

**State of Connecticut
Connecticut State Dental Commission**

Notice of Declaratory Ruling Proceeding

The Connecticut State Dental Commission hereby gives notice of its intention to issue a declaratory ruling on a request for declaratory ruling filed by the American Academy of Dental Sleep Medicine pursuant to Conn. Gen. Stat. § 4-176 on the following issue:

- 1 Is it within a dentist's scope of practice to dispense unattended cardiorespiratory portable monitors (hereinafter "portable monitors") when ordered by physicians for patients at risk for sleep apnea and the test results are provided to a physician for interpretation and diagnosis?
- 2 Is it within a dentist's scope of practice to order portable monitors for patients identified by the dentist as being at risk for sleep apnea and the test results are provided to a physician for interpretation and diagnosis?
3. Is it within a dentist's scope of practice to use a portable monitor to help determine the optimal effective position of a patient's oral appliance?
4. If a dentist does not use a portable monitor to determine the optimal effective position of a patient's oral appliance, is it within a dentist's scope of practice to order a portable monitor to verify the effectiveness of the oral appliance and the test results are provided to a physician for interpretation and a determination of therapeutic effectiveness?

The Connecticut State Dental Commission ("the Commission") has prepared this notice in accordance with the Uniform Administrative Procedure Act ("UAPA"), Connecticut General Statute § 4-166 *et seq.*, and specifically Conn. Gen. Stat. § 4-176.

All persons seeking status to participate must petition the Commission by June 1, 2020. All requests seeking status to participate in this matter shall be submitted in writing in accordance with § 4-176(d) of the Connecticut General Statutes and § 19a-9-26 through § 19a-9-28 of the Regulations of Connecticut State Agencies. All filings to be submitted to the Commission shall be sent to the Jeffrey Kardys, Administrative Hearings Specialist, Department of Public Health, Public Health Hearing Office, 410 Capitol Avenue MS#13PHO, P.O. Box 340308, Hartford, Connecticut, 06134-0308 or by email to jeffrey.kardys@ct.gov. It is anticipated that the Commission will rule on petitions for status by June 10, 2020. A date for hearing will thereafter be scheduled by the Commission.

By law, a declaratory ruling constitutes a statement of agency law which is binding upon those who participate in the hearing, and may also be utilized by the Connecticut State Dental Commission, on a case by case basis, in future proceedings before it.

April 22, 2020

Peter Katz, DMD, Chairperson
Connecticut State Dental Commission