

Document No. 4626

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF DENTISTRY

CHAPTER 39 Statutory Authority: 1976 Code Sections 40-1-50(D), 40-1-70, and 40-15-40(G)

39-17. Guidelines for Sedation and General Anesthesia.

Synopsis:

The South Carolina Board of Dentistry proposes to amend regulations regarding dental sedation permits and to add a fee for the dental sedation permit, established by 2014 Act 222, known as the Dental Sedation Act, which is effective January 1, 2015. S.C. Code §40-15-40(G) mandates that the Board establish a fee for this permit.

A Notice of Drafting was published in the *State Register* on May 22, 2015.

Instructions:

Regulation 39-17 is amended as shown below.

Text:

39-17. Guidelines for Sedation and General Anesthesia.

A. Definitions.

1. "Analgesia" means the diminution or elimination of pain with full consciousness maintained by the patient.
2. "Deep sedation" means a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. Reflex withdrawal from a painful stimulus is not considered a purposeful response. The ability to independently maintain ventilator function may be impaired. Patients may require assistance in maintaining patients' airways. Spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.
3. "Enteral" means a route of administration that includes any technique in which the agent is absorbed through the gastrointestinal tract or oral mucosa.
4. "General anesthesia" means a drug-induced loss of consciousness during which patients are not aroused, even by painful stimulation. The ability to independently maintain ventilator functions is often impaired. Patients often require assistance in maintaining patients' airways; positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.
5. "Inhalation" means a route of administration in which a gaseous or volatile agent is introduced into the lungs and whose primary effect is due to absorption through the interface of gas and blood.
6. "Local anesthesia" means the elimination of sensation, especially pain, in one part of the body by the topical application or regional as applies to dental, oral, or maxillofacial injection of a drug.
7. "Minimal sedation" means a minimally depressed level of consciousness, produced by a pharmacological method, that retains the patient's ability to independently and continuously maintain an airway and to respond appropriately to physical stimulation or verbal command.
8. "Moderate sedation" means a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patient airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.

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9. "Nitrous oxide analgesia or sedation" means the administration by inhalation of a combination of nitrous oxide and oxygen producing an altered level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command.

10. "Parenteral" means a route of administration in which the drug bypasses the gastrointestinal tract.

B. Education and Training Requirements for Practicing Sedation.

1. To provide moderate enteral sedation, applicable programs, pursuant to S.C. Code §40-15-400(C)(1), must be accredited by The American Dental Association and its Commission of Dental Accreditation.
2. To provide moderate parenteral sedation, applicable programs, pursuant to S.C. Code § 40-15-400(D)(1), must be accredited by The American Dental Association and its Commission of Dental Accreditation.
3. To provide deep sedation/general anesthesia, applicable programs, pursuant to S.C. Code § 40-15-400(E)(1), must be accredited by The American Dental Association and its Commission of Dental Accreditation.
4. Residency programs, pursuant to S.C. Code § 40-15-400(F) must be accredited by The American Dental Association and its Commission of Dental Accreditation.

C. For purposes of these regulations, the administration of sedation and/or anesthesia by or under the direction of a licensed dentist in this state, except in the event that the sedation and/or anesthesia is administered by a licensed CRNA or anesthesiologist, shall be performed in accordance with the laws and regulations of this State, applicable guidelines approved by the Board, including but not limited to, current American Dental Association (ADA) "Guidelines for the Use of Conscious Sedation, Deep Sedation and General Anesthesia for Dentists" and current American Academy of Pediatric Dentistry (AAPD) "Guidelines for the Elective Use of Pharmacologic Conscious Sedation and Deep Sedation in Pediatric Dental Patients."

D. A licensed dentist in this state shall be solely responsible for the administration and management of sedation and/or anesthesia in the practice of dentistry, including but not limited to ordering, supplying, and prescribing medications used in the sedation procedure, and must determine which of the guidelines, as referenced above, he or she shall operate under, and shall be responsible for complying with the same, as provided above.

E. In procedures utilizing a CRNA or an anesthesiologist, the administration of sedation and/or anesthesia shall be in accordance with South Carolina law.

F. Dentists who have qualified to administer sedation and/or anesthesia under these regulations are subject to review and audit, and their facilities subject to on-site inspection by an official designee of the Board to determine compliance with these regulations every two years.

G. Reporting of Adverse Occurrences -A licensed dentist must submit a written report within thirty (30) days to the Board regarding any known mortality or serious, unusual incident which occurs in a dental facility or during the twenty-four (24) hour period after the patient leaves the facility, if the incident produces significant temporary or permanent physical or mental injury of the patient as a direct result of the administration of the general anesthesia or sedation.

H. Nitrous Oxide/Oxygen. For purposes of these regulations, a licensed dentist in this state shall be solely responsible for the administration and management of nitrous oxide/oxygen in the practice of dentistry, and adequacy of the facility, including equipment with fail-safe features that prohibit the delivery of less than thirty (30%) percent minimum oxygen flow. Dental offices are subject to inspection and audit to determine compliance with these regulations.

I. Permit Fees for all dentists performing sedation and general anesthesia; on-site inspections.

Any dentist practicing or seeking to practice moderate and/or deep sedation/general anesthesia must obtain the appropriate permit.

1. Moderate sedation permit: \$200 biennially.
2. Deep sedation/general anesthesia permit: \$200 biennially. A dentist with a deep sedation/general anesthesia permit may also perform moderate sedation without obtaining an additional permit.
3. Permit fees are renewed biennially with a dental license renewal.
4. New applicants for sedation permits must have an on-site inspection of each facility where permitted sedation will occur before beginning sedation procedures that require a permit. Dentists with a current license who have been practicing moderate or deep sedation/general anesthesia prior to the effective date of these regulations may continue to so practice during the pendency of their application and inspection process.
5. Dentists applying for permits under this section must list each and every location at which they will practice sedation that requires a permit and must update the Board within thirty (30) days of any change in location at which they will practice permitted sedation. Each facility where permitted sedation occurs must be equipped as required to provide the level of sedation being administered in that facility, and will be inspected.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for this regulation.

Statement of Rationale:

The South Carolina Board of Dentistry proposes to amend regulation regarding dental sedation permits and to add a fee for the dental sedation permit, established by 2014 Act 222, known as the Dental Sedation Act, which is effective January 1, 2015. S.C. Code §40-15-40(G) mandates that the Board establish a fee for this permit.