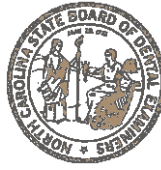


NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

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Memo to: Joint Legislative Commission on Governmental Operations

From: Carolin Bakewell, Counsel
North Carolina State Board of Dental Examiners

Date: June 24, 2015

Re: Request for Consultation

Please accept this Memorandum and attachments as the North Carolina State Board of Dental Examiners' request pursuant to N.C. Gen. Stat. § 12-3.1 for a consultation regarding proposed rules that would change and/or increase certain fees charged to dentists by the North Carolina State Board of Dental Examiners.

First, the Board proposes to amend 21 NCAC 16Q .0201(a) to provide that a dentist seeking a general anesthesia permit must pay a \$475 fee. This fee covers the cost of the application and the inspection and evaluation of the dentist's facility. Under the current rule, the dentist must pay a \$100 application fee and a \$375 evaluation fee. The proposed new rule combines the existing \$100 application fee and \$375 evaluation fee into a single \$475 fee. The bottom line cost to the applicant is the same.

Second, the Board proposes to amend 21 NCAC 16Q .0204(b) to require a \$375 inspection fee for each satellite location at which a dentist will administer general anesthesia. Current rule 21 NCAC 16Q .0204(b) imposes a \$275 fee for the inspection of each additional location. The proposed amendment would effectively increase the cost for inspection of satellite facilities by \$100 per site.

Third, the Board proposes to adopt 21 NCAC 16Q .0206, which will impose a \$100 application fee for dentists who wish to obtain a mobile general anesthesia permit to provide general anesthesia or sedation services at the office of another practitioner.

Fourth, the Board proposes to adopt 21 NCAC 16Q .0207, which will impose a \$100 renewal fee for mobile general anesthesia permits and a \$100 late fee for permits that are

not renewed by January 31 of each year. The mobile general anesthesia permit is a new permit and there are, therefore, no counterparts to these regulations in the existing rules.

Fifth, the Board proposes to amend 21 NCAC 16Q .0301 to impose a \$375 application fee for dentists applying for a moderate conscious sedation permit. This fee covers the application fee and the cost of evaluating the dentist and inspecting his or her main office. The Board also proposes to adopt 21 NCAC 16Q .0306, which would impose a \$375 inspection fee for each additional location at which the dentist will administer moderate conscious sedation.

Under the current rules, a dentist applying for a moderate conscious sedation permit must pay a \$100 application fee and \$275 for each site inspection. See Rule 16Q .0301(a) and 16Q .0303(a). Therefore, if the proposed amendments are passed, the cost to an applicant seeking a moderate conscious sedation permit will effectively remain the same, except that the amended rule would increase the cost of satellite office inspections by \$100 per site.

The Board also plans to adopt 21 NCAC 16Q .0305, which imposes a \$100 renewal fee and a \$100 late fee for moderate conscious sedation permits that are not renewed by January 31 of each year. Current rule 21 NCAC 16Q .0501, which is slated for repeal, imposes a \$100 renewal fee and a \$100 late fee for moderate conscious sedation permits. Adoption of the proposed rule would not effectively increase the renewal or late fee.

Sixth, the Board seeks to adopt 21 NCAC 16Q .0404(a) which will require applicants for a moderate pediatric conscious sedation permit to pay a \$375 fee. This fee covers the cost of the application, the evaluation of the dentist and the inspection of the applicant's main office. The Board also seeks to adopt 21 NCAC 16Q .0408, which imposes a \$375 fee for the inspection of each additional location at which the dentist will administer moderate pediatric conscious sedation.

Under current Rule 16Q .0301(a), a dentist applying for a moderate pediatric conscious sedation permit must pay a \$100 application fee, plus \$275 for each site inspection. See 16Q .0303(a). Therefore, if the proposed amendments are passed, the cost to an applicant seeking a moderate pediatric conscious sedation permit will effectively remain the same, except that the new Rule 16Q .0404 would increase the cost of satellite office inspections by \$100 per site.

Lastly, the Board seeks to adopt Rule 16Q .0407, which will impose a \$100 renewal fee and a \$100 late fee for holders of moderate pediatric conscious sedation who do not renew their permits on a timely basis. Current rule 21 NCAC 16Q .0501, which is slated for repeal, imposes a \$100 renewal fee and a \$100 late fee for moderate pediatric conscious sedation permits. Adoption of the proposed rule would not effectively increase the renewal or late fee.

Statutory Authority for Fees

Pursuant to N.C. Gen. Stat. § 90-39(11), the Board may charge up to \$750 for office inspections for general anesthesia or sedation. Pursuant to N.C. Gen. Stat. § 90-39(12), the Dental Board may charge up to \$100 for each application for a general anesthesia or sedation permit.

Pursuant to N.C. Gen. Stat. § 90-39(12) the Board may charge up to \$100 for each renewal of a general anesthesia or sedation permit. Pursuant to N.C. Gen. Stat. § 90-39(2a), the Board may charge up to \$100 for the late renewal of any license or permit.

Reason For Requested Fee Increases

The Board requests the fee regulations to help defray the expenses incurred by the Dental Board in conducting the inspections and evaluations of the facilities where anesthesia and sedation is administered. The Board has to hire at least one dentist who has a current anesthesia or sedation permit to conduct each evaluation or inspection.

Copies of the rules with the proposed amendments are attached. We recently submitted these rules to the Office of Administrative Hearings/Rules Division for publication.

