



## NOTICE OF TEXT [Authority G.S. 150B-21.2(c)]

**OAH USE ONLY**

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

Notice with a scheduled hearing

Notice without a scheduled hearing

Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.

Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: [Board of Dental Examiners](#)

2. Link to agency website pursuant to G.S. 150B-19.1(c): [www.ncdentalboard.org](http://www.ncdentalboard.org)

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

ADOPTION: [21 NCAC 16Q .0102, .0506-.0507](#)

AMENDMENT: [21 NCAC 16Q .0206-.0207, .0305, .0407, .0504-.0505](#)

REPEAL:

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: [07/01/2021](#)

5. Is a public hearing planned? [Yes](#)

If yes:

| Date                       | Time                    | Location  |
|----------------------------|-------------------------|---|
| <a href="#">04/08/2021</a> | <a href="#">6:30 pm</a> | <a href="#">2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560</a> |

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

**7. Explain Reason For Proposed Rule(s):**

21 NCAC 16Q .0102 is proposed to list all common application requirements for all the sedation/general anesthesia permits.  
21 NCAC 16Q .0506 is proposed to address minimal conscious sedation permit renewal and reinstatement, consistent with the other permits.  
21 NCAC 16Q .0507 is proposed to address the procedure for evaluation or inspection, consistent with the other permits.  
21 NCAC 16Q .0206 is proposed for amendment to add the required equipment and medications for itinerant permit holders.  
21 NCAC 16Q .0207, 21 NCAC 16Q .0305, and 21 NCAC 16Q .0407 are proposed for amendment to add an explicit good standing requirement for permit reinstatement and to make other technical changes for consistency.  
21 NCAC 16Q .0504 is proposed for amendment to cover required credentials and procedure to obtain a permit and cross-references the new Rule .0102 for the application requirements.  
21 NCAC 16Q .0505 is proposed for amendment to cover the clinical requirements and equipment, as well as the content of an inspection or evaluation, consistent with the other permit levels.

**8. Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

**Rule(s) is automatically subject to legislative review. Cite statutory reference:**

**9. The person to whom written comments may be submitted on the proposed rule(s):**

Name: Bobby White  
Address: 2000 Perimeter Park Drive, Suite 160  
Morrisville, NC 27560  
Phone (optional):  
Fax (optional):  
EMail (optional)

**10. Comment Period Ends: 05/14/2021**

**11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

No fiscal note required

**12. Rule-making Coordinator:**

Name: Doug Brocker  
919-424-6334  
doug@brockerlawfirm.com

**Agency contact, if any:**

Name:  
Phone:  
Email:

**13. The Agency formally proposed the text of this rule(s) on**

**Date: 02/12/2021**

1 21 NCAC 16Q .0102 is proposed for adoption as follows:

2  
3 **21 NCAC 16Q .0102 APPLICATION FOR GENERAL ANESTHESIA OR SEDATION PERMIT,**  
4 **PERMIT RENEWAL, AND PERMIT REINSTATEMENT**

5 (a) An applicant for a general anesthesia or sedation permit shall be licensed and in good standing with the Board.

6 (b) All permit applications shall be made on the forms furnished by the Board at [www.ncdentalboard.org](http://www.ncdentalboard.org) and shall  
7 include:

8 (1) the full name;

9 (2) the mailing address;

10 (3) the North Carolina dental license number;

11 (4) a telephone number; and

12 (5) an email address.

13 (c) In addition to the information in Paragraph (b) of this Rule, all applications for a general anesthesia, moderate  
14 conscious sedation, moderate pediatric conscious sedation, or minimal conscious sedation permit shall include:

15 (1) the addresses of all dental offices where the applicant intends to use general anesthesia or sedation;

16 (2) dental education, including dental school name, dates attended, degree received, and any other  
17 dental post-graduate education or specialty degrees received;

18 (3) a resume or curriculum vitae;

19 (4) the names of and copies of unexpired BLS certifications for any auxiliaries that will assist the  
20 applicant with general anesthesia or sedation;

21 (5) a statement disclosing and explaining any instances of patient mortality or morbidity in connection  
22 with applicant's prior use of general anesthesia or sedation; and

23 (6) documentation of the required qualifications for the permit for which the applicant is applying, as  
24 set out in Rule .0201, .0301, .0404, or .0504 of this Subchapter.

