

3100.3600 ADMINISTRATION OF GENERAL ANESTHESIA, DEEP SEDATION, MODERATE SEDATION, MINIMAL SEDATION, AND NITROUS OXIDE INHALATION ANALGESIA.

Subpart 1. **Prohibitions.** A dental therapist, dental hygienist, or licensed dental assistant may not administer general anesthesia, deep sedation, moderate sedation, or minimal sedation.

Subp. 2. **General anesthesia or deep sedation; educational training requirements.** A dentist may administer general anesthesia or deep sedation only pursuant to items A to C.

A. A dentist must complete either subitem (1) or (2) and subitems (3) and (4):

(1) a didactic and clinical program at a dental school, hospital, or graduate medical or dental program accredited by the Commission on Accreditation, resulting in the dentist becoming clinically competent in the administration of general anesthesia. The program must be equivalent to a program for advanced specialty education in oral and maxillofacial surgery; or

(2) a one-year residency in general anesthesia at an institution certified by the American Society of Anesthesiology, the American Medical Association, or the Joint Commission on Hospital Accreditation, resulting in the dentist becoming clinically competent in the administration of general anesthesia. The residency must include a minimum of 390 hours of didactic study, 1,040 hours of clinical anesthesiology, and 260 cases of administration of general anesthesia to an ambulatory outpatient; and

(3) an appropriate dental sedation/anesthesia emergency management course such as ACLS or PALS and maintain current dental sedation/anesthesia emergency management certification thereafter; and

(4) a CPR certification course and maintain current CPR certification thereafter.

B. A dentist shall be prepared and competent to diagnose, resolve, and reasonably prevent any untoward reaction or medical emergency that may develop any time after the administration of general anesthesia or deep sedation. A dentist shall apply the current standard of care to continuously monitor and evaluate a patient's blood pressure, pulse, respiratory function, and cardiac activity. The current standard of care to assess respiratory function requires the monitoring of tissue oxygenation or the use of a superior method of monitoring respiratory function.

C. A dentist shall administer general anesthesia or deep sedation only by application of the appropriate systems and drugs for the delivery of general anesthesia or deep sedation. Prior to discharge, the dentist or the person administering the general anesthesia or deep sedation shall assess the patient to ensure the patient is no longer at

risk for cardiorespiratory depression. The patient must be discharged into the care of a responsible adult.

Subp. 3. **Moderate sedation; educational training requirements.** A dentist may administer moderate sedation only pursuant to items A to C.

A. A dentist must complete subitems (1) to (3):

(1) a course of education resulting in the dentist becoming clinically competent for administration of moderate sedation, to include a minimum of 60 hours of didactic education in both enteral and parenteral administration, personally administering and managing at least ten individual supervised cases of parenteral moderate sedation of which a maximum of five cases may be performed on a patient-simulated manikin, and submit to the board original documentation from the instructor of successful completion of the course;

(2) an appropriate dental sedation/anesthesia emergency management course such as ACLS or PALS and maintain current dental sedation/anesthesia emergency management certification thereafter; and

(3) a CPR certification course and maintain current CPR certification thereafter.

B. A dentist shall be prepared and competent to diagnose, resolve, and reasonably prevent any untoward reaction or medical emergencies that may develop any time after rendering a patient in the state of moderate sedation. The dentist shall apply the current standard of care to continuously monitor and evaluate a patient's blood pressure, pulse, respiratory function, and cardiac activity. The current standard of care to assess respiratory function shall require the monitoring of tissue oxygenation or the use of a superior method of monitoring respiratory function.

C. A dentist shall administer moderate sedation by application of the appropriate systems and drugs for the delivery of moderate sedation. Prior to discharge, the dentist or the person administering the moderate sedation shall assess the patient to ensure the patient is no longer at risk for cardiorespiratory depression. The patient must be discharged into the care of a responsible adult.

Subp. 4. **Nitrous oxide inhalation analgesia; educational training requirements.** A dentist may administer nitrous oxide inhalation analgesia only according to items A to D and subpart 5, items A and C. A dental therapist may administer nitrous oxide inhalation analgesia only according to items C to F. A dental hygienist may administer nitrous oxide inhalation analgesia only according to items C to F and subpart 5, item D. A licensed dental assistant may administer nitrous oxide inhalation analgesia only after a maximum dosage

has been prescribed by a dentist for a specific patient, and it is administered according to items C to F and subpart 5, item D.

