

Resolution No.	12	New <input checked="" type="checkbox"/>	Substitute <input type="checkbox"/>	Amendment <input type="checkbox"/>
Submitted By:	CDEL			
Date Submitted:	April 11, 2025	Reference Committee <input checked="" type="checkbox"/>	Direct to House <input type="checkbox"/>	
Total Financial Implication:	\$ none			
Amount One-time	\$ none	Amount On-going	\$ none	

### NYSDA Policy 28-D-87

**Background:** In 2020, NYSDA Councils and Committees were directed by then-president Dr. Craig Ratner to review resolutions introduced by their respective councils/committees from 2005 to the present. This was an attempt to update and streamline NYSDA's Policy Manual so that it contained only current active policy.

The Council on Dental Education and Licensure was charged with reviewing past policies to determine either that a policy was "completed" and could be archived, or was still considered "active." However, the Council had postponed consideration of Resolution 28-D-87 multiple times because of concerns that continue to exist in New York State.

Policy 28-D-87 reads as follows:

**Resolved,** that the Dental Society of the State of New York (DSSNY) seek legislation governing the administration of general anesthesia and intravenous sedation by dentists in ambulatory care facilities in the State of New York.

As a direct result of this policy's adoption, on July 29, 1988, a new subsection of the dental practice act (§6605) was enacted as follows:

"A licensed dentist shall not employ general anesthesia or parenteral sedation in the practice of dentistry, at any location other than a general hospital, without a dental anesthesia certificate issued by the department." It further directed "...[t]he commissioner [of the Department of Education] to promulgate regulations, establishing standards and procedures for the issuance of [such] certificates."

The rules and regulations have undergone two major revisions (in 1999, and 2016), and currently provide for the issuance of five (5) different certificates as follows:

- dental general anesthesia;
- dental parenteral conscious (moderate) sedation for patients 13 years and older;
- dental parenteral conscious (moderate) sedation for patients 12 years and younger;

- dental enteral conscious (moderate) sedation (13 years and older); and
- dental enteral conscious (moderate) sedation (12 years and younger).

For physicians, the administration of anesthesia in office-based settings is subject to oversight and regulation by the New York State Department of Health (NYSDOH) to ensure patient safety and the delivery of high-quality care. The NYSDOH mandates that any facility where anesthesia services are provided beyond minimal sedation must be accredited or certified in accordance with established standards, and requires that any procedure utilizing moderate sedation, deep sedation, or general anesthesia be performed in a setting accredited by a recognized accrediting organization approved by the NYSDOH. These organizations include, but are not limited to, the Accreditation Association for Ambulatory Health Care (AAAHC), The Joint Commission (TJC), and the American Association for Accreditation of Ambulatory Surgery Facilities (AAAASF).

“This law is specific to physicians and does not cover procedures performed by dentists and podiatrists, who are not regulated by DOH. The State Education Department (SED), which does regulate dentists and podiatrists, has issued guidelines for office-based surgery and conscious sedation that apply to them.”<sup>1</sup>

In issuing this guidance, NYSDOH excluded dentistry in noting... “[t]his law is specific to physicians and does not cover procedures performed by dentists and podiatrists who are not regulated by DOH. The State Education Department (SED), which does regulate dentists and podiatrists, has issued guidelines for office-based surgery and conscious sedation that apply to them.”

The conundrum exists when a medical anesthesiologist administers sedation or anesthesia in a dental office where the dentist does not possess a sedation or anesthesia certificate, and the facility is not itself certified. What potentially further compounds this is when a nurse anesthetist administers the sedation without any appropriate supervision.

For these reasons, the Council on Dental Education and Licensure is requesting that the NYSDA Board of Trustees revisit this policy and make recommendations as to whether additional action is indicated. Accordingly, the following resolution is submitted for consideration:

**12. Resolved,** that NYSDA (DSSNY) Policy 28-D-87 be referred to the NYSDA Board of Trustees for evaluation with a report and any recommendations to be forwarded to the 2026 NYSDA House of Delegates for its consideration.

---

<sup>1</sup> New York State Department of Health Guidance; December 3, 2007

61 **Board Comments:** The Board urges defeat of this resolution as these regulations have been  
 62 developed as suggested subsequent to the resolution's adoption in 1987. The Council  
 63 nonetheless may wish to explore the issue of non-dentists delivering anesthesia in dental  
 64 offices.

65

66 **BOARD RECOMMENDATION: VOTE YES**

name	yes	no	abstai n	abse nt	name	yes	no	abstai n	abse nt	name	yes	no	abstai n	abse nt
<b>Casper-Klock</b>		X			<b>Greenberg</b>		x			<b>Korkosz</b>		X		
<b>Cuomo</b>		X			<b>Hills</b>		x			<b>Miller</b>		X		
<b>Demas</b>		X			<b>Jackson</b>		x			<b>Rothas</b>		X		
<b>Edwards</b>		X			<b>Jacobo</b>		x			<b>Samuels</b>		X		
<b>Gamache</b>		X			<b>Jonke</b>		x			<b>Scharoff</b>		X		
<b>Giordano</b>		x								<b>Stacy</b>		X		
										<b>Res #12</b>				

67