Thank you for your consideration of this request.

pc: Commission Assistant
General Assembly Fiscal Research Division

21 NCAC 16Q .0201 is proposed for amendment as follows:

21 NCAC 16Q .0201 GENERAL ANESTHESIA CREDENTIALS AND PERMIT

~~(a) No dentist shall employ or use general anesthesia on an outpatient basis for dental patients unless the dentist possesses a permit issued by the Board. A dentist holding a permit shall be subject to review and shall only employ or use general anesthesia at a facility located in the State of North Carolina in accordance with 21 NCAC 16Q .0202. Such permit must be renewed annually and shall be displayed with the current renewal at all times in a conspicuous place in the office of the permit holder.~~

(a) Before a dentist licensed to practice in North Carolina may administer or supervise a CRNA or RN to administer general anesthesia, the dentist shall obtain a general anesthesia permit from the Board by completing an application form and paying a four hundred seventy five dollar (\$475.00) fee. The application form is available on the Board's website: www.ncdentalboard.org. The permit shall be renewed annually and shall be displayed with the current renewal at all times in the permit holder's facility where it is visible to patients receiving treatment.

(b) A dentist applying for a general anesthesia permit shall be in good standing with the Board and demonstrate that he or she:

~~(b) Any dentist who wishes to administer general anesthesia to patients must apply to the Board for the required permit on a prescribed application form, submit an application fee of one hundred dollars (\$100.00) and produce evidence showing that he or she:~~

- (1) Has completed a minimum of two years ~~one year~~ of advanced training in anesthesiology and related academic subjects ~~(or its equivalent)~~ beyond the undergraduate dental school level; or
- (2) Has graduated from a program certified by the American Dental Association in Oral and Maxillofacial Surgery; or
- (3) Is a Diplomate of or eligible for examination by the American Board of Oral and Maxillofacial Surgery; or
- (4) Is a Fellow of the American Dental Society of Anesthesiology; ~~or and~~
- ~~(5) Is a dentist who has been administering general anesthetics in a competent manner for the five years preceding the effective date of this Rule.~~
- (5) Has current ACLS certification.

(c) Before receiving a general anesthesia permit, all applicants shall pass an evaluation and inspection as set out in Rule .0202 of this Section. Every location other than a hospital or credentialed surgery center where a general anesthesia permit holder administers general anesthesia shall pass an inspection as set out in Rule .0202 of this section.

~~(e)(d) A dentist who is qualified to administer general anesthesia in accordance with this Section and holds a general anesthesia permit may is also authorized to administer any level of sedation without obtaining a separate sedation permit.~~

~~(d) The dentist involved with the administration of general anesthesia shall document current, successful completion of advanced cardiac life support (ACLS) training, or its age-specific equivalent or other Board-approved equivalent course and auxiliary personnel shall document annual, successful completion of basic life support (BLS) training.~~

1 (e) A dentist who does not hold a general anesthesia permit may not employ a CRNA or RN to provide general
2 anesthesia services. A dentist who holds a general anesthesia permit may permit a CRNA to provide general
3 anesthesia services under direct supervision of the dentist.

4 (f) A general anesthesia permit holder may provide general anesthesia or any level of sedation at the office of
5 another licensed dentist, regardless of the permit, if any held, by the hosting dentist. The permit holder shall ensure
6 that the facility where the general anesthesia or sedation is administered has been inspected and complies with the
7 requirements set out in Rule .0202 of this Section or shall obtain an itinerant general anesthesia permit and comply
8 with the provisions of Rule .0206 of this Section.

9
10 *History Note: Authority G.S. 90-28; 90-30.1;*
11 *Eff. February 1, 1990;*
12 *Amended Eff. April 1, 2001; August 1, 2000;*
13 *Temporary Amendment Eff. December 11, 2002;*
14 *Amended Eff. October 1, 2015; February 5, 2008.*
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16

21 NCAC 16Q .0204 is proposed for amendment as follows:

21 NCAC 16Q .0204 PROCEDURE FOR GENERAL ANESTHESIA EVALUATION OR INSPECTION AND RE-INSPECTION

(a) When an evaluation or on-site inspection is required, the Board will designate two or more qualified persons, each of ~~which~~ whom has administered general anesthesia for at least three years preceding the inspection, exclusive of his or her training in general anesthesia. When an on-site inspection involves only a facility and equipment check and not an evaluation of the dentist, the inspection may be accomplished by one or more evaluators.

~~(b) (e) At least a 15-day notice shall be given prior to an evaluation or inspection. The entire evaluation fee of three hundred seventy-five dollars (\$375.00) shall be due 10 days after the date of receipt of such notice. An inspection fee of two hundred seventy-five dollars (\$275.00)~~ three hundred seventy five dollars (\$375.00) shall be due 10 days after the dentist receives notice of the inspection of each additional location at which the dentist administers general anesthesia.

~~(b) (c)~~ Any dentist-member of the Board may observe or consult in any evaluation.

~~(e) (d)~~ The inspection team shall determine compliance with the requirements of the Rules in this Subchapter, as applicable, by assigning a grade of "pass" or "fail".

~~(d)(e)~~ Each evaluator shall report his or her recommendation to the ~~Board~~, Board's Anesthesia and Sedation Committee, setting forth the details supporting his or her conclusion. The ~~Board Committee~~ is not bound by these recommendations. The ~~Board Committee~~ shall determine whether the applicant has passed the ~~evaluation/inspection~~ evaluation or inspection and shall notify the applicant in writing of its decision.

(f) An applicant who fails an inspection or evaluation shall not receive a permit to administer general anesthesia. If a permit holder fails an evaluation, the permit shall be summarily suspended. If a permit holder's facility fails an inspection, no further anesthesia procedures may be performed at the facility until it passes a re-inspection by the Board.