A. Prior to January 1, 1993, a licensed dentist who is currently administering nitrous oxide inhalation analgesia may register that fact with the board according to subpart 5, item A. Such registered dentists may continue to administer nitrous oxide inhalation analgesia and need not comply with item B.

B. A dentist who has not previously registered with the board pursuant to subpart 5, item A, may administer nitrous oxide inhalation analgesia only after satisfactorily completing a dental school or postdental graduate education course on the administration of nitrous oxide inhalation analgesia from an institution accredited by the Commission on Accreditation, and submitting to the board original documentation from the institution of successful completion of the course. The course must be a minimum of 12 hours total comprised of didactic instruction, personally administering and managing at least three individual supervised cases of analgesia, and supervised clinical experience using fail-safe anesthesia equipment capable of positive pressure respiration.

C. A dentist, dental therapist, dental hygienist, or licensed dental assistant must complete CPR training and maintain current CPR certification thereafter.

D. A dentist, dental therapist, dental hygienist, or licensed dental assistant must only use fail-safe anesthesia equipment capable of positive pressure respiration.

E. A dental therapist, dental hygienist, or licensed dental assistant may administer nitrous oxide inhalation analgesia only after satisfactorily completing a course on the administration of nitrous oxide inhalation analgesia from an institution accredited by the Commission on Accreditation, and submitting to the board original documentation from the institution of successful completion of the course. The course must be a minimum of 12 hours total comprised of didactic instruction, personally administering and managing at least three individual supervised cases of analgesia, and supervised clinical experience using fail-safe anesthesia equipment capable of positive pressure respiration.

F. A dental therapist, dental hygienist, or licensed dental assistant may administer nitrous oxide inhalation analgesia under the appropriate level of supervision by a dentist who is current with the requirements to administer nitrous oxide inhalation analgesia according to items A to D and subpart 5, items A to C.

Subp. 5. Notice to board.

A. A dentist who is administering general anesthesia, deep sedation, or moderate sedation or who is administering nitrous oxide inhalation analgesia shall inform the board of that fact on forms provided by the board.

B. A dentist may administer general anesthesia, deep sedation, or moderate sedation only if the dentist has submitted the following information to the board on forms

provided by the board: the name, address, and telephone number of the institution at which the dentist took the program or residency that complies with subparts 2, item A, subitem (1) or (2); and 3, item A, subitem (1), a certified copy of the dentist's transcript and other official record from the institution verifying that the dentist satisfactorily completed the program, residency, or course; and the name, address, and telephone number of the institution or other agency at which the dentist successfully completed the ACLS, PALS, or an equivalent course required by subparts 2, item A, subitem (3); and 3, item A, subitem (2). After this initial submission, dentists shall submit on a license renewal application or other form provided by the board a statement of the most recent course completed in ACLS, PALS, or an equivalent course.

C. A dentist not previously registered with the board according to item A or who graduated from an institution in Minnesota accredited by the Commission on Accreditation prior to April 15, 2008, may administer nitrous oxide inhalation analgesia only after the dentist has submitted the information in subitems (1) and (2) to the board on forms provided by the board:

(1) the name, address, and telephone number of the institution at which the dentist took the course that complies with subpart 4, item B; and

(2) a certified copy of the dentist's transcript and other official record from the institution verifying that the dentist has successfully completed CPR as required by subpart 4, item C.

After the initial submission, a dentist shall submit on the license renewal application or other form provided by the board a statement of the most recent course completed in CPR.

D. A dental hygienist or licensed dental assistant who graduated from an institution in Minnesota accredited by the Commission on Accreditation or received licensure by credentials prior to September 2, 2004, may administer nitrous oxide inhalation analgesia only after the dental hygienist or licensed dental assistant has submitted the information in subitems (1) and (2) to the board on forms provided by the board:

(1) the name, address, and telephone number of the institution at which the dental hygienist or licensed dental assistant successfully completed the course required by subpart 4, item E; and

(2) a certified copy of the dental hygienist's or licensed dental assistant's transcript and other official record from the institution verifying that the dental hygienist or licensed dental assistant has successfully completed CPR as required by subpart 4, item C.

