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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING

- - -

PUBLIC HEARING

MONDAY, AUGUST 22, 2022

AT ABOUT 9:02 A.M.

- - -

G. MENNEN WILLIAMS BUILDING AUDITORIUM

525 W. OTTAWA STREET

LANSING, MICHIGAN

- - -

RE: Dentistry - General Rules
(MOAHR #2021-40 LR)

- - -

HEARING FACILITATOR:

ANDRIA DITSCHMAN
Bureau of Professional Licensing
611 W. Ottawa Street
Lansing, Michigan 48909

ALSO PRESENT: Stephanie Wysack

- - -

REPORTED BY: Lori Anne Penn, CSR-1315

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I N D E X

Opening Statement - Andria Ditschman 3

- - -

COMMENTS: PAGE

(None)

- - -

Closing Statement - Andria Ditschman 10

1 Lansing, Michigan

2 Monday, August 22, 2022

3 At 9:02 a.m.

4 - - -

5 (Public hearing commenced pursuant to due notice.)

6 MS. DITSCHMAN: We're opening the public
7 hearing. My name is Andria Ditschman, I am the
8 department specialist for the Bureau of Professional
9 Licensing in the Department of Licensing and Regulatory
10 Affairs, and I'll be conducting the hearing today.

11 This is a public hearing on proposed
12 Administrative Rules entitled "Dentistry - General
13 Rules", and we are conducting this hearing under the
14 authority of the Michigan Administrative Procedures Act,
15 Public Act 306 of 1969, on behalf of the Department of
16 Licensing and Regulatory Affairs, Bureau of Professional
17 Licensing.

18 We are calling this hearing to order at
19 9:02 on August 22, 2022, at the G. Mennen Williams
20 Building Auditorium at 525 West Ottawa Street in Lansing,
21 Michigan. Publication of the notice of public hearing
22 was in three newspapers of general circulation, including
23 the Grand Rapids Press, the Flint Journal on July 28,
24 2022, and the Mining Journal on August 4, 2022, as well
25 as the *Michigan Register*, Issue #14, published on
Penn Reporting, LLC - lori.penn@yahoo.com

1 August 15, 2022.

2 We're here today to receive comments on
3 the proposed rules. If you wish to speak, please make
4 sure you have signed in and said that you wish to speak.
5 You may use the cards provided in the lobby for this
6 purpose. If you would like to testify and have not
7 signed in, please do so now. For those who do not wish
8 to speak or sign in a card, you may speak at the
9 microphone once we have exhausted all cards.

10 If you have comments, please make sure
11 they relate directly to the proposed rules. If you have
12 questions, please include your questions as part of your
13 testimony for the Department's review. If you have
14 suggested changes to the proposed rules, please include
15 the specific reasons why the changes should be in the
16 public -- or would be in the public interest.

17 For the record, when you testify, please
18 give your name by spelling your name and the
19 organization, if any, that you may be speaking for today;
20 this will help the Department prepare the hearing record
21 that will go before the board.

22 You can give written statements directly
23 to me at the table. The Department will also accept
24 written comments and statements that are emailed and
25 postmarked until 5:00 p.m. today.

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1 Other staff that's here today is
2 Stephanie Wysack, including myself.

3 And we have one card from Richard Small,
4 so if you would like to take the microphone. It might
5 take a minute for that to go on.

6 MR. SMALL: Testing. Can you hear me?

7 COURT REPORTER: I can hear you fine.

8 MS. DITSCHMAN: I think it is working
9 because she can hear you. And if you -- actually, it's
10 just for you, right, so if that's not working, you don't
11 need to use it.

12 MR. SMALL: I think you'll be able to
13 hear me.

14 MS. DITSCHMAN: Okay. As long as she can
15 hear you, we're good.

16 MR. SMALL: Yes. Do you want me to go?

17 MS. DITSCHMAN: You want to come up here,
18 or you can just stay right there.

19 COURT REPORTER: You're fine right there,
20 wherever.

21 MS. DITSCHMAN: Yeah, just right there so
22 she can hear. Yeah, that's great.

23 MR. SMALL: Okay. This will work. Well,
24 good morning everyone. And my name is Richard Small,
25 S-m-a-l-l, and I am executive director and general

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1 counsel to a group called the Michigan Society of Oral
2 and Maxillofacial, m-a-x-i-l-l-o-f-a-c-i-a-l, Surgeons,
3 that's known as the MSOMS. I'll use the acronym because
4 it's easier to type for your benefit. The Michigan
5 Society represents about 200 of the oral and
6 maxillofacial surgeons in this state.

7 Our request relates to the proposed
8 dental office anesthesia rules in the proposals for
9 2021-40-LR, specifically Part 6 on anesthesia, and the
10 rules involved are R 338.11601 and 338.11602. The state
11 proposals require that dentists providing sedation and
12 general anesthesia in an office setting complete a course
13 in managing medical emergencies, including monitoring
14 guidelines; and the proposals indicate that the course
15 should be taken from the ADA, ASA for adults, and for
16 children, one of the pediatric groups listed.