(g) An applicant who fails an inspection or evaluation may request a re-evaluation or re-inspection within 15 days of receiving the notice of failure. The request shall include a statement of the grounds supporting the re-evaluation or re-inspection. The Board shall require the applicant to receive additional training prior to the re-evaluation to address the areas of deficiency determined by the evaluation.

(h) Re-evaluations and re-inspections shall be conducted by Board-appointed evaluators not involved in the failed evaluation or inspection.

History Note: Authority G.S. 90-28; 90-30.1; 90-39;

Eff. February 1, 1990;

Amended Eff. October 1, 2015; February 1, 2009; December 4, 2002; January 1, 1994.

21 NCAC 16Q .0206 is proposed for adoption as follows:

**21 NCAC 16Q .0206 ITINERANT (MOBILE) GENERAL ANESTHESIA PERMIT, EQUIPMENT
AND EVALUATION**

(a) A dentist who holds a general anesthesia permit from the Board and who wishes to provide general anesthesia or other sedation services in the office of another practitioner shall obtain a mobile general anesthesia permit from the Board. The application form may be obtained on the Board's website: www.ncdentalboard.org, and shall be accompanied by a one hundred (\$100.00) fee. No mobile permit is required to administer general anesthesia in a hospital or credentialed surgery center.

(b) Before a mobile general anesthesia permit is issued, a general anesthesia permit holder appointed by the Board shall inspect the applicant's equipment and medications to ensure that they comply with Paragraphs (c) and (d) of this Rule.

(c) The following equipment shall be maintained:

- (1) Positive pressure ventilation system and back- up E cylinder portable oxygen tank;
- (2) Standard ASA monitors with back- up power;
- (3) EKG Monitor;
- (4) Capnograph;
- (5) Small, medium and large oral airways and nasal trumpets;
- (6) Small, medium and large laryngoscope blades and back-up laryngoscope;
- (7) Small, medium and large nasal and oral endotracheal tubes;
- (8) Magill forceps;
- (9) Small, medium and large supraglottic airway devices;
- (10) Back-up suction;
- (11) Defibrillator with pediatric capability;
- (12) Small, medium and large anesthesia circuits;
- (13) Back-up lighting;
- (14) Gastric suction device;
- (15) Endotracheal tube and pulmonary suction device;
- (16) Equipment for performing emergency cricothyrotomies and delivering positive pressure ventilation;
- (17) Back-up ventilation measurement;
- (18) Rebreathing device;
- (19) Scavenging system;
- (20) Intermittent compression devices;
- (21) CPR board or dental chair suitable for providing emergency treatment;
- (22) Laryngoscope with current batteries; and
- (23) Tourniquet and tape.

(d) The following current medications shall be immediately accessible:

- (1) Epinephrine;
- (2) Atropine;
- (3) Antiarrhythmic
- (4) Antihistamine;
- (5) Antihypertensive;
- (6) Bronchodilator;
- (7) Antihypoglycemic agent;
- (8) Vasopressor;
- (9) Corticosteroid;
- (10) Anticonvulsant;
- (11) Muscle relaxant;
- (12) Appropriate reversal agents;
- (13) Nitroglycerine;
- (14) Antiemetic;
- (15) Neuromuscular blocking agent; and
- (16) Anti-malignant hyperthermia agent.

(e) The evaluation and inspection shall be conducted as set out in Rule .0204 of this Section.

(f) Before administering general anesthesia or sedation at another provider's office, the mobile permit holder shall inspect the host facility to ensure that:

- (1) The operatory is of sufficient size and design to permit effective emergency management and access of emergency equipment and personnel;
- (2) There is a CPR board or dental chair without enhancements suitable for providing emergency treatment;
- (3) There is sufficient lighting;
- (4) There is suction equipment, including non-electrical back-up suction; and
- (5) At least two BLS certified auxiliaries shall be present during all procedures.

(g) At least 24 hours before the procedure is scheduled to begin, the mobile permit holder shall send written notice to the Board office confirming that the facility where the general anesthesia or sedation will be performed meets the requirements of Paragraph (f) of this Rule and documenting when the inspection was conducted. The permit holder shall retain a copy of the written notice for 10 years following the procedure. No procedure may be performed if the report is not filed as required by this Paragraph.

(h) The mobile general anesthesia permit shall be displayed in the host facility where it is visible to patients receiving treatment.

(i) All applicants for mobile general anesthesia permit shall be in good standing with the Board.

History Note: Authority G.S. 90-28; 90-30.1; 90-48;

1

Eff. October 1, 2015.

2

21 NCAC 16Q .0207 is proposed for adoption as follows:

**21 NCAC 16Q .0207 ANNUAL RENEWAL OF GENERAL ANESTHESIA AND ITINERANT
(MOBILE) GENERAL ANESTHESIA PERMIT REQUIRED**

(a) General anesthesia permits shall be renewed by the Board annually at the same time as dental licenses by paying a one hundred dollar (\$100.00) fee and completing an application available from the Board's website: www.ncdentalboard.org. If the completed renewal application and renewal fee are not received before January 31 of each year, a one hundred dollar (\$100.00) late fee shall be paid.

(b) Itinerant general anesthesia permits shall be renewed by the Board annually at the same time as dental licenses by paying a one hundred dollar (\$100.00) fee and completing an application available from the Board's website: www.ncdentalboard.org. If the completed itinerant general sedation permit and renewal fee are not received before January 31 of each year, a one hundred dollar (\$100.00) late fee shall be paid.