After the initial submission, the dental hygienist or licensed dental assistant shall submit on the license renewal application or other form provided by the board a statement of the most recent course completed in CPR.

Subp. 6. **Analgesia.** A dentist who has a current license to practice dentistry in Minnesota may administer analgesia.

Subp. 7. **Minimal sedation.** A dentist who has a current license to practice dentistry in Minnesota may administer minimal sedation.

Subp. 8. **Reporting of incidents required.** A dentist, dental therapist, dental hygienist, or licensed dental assistant must report to the board any incident that arises from the administration of nitrous oxide inhalation analgesia, general anesthesia, deep sedation, moderate sedation, local anesthesia, analgesia, or minimal sedation that results in:

A. a serious or unusual outcome that produces a temporary or permanent physiological injury, harm, or other detrimental effect to one or more of a patient's body systems; or

B. minimal sedation unintentionally becoming moderate sedation, deep sedation, or general anesthesia when the licensee does not have a certificate for administering general anesthesia or moderate sedation described in subparts 9 and 9b.

The report must be submitted to the board on forms provided by the board within ten business days of the incident by the dentist, dental therapist, dental hygienist, or licensed dental assistant, even when another licensed health care professional who, under contract or employment with the dentist, was the actual person administering the analgesia or pharmacological or nonpharmacological method. A licensee who fails to comply with reporting of incidents is subject to disciplinary proceedings on grounds specified in parts 3100.6100 and 3100.6200 and Minnesota Statutes, section 150A.08, subdivision 1.

Subp. 9. **General anesthesia or moderate sedation certificate.**

A. The board may contract with advisory consultants as necessary for advice and recommendations to the board on requirements for general anesthesia or moderate sedation certification and approval of an applicant and facility.

B. A dentist shall not administer general anesthesia, deep sedation, or moderate sedation in the practice of dentistry unless the dentist possesses a general anesthesia or moderate sedation certificate issued by the board according to this subpart. For certification, the dentist shall meet all applicable requirements of this part, including the educational training requirements in subparts 2 and 3, the practice and equipment requirements in subpart 10, and the on-site inspection requirements in subpart 11. Failure by a dentist to obtain a general anesthesia or moderate sedation certificate subjects the dentist to disciplinary proceedings on the grounds specified in parts 3100.6100 and 3100.6200 and Minnesota Statutes, section 150A.08, subdivision 1. Certificates shall be issued by the board in the following titles:

(1) general anesthesia, which authorizes a dentist to administer general anesthesia, deep sedation, or moderate sedation, or to provide dental services to patients

under general anesthesia, deep sedation, or moderate sedation when a dentist employs or contracts another licensed health care professional with the qualified training and legal qualification to administer general anesthesia, deep sedation, or moderate sedation; and

(2) moderate sedation, which authorizes a dentist to administer moderate sedation, or to provide dental services to patients under moderate sedation when a dentist employs or contracts another licensed health care professional with the qualified training and legal qualification to administer moderate sedation.

C. All certificates described in item B are issued and governed by subitems (1) to (9).

(1) A board-approved application form to obtain an initial general anesthesia or moderate sedation certificate must be filled out completely and submitted to the board along with the applicable nonrefundable fee described in Minnesota Statutes, section 150A.091, subdivision 11. An application form must include, but not be limited to, information on office facilities, support staff training, emergency protocols, monitoring equipment, and record-keeping procedures.

(2) A dentist is not required to possess an additional certificate for deep or moderate sedation if the dentist possesses a valid certificate for general anesthesia.

(3) A dentist holding a current general anesthesia or moderate sedation certificate on the effective date of this part is considered by the board to be in compliance with this subpart until the expiration and required renewal of the certificate described in subitem (5).

(4) Upon receipt of an application for an initial general anesthesia or moderate sedation certificate, the board shall require that the dentist undergo an on-site inspection described in subpart 11 or further review of the dentist's anesthesia/sedation credentials. The board may direct an anesthesia consultant or qualified anesthetic practitioner who has been approved by the board and provided with board-established guidelines to assist in the inspection or review.

