



STATE OF NEW HAMPSHIRE  
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES  
ROOM 219  
25 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6312

December 20, 2024

Board of Dental Examiners  
c/o Office of Professional Licensure  
and Certification  
7 Eagle Square  
Concord, NH 03301

Re: Preliminary Objection to Final Proposal 2024-126

Dear Board Members:

At its meeting on December 19, 2024, the Joint Legislative Committee on Administrative Rules (Committee) voted, pursuant to RSA 541-A:13, V(a), to enter a preliminary objection to Final Proposal 2024-126 containing the adoption, repeal, and readoption with amendment of Den 304 of the Board of Dental Examiners (Board) relative to the use of General Anesthesia and Sedation by Dentists. The objection is based on the Committee's determination that the rules are not in the public interest and contrary to legislative intent pursuant to RSA 541-A:13, IV(c) and RSA 541-A:13, IV(b) because the rules do not properly address moderate, deep, general, and minimal sedation permitting. The rules are contrary to public interest because they do not address exceptions for maxillofacial surgeons or exceptions for emergency situations, especially for the age group 0-8. The rules are missing an age limit in Den 304.11. Finally, the rules conflict with legislative intent of RSA 317-A:12, XII-a (h), RSA 317-A:12, XXII-a (d), and RSA 317-A:12, XII-c.

You may respond to the Committee's preliminary objection by amending the rules in Final Proposal 2024-126 to resolve the bases for objection, by withdrawing the rules, or by making no changes. You are required to respond in writing to the Committee's preliminary objection within 45 days of the date on which it was made, which was December 19, 2024. In this instance, the 45th day is Sunday, February 2, 2025. Pursuant to RSA 541-A:16, IV, the deadline will be extended to Monday, February 3, 2025.

After the Committee has received your response, the Committee may take further action ranging from approval of the objection response to voting to support the sponsorship of a joint resolution to address the issues remaining with the proposal. Pursuant to RSA 541-A:13, VII(b), the Committee will have up to 50 days after the end of your response period to take action concerning a joint resolution. In this instance the 50<sup>th</sup> day is Thursday, March 20, 2025. Please note that there is no deadline by which the Committee must act to approve the rules or to enter final objections, and the Committee may do so even after the adoption of the rules by the Department.

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Please be advised that, pursuant to RSA 541-A:14, I, you may not adopt the rules until one of the following has occurred: 1) the expiration of the objection response review period without the Committee having taken action with respect to voting to support the sponsorship of a joint resolution; or 2) the Committee has taken action that is specifically in lieu of voting to support the sponsorship of a joint resolution.

If you have any questions concerning the provisions in RSA 541-A relative to objections, responses, or adoptions, please contact me at [christina.muniz@leg.state.nh.us](mailto:christina.muniz@leg.state.nh.us).

Sincerely,



Christina R. Muñiz  
Sr. Committee Attorney

cc: Tina M. Kelly, Rules Coordinator, Office of Professional Licensure and Certification  
Elizabeth Eaton, Esq., Board Counsel, Office of Professional Licensure and Certification