25 (d) In addition to the information in Paragraph (b) of this Rule, all applications for an itinerant permit shall include:

26 (1) North Carolina general anesthesia or sedation permit number; and

27 (2) a statement of compliance with the requirements for the itinerant permit for which the applicant is  
28 applying, as set out in Rule .0206, .0304, or .0406 of this Subchapter.

29 (e) All applications for renewal of a general anesthesia or sedation permit shall be submitted electronically through  
30 the Board's website, [www.ncdentalboard.org](http://www.ncdentalboard.org), and shall include:

31 (1) the full name;

32 (2) the permit number and expiration date;

33 (3) the addresses of all dental offices where the permit holder uses general anesthesia or sedation; and

34 (4) a statement disclosing and explaining any instances of patient mortality or morbidity in connection  
35 with use of general anesthesia or sedation that occurred during the calendar year preceding the  
36 application and that were not previously disclosed to the Board.

1 (f) All applications for reinstatement of a general anesthesia or sedation permit shall be made on forms furnished by  
2 the Board at [www.ncdentalboard.org](http://www.ncdentalboard.org) and shall include:

- 3 (1) the full name;
- 4 (2) the permit number and date of issuance;
- 5 (3) the mailing address;
- 6 (4) the North Carolina dental license number;
- 7 (5) the addresses of all dental offices where the applicant intends to use general anesthesia or sedation;  
8 and
- 9 (6) a statement disclosing and explaining any instances of patient mortality or morbidity in connection  
10 with use of general anesthesia or sedation that occurred during the calendar year preceding the  
11 application.

12 (g) Any permit obtained through fraud or by any false representation shall be revoked.

13  
14 *History Note: Authority G.S. 90-28; 90-30.1;*  
15 *Eff. \_\_\_\_\_.*  
16

1 21 NCAC 16Q .0206 is proposed for amendment as follows:

2  
3 **21 NCAC 16Q .0206 ITINERANT (MOBILE) GENERAL ANESTHESIA PERMIT, EQUIPMENT AND**  
4 **EVALUATION**

5 (a) A dentist who holds a general anesthesia permit from the Board and who wishes to provide general anesthesia or  
6 other sedation services in the office of another practitioner shall obtain a mobile general anesthesia permit from the  
7 Board by completing the application requirements of this Rule and paying a one hundred dollar (\$100.00) application  
8 fee and a two-hundred seventy-five dollar (\$275.00) inspection fee. No mobile permit shall be required to administer  
9 general anesthesia in a hospital or credentialed surgery center.

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

13 (c) The permit holder shall maintain in good working order the following equipment: equipment required by Rule  
14 .0202(a)(1) of this Section.

15 (1) small, medium, and large supraglottic airways devices;

16 (2) small, medium, and large anesthesia circuits;

17 (3) rebreathing device;

18 (4) scavenging system;

19 (5) intermittent compression devices;

20 (6) gastric suction device;

21 (7) endotracheal tube and pulmonary suction device;

22 (8) equipment for performing emergency cricothyrotomies and delivering positive pressure ventilation;  
23 and

24 (9) the equipment required by Rule .0202(a)(1) of this Section.

25 (d) ~~The~~ A neuromuscular blocking agent, an anti-malignant hyperthermia agent, and the unexpired medications  
26 required by Rule .0202(a)(2) of this Section shall be on ~~site~~ site, unexpired, and available to the permit holder.

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

28 (f) Prior to administering general anesthesia or sedation at another provider's office, the mobile permit holder shall  
29 inspect the host facility within 24 business hours before each procedure and shall ensure that:

30 (1) the operator's size and design permit emergency management and access of emergency equipment  
31 and personnel;

32 (2) there is a CPR board or dental chair without enhancements suitable for providing emergency  
33 treatment;

34 (3) there is lighting to permit performance of all procedures planned for the facility;

35 (4) there is suction equipment, including non-electrical back-up suction; and

36 (5) the facility shall be staffed with at least two BLS certified auxiliaries, one of whom shall be  
37 dedicated to patient monitoring and recording general anesthesia or sedation data throughout the

1                   sedation procedure. This Subparagraph shall not apply if the dentist permit holder is dedicated to  
2                   patient care and monitoring regarding general anesthesia or sedation throughout the sedation  
3                   procedure and is not performing the surgery or other dental procedure.

4 (g) Upon inspection, the permit holder shall document that the facility where the general anesthesia or sedation  
5 procedure will be performed was inspected and that it met the requirements of Paragraph (f) of this Rule. The permit  
6 holder shall retain the inspection and compliance record required by this Paragraph for 10 years following the  
7 procedure and provide these records to the Board upon request.

