

## CHAPTER 174

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**PROFESSIONS AND OCCUPATIONS**

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**HOUSE BILL 95-1060**

BY REPRESENTATIVES Sullivant, Allen, Clarke, George, Martin, Snyder, and Sullivan;  
also SENATORS Schroeder, Bishop, Gallagher, Pascoe, Tanner, and Weissmann.

**AN ACT****CONCERNING THE ADMINISTRATION OF ANESTHESIA BY DENTISTS, AND MAKING AN APPROPRIATION THEREFOR.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 12-35-104 (5), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

**12-35-104. State board of dental examiners - subject to termination - repeal of article.** (5) (a) The provisions of section 24-34-104, C.R.S., concerning the termination schedule for regulatory bodies of the state unless extended as provided in that section, are applicable to the state board of dental examiners created by this section. AT THE TIME OF REVIEW BY THE JOINT LEGISLATIVE SUNRISE AND SUNSET REVIEW COMMITTEE, ALL FUNCTIONS, INCLUDING THE ISSUING OF PERMITS FOR ADMINISTERING ANESTHESIA AND THE REGULATION OF SUCH ADMINISTRATION OF ANESTHESIA, SHALL BE REVIEWED.

(b) This article is repealed, effective July 1, 1996.

**SECTION 2.** 12-35-107 (1), Colorado Revised Statutes, 1991 Repl. Vol., is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

**12-35-107. Powers and duties of board.** (1) The board shall exercise, subject to the provisions of this article, the following powers and duties:

(h) (I) ISSUE ANESTHESIA PERMITS TO LICENSED DENTISTS THAT SHALL BE VALID FOR A PERIOD OF FIVE YEARS AND THAT ALLOW PERMIT-HOLDING LICENSEES TO ADMINISTER DEEP CONSCIOUS SEDATION OR BOTH GENERAL ANESTHESIA AND

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

DEEP-CONSCIOUS SEDATION;

(II) SET AND COLLECT A FEE FOR THE ISSUANCE OF AN ANESTHESIA PERMIT.

(i) DEVELOP CRITERIA AND PROCEDURES FOR AN OFFICE INSPECTION PROGRAM INCLUDING, BUT NOT LIMITED TO:

(I) DESIGNATING QUALIFIED INSPECTORS WHO ARE EXPERTS IN DENTAL OUTPATIENT GENERAL ANESTHESIA AND DEEP-CONSCIOUS SEDATION;

(II) REQUIRING EACH LICENSEE INSPECTED TO BEAR THE COST OF INSPECTION BY ALLOWING DESIGNATED INSPECTORS TO CHARGE A REASONABLE FEE AS ESTABLISHED BY THE BOARD;

(III) REQUIRING AN INSPECTOR TO NOTIFY THE BOARD IN WRITING OF THE RESULTS OF AN INSPECTION.

**SECTION 3.** 12-35-118 (1), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**12-35-118. Causes for denial of issuance or renewal - suspension or revocation of licenses - other disciplinary action - unprofessional conduct defined - immunity in professional review.** (1) The board may deny the issuance or renewal of, suspend for a specified time period of not more than one year, or revoke any license provided for by this article or may reprimand, censure, or place on probation any licensed dentist or dental hygienist after notice and hearing, which may be conducted by an administrative law judge, pursuant to the provisions of article 4 of title 24, C.R.S., or it may issue a letter of admonition without a hearing (except that any licensed dentist or dental hygienist to whom such a letter of admonition is sent may, within thirty days after receipt thereof, request in writing to the board a formal hearing thereon, and the letter of admonition shall be deemed vacated, and the board shall, upon such request, hold such a hearing) for any of the following causes:

(bb) ADMINISTERING GENERAL ANESTHESIA OR DEEP-CONSCIOUS SEDATION WITHOUT OBTAINING A PERMIT FROM THE BOARD IN ACCORDANCE WITH SECTION 12-35-107 (1) (h).

**SECTION 4. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of the moneys in the division of registrations cash fund not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 1995, the sum of two thousand three hundred thirty-four dollars (\$2,334), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 1995, the sum of five hundred one dollars (\$501), or so much thereof as may be necessary, for the implementation of this act. Such appropriation shall be from cash funds received by the department of regulatory agencies from the division of registration cash fund.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 1995