



TEXAS STATE BOARD OF DENTAL EXAMINERS

1801 Congress Avenue, Suite 8.600, Austin, Texas 78701

Advisory Committee on Dental Anesthesia
June 2023 Report and Recommendations

On March 10 and June 1, 2023, the Advisory Committee on Dental Anesthesia (ACDA) met to review de-identified data provided by the staff of the Texas State Board of Dental Examiners (TSBDE). There were no public comments made during the open meetings. The ACDA consists of members of the dental and medical community appointed pursuant to Board rule 22 Tex. Admin. Code §100.12. The six members present and participating in the preparation of this report were:

Dr. Wayne Radwanski, DDS (Chairperson) - General Dentist, Level 1 Provider

Dr. Zeeshan Moorani – Pediatric Dentist, Level 2 Provider

Dr. Shelby Nelson – Periodontist, Level 3 Provider

Dr. Joseph (Max) Hendrix, MD (Physician Anesthesiologist)

Dr. Robert Peak, DDS - Oral and Maxillofacial Surgeon, Level 4 Provider

Dr. Frank Ford, DDS - Dental Anesthesiologist, Level 4 Provider

The ACDA was provided a data set pulled from available cases in the TSBDE's complaint files. The criteria to identify these cases came from the statutory authorization for the ACDA in Chapter 258, Subchapter E of the Texas Occupations Code and Board rule 22 Tex. Admin. Code §100.12.

The criteria applied to select the nineteen cases for review were as follows. The TSBDE staff determined all jurisdictional cases where an official investigation was resolved during September 1, 2021 through August 31, 2022 (Fiscal Year 2022), which involved a sedation or anesthesia-related death or incident. Determination of a death or incident was made by applying the criteria present in 22 Tex. Admin. Code §100.12(c)(1),

[a] death shall be considered anesthesia-related if the dental treatment involved the administration of an anesthetic or sedative agent in the dental office, including local anesthesia, and a death occurred. An incident shall be considered anesthesia-related if the dental treatment involved the administration of an anesthetic or sedative agent in a dental office, including local anesthesia, and the Dental Review Panel identified a

complication associated with the administration of the anesthetic or sedative agent.

After compiling the full body of responsive cases, staff determined which cases were resolved by the TSBDE during the prior fiscal year. The body of cases considered for this report were resolved by the TSBDE on or before August 31, 2022, representing cases closed in Fiscal Year 2022.

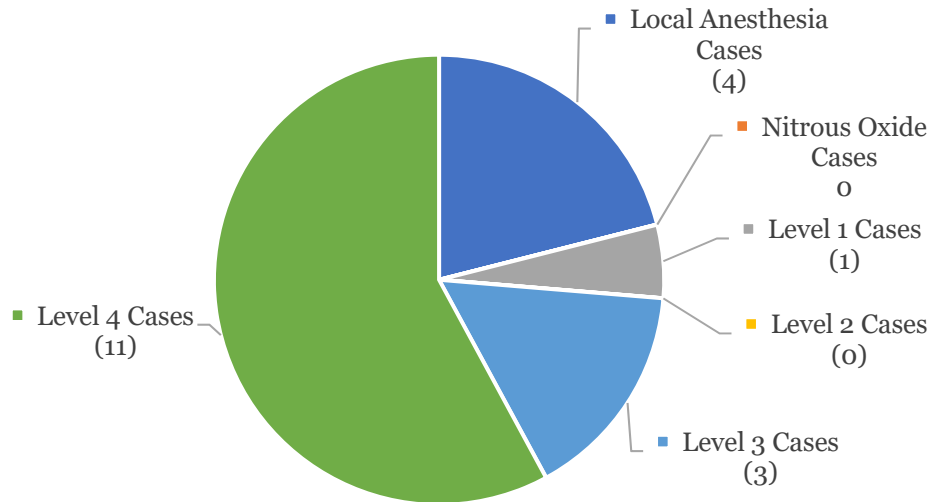
For purposes of the cases identified, “resolved” means closed by the TSBDE through any type of case resolution. This means that the group of cases provided to the ACDA may contain closed investigations that did not result in a public disciplinary action against the licensee in question. The ACDA does not review the disposition status of the resolved cases, and is not provided any identifying information related to the licensee. The resolution date for purposes of identifying data comes from the official date of disposition in the TSBDE’s records, not the date when a licensee or complainant was notified of the outcome of a case.