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

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

11  
12 *History Note: Authority G.S. 90-28; 90-30.1; 90-39; 90-48;*  
13 *Eff. June 1, 2017;*  
14 *Amended Eff. \_\_\_\_\_; August 1, 2018.*  
15  
16

1 21 NCAC 16Q .0207 is proposed for amendment as follows:

2  
3 **21 NCAC 16Q .0207 ANNUAL RENEWAL OF GENERAL ANESTHESIA AND ITINERANT**  
4 **(MOBILE) GENERAL ANESTHESIA PERMIT REQUIRED**

5 (a) General anesthesia permits and itinerant general anesthesia permits shall be renewed by the Board annually at the  
6 same time as dental ~~licenses by the dentist paying licenses.~~ For each permit to be renewed, the permit holder shall pay  
7 a one-hundred dollar (\$100.00) fee and ~~completing~~ complete the renewal application requirements of this Rule. If the  
8 completed ~~general anesthesia and itinerant general anesthesia~~ permit renewal application and renewal fee are not  
9 received before midnight on January 31 of each year, a fifty dollar (\$50.00) late fee shall be ~~paid~~ charged. The renewal  
10 application shall be submitted electronically through the Board's website, www.ncdentalboard.org, and shall include  
11 the information required by Rule .0102(e) of this Subchapter and a report of compliance with the conditions for  
12 renewal in Paragraph (d) of this Rule.

13 (b) ~~Itinerant general anesthesia permits shall be renewed by the Board annually at the same time as dental licenses by~~  
14 ~~paying a one hundred dollar (\$100.00) fee and completing the application requirements of this Rule. The application~~  
15 ~~is available on the Board's website: www.ncdentalboard.org. If the completed itinerant general sedation permit~~  
16 ~~application and renewal fee are not received before January 31 of each year, a fifty dollar (\$50.00) late fee shall be~~  
17 ~~paid.~~

18 (e)(b) Any ~~dentist permit holder~~ who fails to renew a general anesthesia permit or itinerant general anesthesia permit  
19 before March 31 of each year shall complete a reinstatement application, pay the renewal fee, ~~fee and late fee, fee set~~  
20 out in Paragraph (a) of this Rule, and comply with all conditions for renewal set out in this Rule. Dentists whose  
21 general anesthesia permits or itinerant general anesthesia permits have been lapsed for more than 12 calendar months  
22 shall pass an inspection and an evaluation as part of the reinstatement process. ~~process in accordance with Rules .0202~~  
23 and .0204 of this Section. All applicants for reinstatement of a permit shall be in good standing. All applications for  
24 reinstatement of a permit shall be submitted on forms furnished by the Board at www.ncdentalboard.org and shall  
25 include the information required by Rule .0102(f) of this Subchapter and a report of compliance with the conditions  
26 for renewal set out in Paragraph (d) of this Rule.

27 (d)(c) A dentist who administers general anesthesia in violation of this Rule shall be subject to the penalties prescribed  
28 by Rule .0701 of this Subchapter.

29 (e)(d) As a condition for renewal of the general anesthesia permit and itinerant general anesthesia permit, the ~~general~~  
30 ~~anesthesia~~-permit holder shall meet the clinical equipment and requirements set out in Rule .0202 of this ~~Section and~~  
31 Section, the itinerant general anesthesia permit holder shall ~~maintain~~ also meet the clinical equipment and  
32 requirements set out in Rule .0206 of this ~~Section~~ Section, and the permit holder shall document the following:

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

36 (A) sedation;

37 (B) medical emergencies;

- 1 (C) monitoring IV sedation and the use of monitoring equipment;  
2 (D) pharmacology of drugs and agents used in general anesthesia and IV sedation;  
3 (E) physical evaluation, risk assessment, or behavioral management; or  
4 (F) airway management;
- 5 (2) unexpired ACLS certification, which shall not count towards the six hours of continuing education  
6 required in Subparagraph ~~(e)(1)(d)(1)~~ of this Rule;
- 7 (3) that the permit holder and all auxiliaries involved in anesthesia or sedation procedures have  
8 practiced responding to dental emergencies as a team at least once every six months in the preceding  
9 year;
- 10 (4) that the permit holder and all auxiliaries involved in anesthesia or sedation procedures have read the  
11 practice's emergency manual in the preceding year; and
- 12 (5) that all auxiliaries involved in sedation procedures have completed BLS certification and three hours  
13 of continuing education annually in any of the areas set forth in Subparagraph ~~(e)(1)(d)(1)~~ of this  
14 Rule.