17 The MSOMS asks today that they be -- that
18 the AAOMS, the parent national organization, be added to
19 the list of professional organizations from which these
20 courses can be taken either by oral and maxillofacial
21 surgeons, their staff, or other dentists, if the state
22 feels it's appropriate, and we propose language on
23 Exhibit 1, which is attached to the submission that we
24 provided, and so, and I've already provided that to
25 Andria, so you should have the three-page statement and

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1 all the attachments with reference material. I'm here
 2 today just to try to summarize the key points on behalf
 3 of my clients, and part of that relates to the regulatory
 4 impact statement -- I saw that there was a copy of it
 5 outside -- but there were a couple of points made in that
 6 statement.

7 (1) It advocates for appropriate
 8 training and facilities, but it acknowledges Michigan
 9 does not use a permit system for general anesthesia like
 10 the other states in the Great Lakes region, and that's
 11 found on page 2 to 3. The other statement it made
 12 pertinent to what I'm asking for today are that the
 13 proposed rule changes are designed to ensure that
 14 dentists are properly trained and work in safe
 15 facilities. And thirdly, the regulatory impact statement
 16 does list, the agency lists AAOMS as one of the sources
 17 for information it used, and it cites www.aaoms.org, so
 18 they're, you know, they're acknowledging they understand
 19 the role AAOMS plays. But the point is that the goals
 20 stated in the regulatory impact statement are precisely
 21 what the AAOMS courses advocate during -- and teach, and
 22 that education and knowledge is confirmed by a process
 23 oral surgeons use called the office anesthesia
 24 evaluation.

25 But why is this important? Well, oral
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1 and maxillofacial surgeons provide 78 percent of deep
2 sedation and general anesthesia in dental offices
3 nationally, and oral surgeons must complete a four- to
4 six-year residency after they graduate from dental
5 school. So this includes a 32-week rotation with the
6 anesthesia and medical services associated with their
7 hospital training that's part of their CODA residency,
8 they must complete 300 deep sedation cases or general
9 anesthesia cases, and 50 on children under 13, so it's
10 pretty extensive training in terms of anesthesia with
11 physicians and with the American Society of
12 Anesthesiology trained anesthesiologists.

13 So courses offered by the groups that are
14 in the proposals are good, but oral and maxillofacial
15 surgeons rely heavily on courses by AAOMS because they
16 reflect standards taught in their CODA residency and
17 hospital training programs, and they are regularly
18 updated, including managing medical emergencies. AAOMS
19 also has a 36-hour anesthesia assistant program called
20 DAANCE, D-A-A-N-C-E, and a simulation training called
21 OBEAM, O-B-E-A-M, for staff to practice and master
22 critical techniques for administering and monitoring
23 anesthesia. Oral and maxillofacial surgeons cannot get
24 this level of course training specific to their specialty
25 from any other source besides AAOMS.

1 So not adding AAOMS will deny oral and
2 maxillofacial surgeons who sedate more patients in an
3 office setting than any other dental group of critically
4 important updates during their mandatory CE on managing
5 medical emergencies during anesthesia. It's important to
6 note as well that this request will not negatively affect
7 any other dentists or any other groups and is consistent
8 with the authority the Board of Dentistry and the
9 Administrative Rules have as given by the legislature.

10 So for details, please see the August 16,
11 2022, paper I just submitted along with the seven
12 attachments which are, you know, contain a lot of detail,
13 and also a paper that AAOMS submitted, and I resubmitted
14 today along with our paper, providing the details as to
15 why AAOMS courses are so critical to patient safety,
16 advancing patient safety and the kinds of things that the
17 regulatory impact statement references and the goals of
18 these rules. So if you need any additional information
19 or have any questions, please feel to call me or
20 Dr. Frank Farbod, who is the current MSOMS president.
21 That's F-a-r-b-o-d. And, you know, I'm glad to answer
22 any questions or help if I can, so you folks request call
23 us, or if you need more information or reference
24 material, I know you've got a lot, but please feel free
25 to ask. Thank you.

1 MS. DITSCHMAN: Thank you. We're going
2 to take -- we'll go off the record, we're going to take a
3 15-minute break.

4 (Recess from 9:12 a.m. until 9:28 a.m.)

5 MS. DITSCHMAN: Okay. We're back on the
6 record, and we're going to close the hearing. It doesn't
7 look like there's any other comments to be made. As
8 there's no further comments at this time, I will hereby
9 declare the hearing closed. The record will remain open
10 until 5:00 p.m. today for any other comments you may wish
11 to share about the proposed rules. Thank you for coming.

12 (Public hearing concluded at 9:29 a.m.)

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1 STATE OF MICHIGAN)
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2 COUNTY OF MACOMB)

3 I, Lori Anne Penn, certify that this
4 transcript consisting of 11 pages is a complete, true,
5 and correct record of the captioned matter held on
6 Monday, August 22, 2022.

7 I further certify that I am not
8 responsible for any copies of this transcript not made
9 under my direction or control and bearing my original
10 signature.

11 I also certify that I am not a relative
12 or employee of or an attorney for a party; or a relative
13 or employee of an attorney for a party; or financially
14 interested in the action.

15
16
17 August 22, 2022
Date

Lori Anne Penn
Lori Anne Penn, CSR-1315
Notary Public, Macomb County, Michigan
My Commission Expires June 15, 2025

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