(c) Any dentist who fails to renew a general anesthesia permit or itinerant general anesthesia permit before March 31 of each year shall complete a reinstatement application, pay the renewal fee and late fee and comply with all conditions for renewal set out in this Rule. Dentists whose anesthesia permits or itinerant general anesthesia permits have been lapsed for more than 12 calendar months shall pass an inspection and an evaluation as part of the reinstatement process.

(d) A dentist who continues to administer general anesthesia or any level of sedation in violation of this Rule shall be subject to the penalties prescribed by Rule .0701 of this Section.

(e) As a condition for renewal of the general anesthesia and itinerant general anesthesia permit the permit holder shall maintain the clinical equipment and requirements set out in Rules .0202 and .0206 of this Section and document:

(1) six hours of continuing education each year in one or more of the following areas, which may be counted toward fulfillment of the continuing education required each calendar year for license renewal:

(A) sedation;

(B) medical emergencies;

(C) monitoring IV sedation and the use of monitoring equipment;

(D) pharmacology of drugs and agents used in general anesthesia and IV sedation;

(E) physical evaluation, risk assessment, or behavioral management; or

(F) airway management and

(2) current ACLS, which shall not count towards the six hours required in Paragraph (e); and

(3) that the permit holder and all auxiliaries have practiced responding to dental emergencies as a team at least once every six months in the preceding year; and

(4) that the permit holder and all auxiliaries have read the practice's emergency manual in the preceding year; and

(5) that all permit holder auxiliaries have completed BLS and six hours of continuing education in medical emergencies annually.

1 *History Note: Authority G.S. 90-28; 90-30.1; 90-48;*
2 *Eff. October 1, 2015.*
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1 ~~SECTION .0300 PARENTERAL CONSCIOUS SEDATION~~

2 SECTION .0300 MODERATE CONSCIOUS SEDATION

3 21 NCAC 16Q .0301 is proposed for amendment as follows:

4 21 NCAC 16Q .0301 CREDENTIALS AND PERMITS FOR MODERATE CONSCIOUS SEDATION
5 SEDATION, MODERATE PEDIATRIC CONSCIOUS SEDATION AND
6 MODERATE CONSCIOUS SEDATION LIMITED TO ORAL ROUTES OF
7 ADMINISTRATION AND NITROUS OXIDE

8 (a) Before a dentist licensed to practice in North Carolina may administer or supervise a ~~certified registered nurse~~
9 ~~anesthetist (CRNA)~~ CRNA or RN to administer moderate conscious sedation, ~~moderate pediatric conscious sedation~~
10 ~~or moderate conscious sedation limited to oral routes of administration and nitrous oxide to dental patients on an~~
11 ~~outpatient basis~~, the dentist shall obtain a permit from the Board by completing an application form ~~provided by the~~
12 ~~Board~~ and paying a fee of ~~one hundred dollars (\$100.00)~~ three hundred seventy five dollars (\$375.00). The
13 application form is available on the Board's website: www.ncdentalboard.org. ~~The~~ Such permit shall be renewed
14 annually and shall be displayed with the current renewal at all times ~~in a conspicuous place in the facility of the~~
15 ~~permit holder.~~ holder where it is visible to patients receiving treatment.

16 (b) The permit holder shall directly supervise any CRNA or RN employed to administer sedation and shall ensure
17 that the level and duration of the sedation does not exceed the permit holder's permit.

18 ~~(b) For a dentist to employ a certified registered nurse anesthetist to administer moderate conscious sedation,~~
19 ~~moderate conscious sedation limited to oral routes and nitrous oxide or moderate pediatric conscious sedation, the~~
20 ~~dentist must demonstrate through the permitting process that he or she is capable of performing all duties and~~
21 ~~procedures to be delegated to the CRNA. The dentist must not delegate said CRNA perform procedures outside of~~
22 ~~the scope of the technique and purpose of moderate conscious sedation, moderate pediatric conscious sedation or~~
23 ~~moderate conscious sedation limited to oral routes and nitrous oxide as defined in Rule .0101 of this Subchapter.~~

24 (c) A dentist applying for a permit to administer moderate conscious sedation ~~or moderate pediatric conscious~~
25 ~~sedation shall~~ must meet at least one of the following criteria: document:

26 (1) ~~Satisfactory completion~~ Completion of a minimum of ~~90~~ 60 hours of Board approved didactic
27 training, ~~including PALS (Pediatric Advanced Life Support),~~ and instruction in intravenous
28 conscious sedation and satisfactory management of a minimum of ~~40~~ 20 live patients, under
29 supervision, using intravenous sedation; or

30 (2) ~~Satisfactory completion~~ Completion of a pre-doctoral dental or postgraduate program which
31 included intravenous conscious sedation training equivalent to that defined in Subparagraph (c)(1)
32 of this Rule; ~~or and;~~

33 (3) Current ACLS; and

34 (4) That all auxiliaries have current BLS certification.