(5) For renewal of a general anesthesia or moderate sedation certificate, a board-approved application form must be obtained from the board and completed by the dentist whenever the dentist is subject to license renewal described in part 3100.1700, subpart 2. An application form must include, but not be limited to, information on office facilities, support staff training, emergency protocols, monitoring equipment, and record-keeping procedures. A dentist's general anesthesia or moderate sedation certificate expires if the completed application and the nonrefundable fee described in Minnesota Statutes, section 150A.091, subdivision 11, are not received by the board by the application deadline. Immediately upon expiration of a certificate, the dentist is prohibited from administering general anesthesia, deep sedation, or moderate sedation in the practice of

dentistry until the board issues a current general anesthesia or moderate sedation certificate to the dentist described in subpart 9a. After 60 days from the renewal application deadline, the board will terminate the dentist's general anesthesia or moderate sedation certificate and send a notice of termination to the dentist.

(6) Upon receipt of an application for renewal of a general anesthesia or moderate sedation certificate, the board may require that the dentist undergo an on-site inspection described in subpart 11 or further review of the dentist's anesthesia/sedation credentials. The board may direct an anesthesia consultant or qualified anesthetic practitioner who has been approved by the board and provided with board-established guidelines to assist in the inspection or review.

(7) Upon granting an application, receiving payment of the required fee, and, if required, receiving notice of having successfully passed an on-site inspection and evaluation, the board shall issue a general anesthesia or moderate sedation certificate to the dentist.

(8) A dentist shall submit with a request for issuance of a duplicate of the general anesthesia or moderate sedation certificate the applicable nonrefundable fee described in Minnesota Statutes, section 150A.091, subdivision 12.

(9) A certificate issued by the board must be conspicuously displayed in plain sight of patients in every office in which the dentist administers general anesthesia, deep sedation, or moderate sedation.

Subp. 9a. **Expiration or termination of general anesthesia or moderate sedation certificate; requirements.** A dentist requesting renewal or recertification of a general anesthesia or moderate sedation certificate following expiration or termination must comply with the requirements for the applicable interval specified in item A or B. After successful completion of all requirements, the board shall issue a general anesthesia or moderate sedation certificate to the dentist.

A. A dentist whose anesthesia/sedation certificate has expired as described in subpart 9, item C, subitem (5), or who voluntarily terminated the anesthesia/sedation certificate, within 60 calendar days after the renewal application deadline, must comply with subitems (1) to (6):

(1) submit to the board a completed board-approved renewal application form for a general anesthesia or moderate sedation certificate;

(2) submit with the renewal application the applicable nonrefundable renewal fee described in Minnesota Statutes, section 150A.091, subdivision 11;

(3) submit payment of the nonrefundable late fee to the board described in Minnesota Statutes, section 150A.091, subdivision 11a;

- (4) provide official documentation as proof of current certification in ACLS, PALS, or an equivalent dental sedation/anesthesia emergency management course;
- (5) provide required documentation of current CPR certification; and
- (6) not administer general anesthesia, deep sedation, or moderate sedation until the board issues a general anesthesia or moderate sedation certificate to the dentist.

B. A dentist whose anesthesia/sedation certificate has been terminated by the board according to subpart 9, item C, subitem (5), or who voluntarily terminated the anesthesia/sedation certificate, more than 60 calendar days after the renewal application deadline, must comply with subitems (1) to (6):

- (1) submit to the board a completed board-approved recertification application form for a general anesthesia or moderate sedation certificate;
- (2) submit with the recertification application the applicable nonrefundable recertification fee described in Minnesota Statutes, section 150A.091, subdivision 11b;
- (3) provide official documentation from the institution verifying successful completion of the educational requirements for either general anesthesia described in subpart 2 or moderate sedation described in subpart 3;
- (4) provide official documentation of current certification in ACLS, PALS, or an equivalent dental sedation/anesthesia emergency management course;
- (5) provide required documentation of current CPR certification; and
- (6) not administer general anesthesia, deep sedation, or moderate sedation until the board issues a general anesthesia or moderate sedation certificate to the dentist.

C. Upon receipt of a recertification application for general anesthesia or moderate sedation, the board may require that the dentist undergo an on-site inspection described in subpart 11 or further review of the dentist's anesthesia/sedation credentials.

Subp. 9b. Certificate to provide dentistry with contracted sedation provider.

