is enforced or administered.

Tyler Vance has also determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: the rule does not create or eliminate a government program; implementation of the proposed rule does not require the creation or elimination of employee positions; the implementation of the proposed rule does not require an increase or decrease in future appropriations; the proposed rule does not require an increase or decrease in fees paid to the agency; the proposed rule creates a new regulation; the proposed rule expands an existing regulation; the proposed rule increases the number of individuals subject to it; the proposed rule does not adversely affect the state's economy.

Comments on the proposed new rule may be submitted to Tyler Vance, Interim Executive Director, 333 Guadalupe, Suite 3-800, Austin, Texas 78732, Fax (512) 305-9364, tvance@tsbde.texas.gov no later than 30 days from the date that the proposed rule is published in the *Texas Register*.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

§110.7. Portability.

(a) A dentist who applies for the issuance or renewal of a sedation/anesthesia permit must include in the application a statement indicating whether the dentist provides or will provide a permitted sedation/anesthesia service in more than one location.

(b) A dentist providing sedation/anesthesia services in more than one location remains responsible for providing these services in strict compliance with all applicable laws and rules. The dentist shall ascertain that the location is supplied, equipped, staffed, and maintained in a condition to support provision of sedation/anesthesia services that meet the standard of care.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on February 26, 2018.

TRD-201800827

Tyler Vance

Interim Executive Director

State Board of Dental Examiners

Earliest possible date of adoption: April 8, 2018

For further information, please call: (512) 475-0977