1 (3) ~~Satisfactory completion of a pre doctoral dental or postgraduate program which included~~
2 ~~intravenous conscious sedation training equivalent to that defined in Subparagraph (c)(1) of this~~
3 ~~Rule.~~

4 ~~(d) Notwithstanding the foregoing, a dentist may also qualify for a permit to administer moderate pediatric~~
5 ~~conscious sedation by documenting, with patient names and dates of completion, at least 100 cases of moderate~~
6 ~~pediatric sedation procedures successfully completed between July 3, 2006 and July 3, 2009. A dentist who obtains~~
7 ~~a pediatric conscious sedation permit pursuant to this Paragraph may not administer sedation intravenously and such~~
8 ~~limitation shall be noted on the dentist's permit.~~

9 ~~(e) A dentist may modify his or her moderate conscious sedation permit to include the privilege of moderate~~
10 ~~pediatric conscious sedation by completing a Board approved pediatric dental degree or pediatric dental residency~~
11 ~~program or obtaining the equivalent hours of continuing education program in pediatric dental anesthesia. If said~~
12 ~~qualifications are satisfied, it shall be so designated on the dentist's moderate conscious sedation permit and will be~~
13 ~~subject to the renewal requirements stated in Rule .0501(d) of this Subchapter.~~

14 ~~(f) To be eligible for a moderate conscious sedation permit, moderate conscious sedation limited to oral routes and~~
15 ~~nitrous oxide inhalation permit or moderate pediatric conscious sedation permit, a dentist must operate within a~~
16 ~~facility which includes the capability of delivering positive pressure oxygen, and is staffed with supervised auxiliary~~
17 ~~personnel for each procedure performed. The dentist shall ensure that auxiliary personnel document annual,~~
18 ~~successful completion of basic life support (BLS) training and are capable of assisting with procedures, problems~~
19 ~~and emergencies incident thereto.~~

20 (d) All applicants for a moderate conscious sedation permit shall be in good standing with the Board.

21 ~~(e) (g) Prior to issuance of a moderate conscious sedation permit, moderate conscious pediatric sedation permit or~~
22 ~~moderate conscious sedation permit limited to oral routes and nitrous oxide inhalation permit, the applicant shall~~
23 ~~undergo pass an evaluation which includes and a facility inspection. The Board shall direct an evaluator to perform~~
24 ~~this evaluation. The applicant shall be notified in writing that an evaluation and facility inspection is required and~~
25 ~~provided with the name of the evaluator who shall perform the evaluation and facility inspection. The applicant shall~~
26 ~~be responsible for successful completion of the evaluation and inspection of his or her facility within three months~~
27 ~~90 days of notification. An extension of no more than 90 days shall be granted if the designated evaluator or~~
28 ~~applicant requests one.~~

29 (f) The entire fee of three hundred seventy five dollars (\$375.00) shall be due 10 days after the applicant receives
30 notice of the inspection of each additional location at which the dentist administers sedation.

31 ~~(h) (g)~~ The evaluator shall assign a grade of pass or fail and shall report his or her recommendation to the Board,
32 setting out the basis for his or her conclusion. The ~~Board, Board's Anesthesia and Sedation Committee~~ is not bound
33 by the evaluator's recommendation and shall make a final determination regarding whether the applicant has passed
34 the evaluation. The applicant shall be notified of the Committee's Board's decision in writing.

35 (h) An applicant who fails an inspection or an evaluation shall not receive a sedation permit.

36 (i) An applicant who fails an inspection or evaluation may request a re-evaluation or re-inspection within 15 days of
37 receiving the notice of failure. The request shall state specific grounds supporting it. The Board shall require the

1 applicant to receive additional training prior to the re-evaluation to address the areas of deficiency determined by the
2 evaluation.

3 (j) Re-inspections and re-evaluations shall be conducted by evaluators not involved in the failed inspection or
4 evaluation.

5 (k) An applicant who does not pass the evaluation and inspection within the time allowed by Paragraph (e) of this
6 Rule shall reapply and pay an additional three hundred seventy five dollar (\$375.00) fee.

7 ~~(i) (l) A dentist who holds a moderate conscious sedation, moderate conscious sedation limited to oral routes and~~
8 ~~nitrous oxide inhalation or moderate pediatric conscious sedation permit shall not intentionally administer deep~~
9 ~~sedation sedation. although deep sedation may occur briefly and unintentionally.~~

10 ~~(j) A dentist may obtain a moderate conscious sedation permit limited to oral routes of administration and nitrous~~
11 ~~oxide inhalation, including the ability to add supplemental dosing to the techniques set out in Rule .0101(23) of this~~
12 ~~Subchapter upon compliance with the following requirements:~~

13 ~~(1) — successfully complete 24 hours of didactic training and manage at least 10 adult case experiences,~~
14 ~~including at least three live clinical dental experiences. The live clinical cases shall not be handled~~
15 ~~by groups with more than five student participants. The remaining cases may include simulations,~~
16 ~~video presentations or both, but must include one experience in returning/rescuing a patient from~~
17 ~~deep to moderate sedation; or~~

18 ~~(2) — document, with patient names and dates of completion, at least 100 cases of oral moderate~~
19 ~~conscious sedation procedures successfully completed within one year preceding June 3, 2008;~~
20 ~~and fulfill all the requirements listed in Rule .0401 of this Subchapter for minimal conscious~~
21 ~~sedation.~~

22 ~~(k) A dentist who is qualified to administer general anesthesia, moderate conscious sedation or moderate pediatric~~
23 ~~conscious sedation and holds a general anesthesia, moderate conscious sedation permit or a moderate pediatric~~
24 ~~conscious sedation permit may administer minimal conscious sedation or moderate conscious sedation limited to~~
25 ~~oral routes without obtaining an additional a separate minimal conscious sedation permit.~~

26 ~~(l) Any dentist who holds an active parenteral conscious sedation permit as of October 1, 2007 shall be deemed to~~
27 ~~hold an active moderate conscious sedation permit. Such permits shall be subject to the renewal requirements set~~
28 ~~out in Rule .0501 of this Subchapter.~~

29
30 *History Note: Authority G.S. 90-28; 90-30.1;*

31 *Eff. February 1, 1990;*

32 *Amended Eff. April 1, 2001; August 1, 2000; January 1, 1994;*

33 *Temporary Amendment Eff. December 11, 2002;*

34 *Amended Eff. October 1, 2015; July 1, 2010, July 3, 2008; August 1, 2004.*

21 NCAC 16Q .0305 is proposed for adoption as follows:

**21 NCAC 16Q .0305 ANNUAL RENEWAL OF MODERATE CONSCIOUS SEDATION PERMIT
REQUIRED**

(a) Moderate conscious sedation permits shall be renewed by the Board annually at the same time as dental licenses by paying a one hundred dollar (\$100.00) fee and completing an application available from the Board's website: www.ncdentalboard.org.