A. A dentist shall not provide dental services to a patient who is under general anesthesia, deep sedation, or moderate sedation, at any location other than a hospital, unless the dentist possesses the applicable contracted sedation provider certificate for general anesthesia or moderate sedation issued by the board according to this subpart. For certification, the dentist shall meet all applicable requirements of this subpart, including the practice and equipment requirements in subpart 10 and the on-site inspection requirements in subpart 11. Failure by a dentist to obtain the applicable certificate subjects the dentist to disciplinary proceedings on grounds specified in parts 3100.6100 and 3100.6200, and

Minnesota Statutes, section 150A.08, subdivision 1. Certificates shall be issued by the board in the following titles:

(1) dentistry with contracted sedation provider-general anesthesia, which authorizes a dentist to provide dental services to patients under general anesthesia, deep sedation, or moderate sedation when a dentist employs or contracts another licensed health care professional with the qualified training and legal authority to administer general anesthesia, deep sedation, or moderate sedation; and

(2) dentistry with contracted sedation provider-moderate sedation, which authorizes a dentist to provide dental services to patients under moderate sedation when a dentist employs or contracts another licensed health care professional with the qualified training and legal qualification to administer moderate sedation.

B. Certificates in item A are issued and governed by subitems (1) to (7).

(1) To obtain an initial contracted sedation provider certificate, a board-approved application form must be filled out completely and submitted to the board along with the applicable nonrefundable fee in Minnesota Statutes, section 150A.091, subdivision 11. A completed application form will provide information on the employed or contracted licensed health care professional, office facilities, emergency protocols, monitoring equipment, record-keeping procedures, and other information reasonably needed by the board to assess the certificate application.

(2) For renewal of a contracted sedation provider certificate, a board-approved application form must be completed and submitted to the board along with the applicable nonrefundable fee in Minnesota Statutes, section 150A.091, subdivision 11, whenever the dentist is subject to license renewal in part 3100.1700, subpart 2. A completed application form will provide information on the employed or contracted licensed health care professional, office facilities, emergency protocols, monitoring equipment, record-keeping procedures, and other information reasonably needed by the board to assess the certificate application. A dentist's contracted sedation provider certificate expires if the completed application and nonrefundable fee are not received by the board by the application deadline. Immediately upon expiration of a certificate, the dentist is prohibited from providing dental services to patients under general anesthesia, deep sedation, or moderate sedation until the board issues a current contracted sedation provider certificate to the dentist as described in item C. Absent a timely renewal, after 60 days from the renewal application deadline, the board will terminate the dentist's contracted sedation provider certificate and send a notice of termination to the dentist.

(3) The dentist must comply with the practice and equipment requirements in subpart 10.

(4) The dentist must comply with having an on-site inspection described in subpart 11.

(5) If a dentist possesses a moderate sedation certificate described in subpart 9 and desires to provide dental services to a patient under general anesthesia or deep sedation, at any location other than a hospital, the dentist must obtain a contracted sedation provider certificate for general anesthesia.

(6) A request for issuance of a duplicate contracted sedation provider certificate must be accompanied by the applicable nonrefundable fee specified in Minnesota Statutes, section 150A.091, subdivision 12.

(7) A certificate issued by the board must be conspicuously displayed in plain sight of patients in every office in which the dentist provides dental services to patients under general anesthesia, deep sedation, or moderate sedation.

C. A dentist desiring renewal of a contracted sedation provider certificate following expiration or termination by the board under item B, subitem (2), or who voluntarily terminated the certificate must comply with subitems (1) to (5). The dentist must:

(1) submit to the board a completed board-approved renewal application form for an appropriate contracted sedation provider certificate;

(2) submit with the renewal application the applicable nonrefundable renewal fee described in Minnesota Statutes, section 150A.091, subdivision 11;

(3) submit payment to the board of the nonrefundable late fee specified in Minnesota Statutes, section 150A.091, subdivision 11a;

(4) provide required documentation of current CPR certification; and

(5) not provide dental services to patients under general anesthesia, deep sedation, or moderate sedation until the board issues an appropriate contracted sedation provider certificate to the dentist.

After successful completion of all requirements, the board shall issue an appropriate contracted sedation provider certificate to the dentist.

Subp. 10. Practice and equipment requirements.

A. Dentists who administer general anesthesia, deep sedation, or moderate sedation or who provide dental services to patients under general anesthesia, deep sedation, or moderate sedation must ensure that the practice requirements in subitems (1) to (3) are followed.

