



## BOARD OF DENTISTRY

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**Brian K. Bishop**  
Executive Director

### ADVISORY OPINION 11-001

March 29, 2011

Query:

I am writing on behalf of the KY Association of Nurse Anesthetists, for whom I provide legislative and regulatory consultation to ask a question with regard to the KY Board of Dentistry's Emergency Regulation 201 KAR 8:550E.

Under 201 KAR 8.550E, may a Certified Registered Nurse Anesthetist (CRNA) administer anesthesia and sedation at the facility of a treating dentist who holds the appropriate permit from the KY Board of Dentistry?

I would appreciate a timely reply to this question, as our review of this regulation finds it to be ambiguous in this regard.

#### OPINION:

First, the requestor is correct that certain provisions of this Regulation (201 KAR 8:550E) [the Regulation] may be subject to different interpretations. This Opinion is limited to the intent and hence, enforcement of this Regulation by the Kentucky Board of Dentistry (the "KBD"), as it relates to a CRNA.

At the March 29, 2011 meeting of the KBD comments were received by the Board from the public regarding the final modifications to 201 KAR 9:550-O, which will replace 201 KAR 8:550E upon approval of the Legislative Research Commission and adoption into final regulations. As the public comments that were accepted by the Board addressed the concerns posed in this Request for an Advisory Opinion, the Board, by unanimous vote, determined that the interpretation and enforcement of 201 KAR 8:550E is and will be in accordance with the approved and accepted comments to 201 KAR 8:550-O. As

a result of this Board vote, the issues posed by the requestor have been addressed and adopted by the Board and thus a more formal interpretation of 201 KAR 8:550E is not needed.


Therefore, this Advisory Opinion adopts the March 29, 2011 Board decision and further, the Requestor was present at the March 29, 2011 meeting of the KBD and was satisfied with this resolution.

Finally, upon final passage of 201 KAR 8:550-O this Regulation shall supersede and replace this Advisory Opinion.

Approved by the Kentucky Board  
of Dentistry;

By:   
C. Mark Fort, President

Reviewed for legal form and  
substance;

By:   
William A Bausch  
General Counsel