(b) If the completed permit renewal application and renewal fee are not received before January 31 of each year, a one hundred dollar (\$100.00) late fee shall be paid.

(c) Any dentist who fails to renew a moderate conscious sedation permit before March 31 of each year shall complete a reinstatement application, pay the renewal fee, late fee and comply with all conditions for renewal set out in this Rule. Dentists whose sedation permits have been lapsed for more than 12 calendar months shall pass a facilities inspection and an evaluation as part of the reinstatement process.

(d) A dentist who administers moderate conscious sedation in violation of this Rule shall be subject to the penalties prescribed by Rule .0701 of this Section.

(e) As a condition for renewal of the moderate conscious sedation permit the applicant shall meet the clinical equipment requirements of Rule .0302 of this Section and shall document:

(1) six hours of continuing education each year in one or more of the following areas, which may be counted toward fulfillment of the continuing education required each calendar year for license renewal:

(A) sedation;

(B) medical emergencies;

(C) monitoring IV sedation and the use of monitoring equipment;

(D) pharmacology of drugs and agents used in IV sedation;

(E) physical evaluation, risk assessment, or behavioral management; or

(F) airway management; and

(2) current ACLS, which shall not count towards the six hours of continuing education required in Subparagraph (e) (1) of this Rule.

(3) that the permit holder and all auxiliaries have practiced responding to dental emergencies as a team at least once every six months in the preceding year;

(4) that the permit holder and all auxiliaries have read the practice's emergency manual in the preceding year; and

(5) that all auxiliaries have completed BLS and six hours of continuing education in medical emergencies annually.

(f) All applicants for renewal of a moderate conscious sedation permit shall be in good standing with the Board.

History Note: Authority G.S. 90-28; 90-30.1; 90-48;

Eff. October 1, 2015

21 NCAC 16Q .0306 is proposed for adoption as follows:

**21 NCAC 16Q .0306 PROCEDURE FOR MODERATE CONSCIOUS SEDATION EVALUATION OR
INSPECTION AND REINSPECTION**

(a) When an evaluation or on-site inspection is required, the Board will designate one or more qualified persons, each of whom has administered moderate conscious sedation for at least three years preceding the inspection, exclusive of his or her training in moderate conscious sedation.

(b) An inspection fee of three hundred seventy five dollars (\$375.00) shall be due 10 days after the dentist receives notice of the inspection of each additional location at which the dentist administers moderate conscious sedation.

(c) Any dentist-member of the Board may observe or consult in any evaluation.

(d) The inspection team shall determine compliance with the requirements of the Rules in this Subchapter, as applicable, by assigning a grade of "pass" or "fail."

(e) Each evaluator shall report his or her recommendation to the Board's Anesthesia and Sedation Committee, setting forth the details supporting his or her conclusion. The Committee is not bound by these recommendations. The Committee shall determine whether the applicant has passed the evaluation or inspection and shall notify the applicant in writing of its decision.

(f) An applicant who fails an inspection or evaluation shall not receive a permit to administer moderate conscious sedation. If a permit holder fails an evaluation, the permit will be summarily suspended. If a permit holder's facility fails an inspection, no further sedation procedures may be performed at the facility until it passes a re-inspection by the Board.

(g) An applicant who fails an inspection or evaluation may request a re-evaluation or re-inspection within 15 days of receiving the notice of failure. The request shall include a statement of the grounds supporting the re-evaluation or re-inspection. The Board shall require the applicant to receive additional training prior to the re-evaluation to address the areas of deficiency determined by the evaluation.

(h) Re-evaluations and re-inspections shall be conducted by Board-appointed evaluators not involved in the failed evaluation or inspection.

History Note: Authority G.S. 90-28; 90-30.1; 90-39;

Eff. October 1, 2015.

21 NCAC 16Q .0404 is proposed for adoption as follows:

21 NCAC 16Q .0404 CREDENTIALS AND PERMITS FOR MODERATE PEDIATRIC CONSCIOUS SEDATION

(a) Before a dentist licensed to practice in North Carolina may administer moderate pediatric conscious sedation, the dentist shall obtain a general anesthesia or moderate pediatric conscious sedation permit from the Board by completing an application form and paying a fee of three hundred seventy-five dollars (\$375.00). The application form is available on the Board's website: www.ncdentalboard.org. The permit shall be renewed annually and shall be displayed with the current renewal at all times in the permit holder's facility where it is visible to patients receiving treatment.

(b) A dentist applying for a permit to administer moderate pediatric conscious sedation shall meet at least one of the following criteria:

(1) completion of a postgraduate program which included pediatric intravenous conscious sedation training;

(2) completion of a Council On Dental Accreditation (CODA) approved pediatric residency which included intravenous conscious sedation training;

(3) completion of a pediatric degree or pediatric residency at a CODA approved institution that includes training in the use and placement of IVs or intraosseous vascular access.