The data provided to the ACDA by TSBDE staff was de-identified and remained confidential throughout the review process. For purposes of the ACDA’s review, “de-identified” means that the data did not include identifying information of a patient or health care provider; the name, address, or date of birth of the patient or a member of the patient’s family; or the name or specific location of a health care provider who treated the patient. These de-identification and confidentiality provisions were applied by statutory direction pursuant to Tex. Occ. Code §258.206. However, the ACDA was provided with summary information on each complaint and provider, including the Dental Review Panel review for each case (redacted as necessary), along with the full information identified in Board rule 22 Tex. Admin. Code §100.12(c)(2).

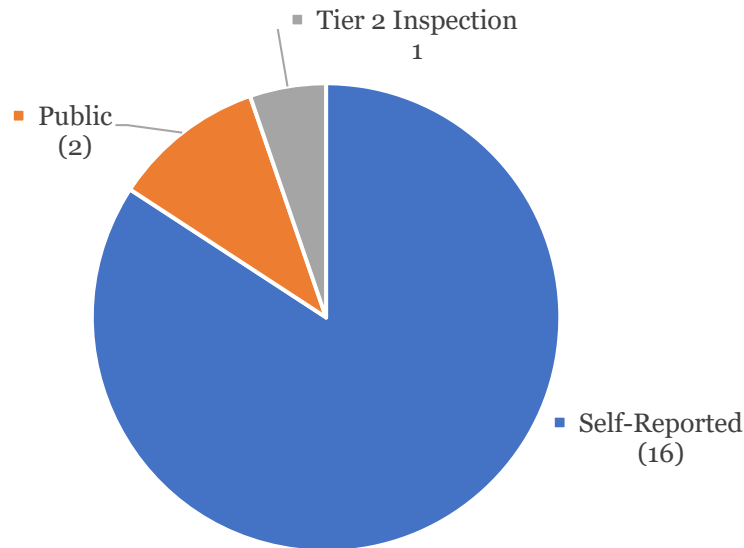
I. Review of Data Provided to Committee

The ACDA reviewed de-identified data provided by the TSBDE's staff pursuant to the methodology discussed in the summary *supra*. The data set for the meetings of the ACDA included nineteen de-identified cases, with patient ages ranging from 2 to 90 years in age. Below are selected data points for the cases included in the ACDA's review.

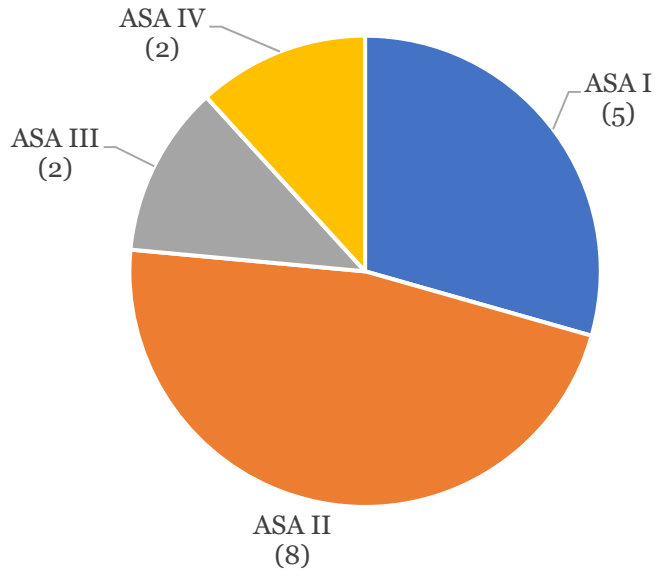
Highest Level of Sedation or Anesthesia Administered