15 ~~(e)~~ All Absent a Board order stating otherwise, all permit holders applying for renewal of a general anesthesia  
16 permit or itinerant general anesthesia permit shall be in good standing and their office shall be subject to inspection  
17 by the Board.

18  
19 *History Note: Authority G.S. 90-28; 90-30.1; 90-31; 90-39(12); 90-48;*  
20 *Eff. June 1, 2017;*  
21 *Amended Eff. \_\_\_\_\_; August 1, 2018.*  
22  
23



1 21 NCAC 16Q .0305 is proposed for amendment as follows:

2  
3 **21 NCAC 16Q .0305 ANNUAL RENEWAL OF MODERATE PARENTERAL AND ENTERAL**  
4 **CONSCIOUS SEDATION PERMIT REQUIRED**

5 (a) Moderate conscious sedation permits and itinerant moderate conscious sedation permits shall be renewed by the  
6 Board annually at the same time as dental ~~licenses by the dentist paying~~ licenses. For each permit to be renewed, the  
7 permit holder shall pay a one-hundred dollar (\$100.00) fee and ~~completing~~ complete the renewal application  
8 requirements in this Rule. If the completed permit renewal application and renewal fee are not received before  
9 midnight on January 31 of each year, a fifty dollar (\$50.00) late fee shall be ~~paid~~ charged. The renewal application  
10 shall be submitted electronically through the Board's website, www.ncdentalboard.org, and shall include the  
11 information required by Rule .0102(e) of this Subchapter and a report of compliance with the conditions for renewal  
12 in Paragraph (d) of this Rule.

13 ~~(b) Itinerant moderate conscious sedation permits shall be renewed by the Board annually at the same time as dental~~  
14 ~~licenses by paying a one hundred dollar (\$100.00) fee and completing the application requirements in this Rule. If the~~  
15 ~~completed permit renewal application and renewal fee are not received before January 31 of each year, a fifty dollar~~  
16 ~~(\$50.00) late fee shall be paid.~~

17 ~~(e)(b)~~ Any ~~dentist~~ permit holder who fails to renew a moderate conscious sedation permit or ~~itinerate~~ itinerant  
18 moderate conscious sedation permit before March 31 of each year shall complete a reinstatement application, pay the  
19 renewal fee, ~~fee and late fee, fee~~ set out in Paragraph (a) of this Rule, and comply with all conditions for renewal set  
20 out in this Rule. Dentists whose moderate conscious sedation permits or itinerant moderate conscious sedation permits  
21 have been lapsed for more than 12 calendar months shall pass an inspection and an evaluation as part of the  
22 reinstatement ~~prœess~~ process in accordance with Rules .0302 and .0306 of this Section. All applicants for  
23 reinstatement of a permit shall be in good standing. All applications for reinstatement of a permit shall be submitted  
24 on forms furnished by the Board at www.ncdentalboard.org and shall include the information required by Rule  
25 .0102(f) of this Subchapter and a report of compliance with the conditions for renewal set out in Paragraph (d) of this  
26 Rule.

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

29 ~~(e)(d)~~ As a condition for renewal of the moderate conscious sedation permit and ~~itinerate~~ itinerant moderate conscious  
30 sedation permit, the permit holder shall meet the clinical and equipment requirements ~~of Rules set out in Rule .0302~~  
31 of this Section, the itinerant moderate conscious sedation permit holder shall also meet the clinical and equipment  
32 requirements set out in Rule ~~and~~ .0304 of this Section-Section, and the permit holder shall document the following:

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

36 (A) sedation;

37 (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;

(2) unexpired ACLS certification, which shall not count towards the six hours of continuing education required in Subparagraph ~~(e)(4)~~(d)(1) of this Rule;

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

(5) that all auxiliaries involved in sedation procedures have completed BLS certification and three hours of continuing education annually in any of the areas set forth in Subparagraph ~~(e)(4)~~(d)(1) of this Rule.

~~(f)(e)~~ ~~All~~ Absent a Board order stating otherwise, all permit holders applying for renewal of a moderate conscious sedation permit or ~~itinerant~~ itinerant moderate conscious sedation permit shall be in good standing and their office shall be subject to inspection by the Board.