(c) All applicants for moderate pediatric conscious sedation permits shall have completed the training required by Paragraph (b) of this Rule within the last two years or show evidence of moderate pediatric conscious sedation practice within the last two years in another state or U.S. Territory.

(d) All applicants for moderate pediatric conscious sedation permits shall be in good standing with the Board.

(e) Before receiving a moderate pediatric sedation permit, the applicant shall pass an evaluation and a facility inspection. The Board shall direct an evaluator to perform this evaluation and inspection. The Board shall notify the applicant in writing that an evaluation and facility inspection is required and provided with the name of the evaluator who shall perform the evaluation and facility inspection at least 15 days before the inspection and evaluation. The applicant shall be responsible for successful completion of the evaluation and inspection of his or her facility within 90 days of notification. An extension of no more than 90 days shall be granted if the designated evaluator or applicant requests one.

(f) An additional fee of three hundred seventy five dollars (\$375.00) shall be due 10 days after the applicant receives notice of the inspection of each additional location at which the dentist administers sedation.

(g) The evaluator shall assign a grade of pass or fail and shall report his or her recommendation to the Board, setting out the basis for his or her conclusion. The Board's Anesthesia and Sedation Committee is not bound by the evaluator's recommendation and shall make a final determination regarding whether the applicant has passed the evaluation. The applicant shall be notified of the Committee's decision in writing.

(h) An applicant who fails an inspection or an evaluation shall not receive a sedation permit.

(i) An applicant who fails an inspection or evaluation may request a re-evaluation within 15 days of receiving the notice of failure. The request shall state specific grounds supporting it. The Board shall require the applicant to receive additional training prior to the re-evaluation to address the areas of deficiency determined by the evaluation.

(i) Re-inspections shall be conducted by evaluators not involved in the failed inspection or evaluation.

(k) An applicant who does not pass the evaluation and inspection within the time allowed by Paragraph (g) of this Rule shall reapply and pay an additional three hundred seventy five dollar (\$375.00) fee.

(l) A dentist who holds a moderate pediatric conscious sedation permit shall not intentionally administer deep sedation.

History Note: Authority G.S. 90-28; 90-30.1;

Eff. October 1, 2015.

21 NCAC 16Q .0407 is proposed for adoption as follows:

**21 NCAC 16Q .0407 ANNUAL RENEWAL OF MODERATE PEDIATRIC CONSCIOUS SEDATION
PERMIT REQUIRED**

(a) Moderate pediatric conscious sedation permits shall be renewed by the Board annually at the same time as dental licenses by paying a one hundred (\$100.00) fee and completing an application available from the Board's website: www.ncdentalboard.org.

(b) If the completed renewal application and renewal fee are not received before January 31 of each year, a one hundred (\$100.00) late fee shall be paid.

(c) Any dentist who fails to renew a moderate pediatric conscious sedation permit before March 31 of each year shall complete a reinstatement application, pay the renewal fee, late fee and comply with all conditions for renewal set out in this Rule. Dentists whose sedation permits have been lapsed for more than 12 calendar months shall pass a facilities inspection and an evaluation as part of the reinstatement process.

(d) Continued administration of level of sedation in violation of this Rule shall be unlawful and shall subject the dentist to the penalties prescribed by Rule .0701 of this Section.

(e) As a condition for renewal of the moderate pediatric conscious sedation permit, the permit holder shall meet the clinical and equipment requirements of Rule .0405 of this Section and:

(1) document six hours of continuing education each year in one or more of the following areas, which may be counted toward fulfillment of the continuing education required each calendar year for license renewal:

(A) sedation;

(B) medical emergencies;

(C) monitoring IV sedation and the use of monitoring equipment;

(D) pharmacology of drugs and agents used in IV sedation;

(E) physical evaluation, risk assessment, or behavioral management; or

(F) airway management; and

(2) document current PALS, which shall not count towards the six hours of continuing education required in Subparagraph (e)(1) of this rule;

(3) document that the permit holder and all auxiliaries have practiced responding to dental emergencies as a team at least once every six months in the preceding year.

(4) document that the permit holder and all auxiliaries have read the practice's emergency manual in the preceding year.

(5) document that all auxiliaries have completed BLS and six hours of continuing education in medical emergencies annually.

(f) All applicants for renewal of a moderate pediatric conscious sedation permit shall be in good standing with the Board.

History Note: Authority G.S. 90-28; 90-30.1; 90-48;

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Eff. October 1, 2015.

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21 NCAC 16Q .0408 is proposed for adoption as follows:

**21 NCAC 16Q .0408 PROCEDURE FOR MODERATE PEDIATRIC SEDATION EVALUATION OR
INSPECTION AND REINSPECTION**

(a) When an evaluation or on-site inspection is required, the Board will designate one or more qualified persons, each of whom has administered moderate pediatric sedation for at least three years preceding the inspection, exclusive of his or her training in moderate pediatric sedation.

(b) An inspection fee of three hundred seventy five dollars (\$375.00) shall be due 10 days after the dentist receives notice of the inspection of each additional location at which the dentist administers moderate pediatric sedation.

(c) Any dentist-member of the Board may observe or consult in any evaluation.

(d) The inspection team shall determine compliance with the requirements of the Rules in this Subchapter, as applicable, by assigning a grade of "pass" or "fail."

(e) Each evaluator shall report his or her recommendation to the Board's Anesthesia and Sedation Committee, setting forth the details supporting his or her conclusion. The Committee is not bound by these recommendations. The Committee shall determine whether the applicant has passed the evaluation or inspection and shall notify the applicant in writing of its decision.