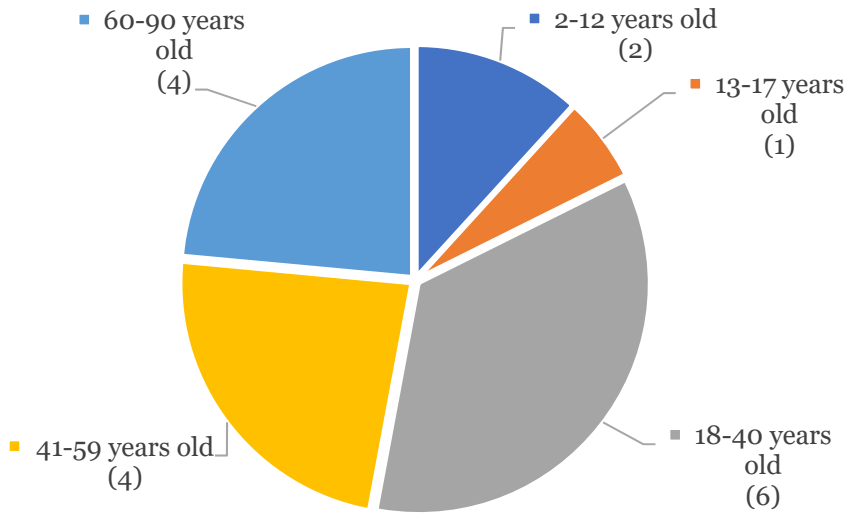
Source of Complaint



ASA Status



Patient Age



The ACDA conducted a review of the data associated with each of the nineteen complaints during its meetings on March 10 and June 1, 2023. After a thorough review of the available data, the ACDA provides the following trends, recommendations and guidance to the TSBDE for consideration.

II. Trends

During discussion of the data, the ACDA identified the following trends present in the cases reviewed:

- Patient Consults – In five cases, there was insufficient communication with the medically compromised patients’ physicians, i.e., inadequate or missing consultations. While consultations do not shift liability to the consulting physician, they do help the dentist gather more information to determine if a patient is a good candidate for in office sedation. Existing TSBDE rules require a checklist with medical consultations to be noted for medically compromised patients.
- ASA Classification – In four cases, ASA classification discrepancies were noted between the treating provider’s selection and patient’s medical history presented. Medical consultations to gather histories can help with proper classification and case selection. In these instances, adverse events occurred as a result of not following existing TSBDE rules.
- Patient Selection - In two cases, adverse events occurred in patients where the providers made poor choices pertaining to patient selection. For example, sedation of patients with uncontrolled hypertension or other co-morbidities who were better suited for a hospital setting. In these cases, adverse events would have been avoided by following existing TSBDE rules.
- Medication Choices – In four cases, adverse events occurred due to drug dosing errors resulting in deeper than intended sedation. The TSBDE has existing rules to ensure providers deliver appropriate sedatives.

III. Recommendations

Based upon the discussion of cases available to the ACDA, the committee makes the following recommendations to the TSBDE for consideration and possible action:

- Change Board Rule Relating to Reporting Patient Hospitalizations – Board rule 22 Tex. Admin. Code §108.6 requires dentists to submit a written report to the TSBDE pertaining to the hospitalization of a dental patient, where the hospitalization occurred as a possible consequence of receiving dental services from the reporting dentist. The hospitalization must be reported within 30 days of the hospitalization, or such time as the dentist becomes aware of or reasonably should have become aware of the hospitalization. The rule defines “hospitalization” as an examination at a hospital or emergency medical facility that results in an in-patient admission

for the purpose(s) of treatment and/or monitoring. The ACDA recommends the TSBDE amend the rule to specify that a hospitalization admission is longer than a 24 hour stay. Therefore, if the patient is discharged the same day, the dentist is not required to report the hospitalization to the TSBDE.

- Expand the Scope of Information Presented to ACDA for Review – Section 258.206(a) of the Texas Occupations Code provides “[t]he board shall identify complaints resolved by the board that involve anesthesia-related deaths or incidents and compile confidential, de-identified information derived from the investigative files on each complaint identified under this subsection.” Section 258.206(b) provides in part “[t]he board shall provide information compiled under Subsection (a) to the advisory committee.” In accordance with the statute, the ACDA reviews data from complaints received by the TSBDE that involve anesthesia-related deaths or incidents. However, the ACDA recommends a change to the statute to expand the scope of information reviewed by the ACDA. The ACDA recommends expanding the scope of information to include data from the creation of a survey for dentists to report to the TBSDE certain information related to sedation/anesthesia. Such information may include the number and depth of anesthesia delivered in each dental office each year.
- Proposed Rule Change from the Centers for Medicare and Medicaid Services (CMS) – The ACDA recommends the TSBDE provide notice to licensees about the CMS recent rule proposal. The proposal would support enhanced patient and provider access to health information while improving the prior authorization process to reduce provider burden. More information can be found on the CMS website at [cms.gov](https://www.cms.gov).

The ACDA would like to thank the TSBDE team for their support and assistance with the meetings. We all strive to make dental care and sedation/anesthesia safe and effective for Texas residents.