(1) A dentist who employs or contracts another licensed health care professional, such as a dentist, nurse anesthetist, or physician anesthesiologist, with the

qualified training and legal qualification to administer general anesthesia, deep sedation, or moderate sedation must notify the board that these services are being provided in the office facility. The dentist is also responsible for maintaining the appropriate facilities, equipment, emergency supplies, and a record of all general anesthesia, deep sedation, or moderate sedation procedures performed in the facility.

(2) An individual qualified to administer general anesthesia, deep sedation, or moderate sedation, who is in charge of the administration of the anesthesia or sedation, must remain in the operatory room to continuously monitor the patient once general anesthesia, deep sedation, or moderate sedation is achieved and until all dental services are completed on the patient. Thereafter, an individual qualified to administer anesthesia or sedation must ensure that the patient is appropriately monitored and discharged as described in subparts 2, items B and C, and 3, items B and C.

(3) A dentist administering general anesthesia, deep sedation, or moderate sedation to a patient must have in attendance personnel who are currently certified in CPR.

B. Dentists who administer general anesthesia, deep sedation, or moderate sedation or who provide dental services to patients under general anesthesia, deep sedation, or moderate sedation must ensure that the offices in which it is conducted have the following equipment:

(1) an automated external defibrillator or full function defibrillator that is immediately accessible;

(2) a positive pressure oxygen delivery system and a backup system;

(3) a functional suctioning device and a backup suction device;

(4) auxiliary lighting;

(5) a gas storage facility;

(6) a recovery area;

(7) a method to monitor respiratory function; and

(8) a board-approved emergency cart or kit that must be available and readily accessible and includes the necessary and appropriate drugs and equipment to resuscitate a nonbreathing and unconscious patient and provide continuous support while the patient is transported to a medical facility. There must be documentation that all emergency equipment and drugs are checked and maintained on a prudent and regularly scheduled basis.

Subp. 11. **On-site inspection; requirements and procedures.** All offices in which general anesthesia, deep sedation, or moderate sedation is conducted under the terms of this part must be in compliance with items A to C. Besides these requirements, each office must

be in compliance with the practice and equipment requirements in subpart 10. The dentist is responsible for all costs associated with an on-site inspection.

A. Requirements for on-site inspections are described in subitems (1) to (3).

(1) A dentist who applies for an initial general anesthesia or moderate sedation certificate or who provides dental services to patients under general anesthesia, deep sedation, or moderate sedation must have an on-site inspection conducted at one primary office facility within 12 months following receipt of a certificate from the board. Thereafter, a dentist must have an on-site inspection conducted at one primary office facility at least once every five years.

(2) A dentist who holds an existing certificate must have an on-site inspection conducted at one primary office facility or provide proof to the board of having an inspection conducted within two years of March 19, 2010. Thereafter, each dentist must have an on-site inspection conducted at one primary office facility at least once every five years.

(3) A dentist must have an on-site inspection conducted at one primary office facility if the board receives a complaint alleging violation of this part and the board finds the complaint warrants further investigation.

B. If a dentist fails to meet the on-site inspection requirements because of extenuating circumstances, the dentist may apply for an extension of time to complete the requirements by making a written request to the board. The written request must include a complete explanation of the circumstances and the dentist's plan for completing the on-site inspection requirement. If an extension is granted after review, the board shall establish the length of the extension to obtain the on-site inspection requirements.

C. On-site inspection procedures are described in subitems (1) to (3).

(1) The dentist must be notified in writing by the board if an on-site inspection is required and provided with the name of an anesthesia consultant or qualified anesthetic practitioner who is qualified to coordinate the inspection. The dentist may have an on-site inspection performed by another individual or organization or agency that has been approved by the board. The dentist must make arrangements for the scheduling or completion of the inspection within 30 calendar days of the date the notice is mailed.

(2) Within 30 calendar days following an on-site inspection, the dentist must direct the individual or organization or agency conducting the inspection to provide the board with the written results of the inspection.

(3) A dentist who fails an on-site inspection shall have the general anesthesia or moderate sedation certificate suspended or be subject to disciplinary proceedings.

Statutory Authority: *MS s 150A.04; 150A.06; 150A.08; 150A.10*

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