(f) An applicant who fails an inspection or evaluation shall not receive a permit to administer pediatric sedation. If a permit holder fails an evaluation, the permit will be summarily suspended. If a permit holder's facility fails an inspection, no further sedation procedures may be performed at the facility until it passes a re-inspection by the Board.

(g) An applicant who fails an inspection or evaluation may request a re-evaluation or re-inspection within 15 days of receiving the notice of failure. The request shall include a statement of the grounds supporting the re-evaluation or re-inspection. The Board shall require the applicant to receive additional training prior to the re-evaluation to address the areas of deficiency determined by the evaluation.

(h) Re-evaluations and re-inspections shall be conducted by Board-appointed evaluators not involved in the failed evaluation or inspection.

*History Note: Authority G.S. 90-28; 90-30.1; 90-39;
 Eff. October 1, 2015.*

1 SECTION .0500 ~~MODERATE CONSCIOUS SEDATION LIMITED TO ORAL ROUTES AND NITROUS~~
2 ~~OXIDE~~

4 21 NCAC 16Q .0501 is proposed for repeal as follows:

6 **21 NCAC 16Q .0501 ANNUAL RENEWAL REQUIRED**

7 ~~(a) General anesthesia and all sedation permits shall be renewed by the Board annually. Such renewal shall be~~
8 ~~accomplished in conjunction with the license renewal process, and applications for permits shall be made at the~~
9 ~~same time as applications for renewal of licenses. A one hundred (\$100.00) annual renewal fee shall be paid at the~~
10 ~~time of renewal.~~

11 ~~(b) All sedation permits shall be subject to the same renewal deadlines as are dental practice licenses, in accordance~~
12 ~~with G.S. 90-31. If the permit renewal application is not received by the date specified in G.S. 90-31, continued~~
13 ~~administration of general anesthesia or any level of conscious sedation shall be unlawful and shall subject the dentist~~
14 ~~to the penalties prescribed by Section .0700 of this Subchapter.~~

15 ~~(c) As a condition for renewal of the general anesthesia permit, the permit holder shall meet the requirements of 21~~
16 ~~NCAC 16Q .0202 and document current, successful completion of advanced cardiac life support (ACLS) training,~~
17 ~~or its age-specific equivalent or other equivalent course, and auxiliary personnel shall document annual, successful~~
18 ~~completion of basic life support (BLS) training.~~

19 ~~(d) As a condition for renewal of the moderate conscious sedation permit or moderate pediatric conscious sedation~~
20 ~~permit, the permit holder shall meet the requirements of 21 NCAC 16Q .0302 and:~~

21 ~~(1) — document annual, successful completion of BLS training and obtain three hours of continuing~~
22 ~~education each year in one or more of the following areas, which may be counted toward~~
23 ~~fulfillment of the continuing education required each calendar year for license renewal:~~

24 ~~(A) — sedation;~~

25 ~~(B) — medical emergencies;~~

26 ~~(C) — monitoring IV sedation and the use of monitoring equipment;~~

27 ~~(D) — pharmacology of drugs and agents used in IV sedation;~~

28 ~~(E) — physical evaluation, risk assessment, or behavioral management;~~

29 ~~(F) — audit ACLS/Pediatric Advanced Life Support (PALS) courses; and~~

30 ~~(G) — airway management; or~~

31 ~~(2) — document current, successful completion of ACLS training or its age-specific equivalent, or other~~
32 ~~equivalent course and annual successful completion of BLS.~~

33 ~~(e) moderate pediatric conscious sedation permit holders must have current PALS at all times.~~

34 ~~(f) As a condition for renewal of the minimal conscious sedation permit and the moderate conscious sedation permit~~
35 ~~limited to oral routes and nitrous oxide inhalation, the permit holder shall meet the requirements of 16Q .0402 and~~
36 ~~shall document annual, successful completion of BLS training and obtain six hours of continuing education every~~

1 ~~two years in one or more of the following areas, which may be counted toward fulfillment of the continuing~~
2 ~~education required each calendar year for license renewal:~~

- 3 (1) ~~pediatric or adult sedation;~~
- 4 (2) ~~medical emergencies;~~
- 5 (3) ~~monitoring sedation and the use of monitoring equipment;~~
- 6 (4) ~~pharmacology of drugs and agents used in sedation;~~
- 7 (5) ~~physical evaluation, risk assessment, or behavioral management; or~~
- 8 (6) ~~audit ACLS/PALS courses; and~~
- 9 (7) ~~airway management.~~

10 ~~(g) Any dentist who fails to renew a general anesthesia or sedation permit on or before March 31 of each year must~~
11 ~~complete a reinstatement application, pay the one hundred dollar (\$100.00) renewal fee and a one hundred dollar~~
12 ~~(\$100.00) penalty and comply with all conditions for renewal set out in this Rule for the permit sought. Dentists~~
13 ~~whose anesthesia or sedation permits have been lapsed for more than 12 calendar months must pass a facilities~~
14 ~~inspection as part of the reinstatement process.~~

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16 *History Note: Authority G.S. 90-28; 90-30.1; 90-48;*
17 *Eff. February 1, 1990;*
18 *Amended Eff. August 1, 2002;*
19 *Transferred and Recodified from 16Q .0401 to 16Q .0501;*
20 *Temporary Amendment Eff. December 11, 2002;*
21 *Amended Eff. November 1, 2013; July 3, 2008; August 1, 2004.*
22 *Repealed Eff. October 1, 2015.*
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