*History Note: Authority G.S. 90-28; 90-30.1; 90-31; 90-39(12); 90-48;*  
*Eff. June 1, 2017;*  
*Amended Eff. \_\_\_\_\_; August 1, 2018.*

1 21 NCAC 16Q .0407 is proposed for amendment as follows:

2  
3 **21 NCAC 16Q .0407 ANNUAL RENEWAL OF MODERATE PEDIATRIC CONSCIOUS SEDATION**  
4 **PERMIT REQUIRED**

5 (a) Moderate pediatric conscious sedation permits ~~and itinerant moderate pediatric conscious sedation permits shall~~  
6 ~~be renewed by the Board annually at the same time as dental licenses by the dentist paying licenses. For each permit~~  
7 ~~to be renewed, the permit holder shall pay a one-hundred dollar (\$100.00) fee and completing complete the renewal~~  
8 ~~application requirements in this Rule. If the completed renewal application and renewal fee are not received before~~  
9 ~~midnight on January 31 of each year, a fifty (\$50.00) dollar late fee shall be charged. The renewal application shall~~  
10 ~~be submitted electronically through the Board's website, www.ncdentalboard.org, and shall include the information~~  
11 ~~required by Rule .0102(e) of this Subchapter and a report of compliance with the conditions for renewal in Paragraph~~  
12 ~~(d) of this Rule.~~

13 ~~If the completed renewal application and renewal fee are not received before January 31 of each year, a fifty (\$50.00)~~  
14 ~~dollar late fee shall be paid.~~

15 (b) ~~Itinerant moderate pediatric conscious sedation permits shall be renewed by the Board annually at the same time~~  
16 ~~as dental licenses by paying a one hundred dollar (\$100.00) fee and completing the application requirements in this~~  
17 ~~Rule. If the completed permit renewal application and renewal fee are not received before January 31 of each year, a~~  
18 ~~fifty dollar (\$50.00) late fee shall be paid.~~

19 (e)(b) Any ~~dentist permit holder~~ who fails to renew a moderate pediatric conscious sedation permit or itinerant  
20 moderate pediatric conscious sedation permit before March 31 of each year shall complete a reinstatement application,  
21 pay the renewal fee, ~~fee and late fee,~~ fee set out in Paragraph (a) of this Rule, and comply with all conditions for  
22 renewal set out in Paragraphs (d) and (e) of this Rule. Dentists whose moderate pediatric conscious sedation permits  
23 or itinerant moderate pediatric conscious sedation permits have been lapsed for more than 12 calendar months shall  
24 pass an inspection and an evaluation as part of the reinstatement ~~process-process in accordance with Rules .0405 and~~  
25 ~~.0408 of this Section. All applicants for reinstatement of a permit shall be in good standing. All applications for~~  
26 ~~reinstatement of a permit shall be submitted on forms furnished by the Board at www.ncdentalboard.org and shall~~  
27 ~~include the information required by Rule .0102(f) of this Subchapter and a report of compliance with the conditions~~  
28 ~~for renewal set out in Paragraph (d) of this Rule.~~

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

31 (e)(d) As a condition for renewal of the moderate pediatric conscious sedation permit and itinerant moderate pediatric  
32 conscious sedation permit, the permit holder shall meet the clinical and equipment requirements of Rule .0405 of this  
33 ~~Section-Section, the itinerant moderate pediatric conscious sedation permit holder shall also meet the clinical and~~  
34 ~~equipment requirements of Rule .0406 of this Section, and the permit holder shall document the following:~~

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

- 1 (A) sedation;
- 2 (B) medical emergencies;
- 3 (C) monitoring IV sedation and the use of monitoring equipment;
- 4 (D) pharmacology of drugs and agents used in IV sedation;
- 5 (E) physical evaluation, risk assessment, or behavioral management; or
- 6 (F) airway management;
- 7 (2) unexpired PALS certification, which shall not count towards the six hours of continuing education
- 8 required in Subparagraph ~~(e)(1)(d)(1)~~ of this ~~rule~~Rule;
- 9 (3) that the permit holder and all auxiliaries involved in sedation procedures have practiced responding
- 10 to dental emergencies as a team at least once every six months in the preceding year;
- 11 (4) that the permit holder and all auxiliaries involved in sedation procedures have read the practice's
- 12 emergency manual in the preceding year; and
- 13 (5) that all auxiliaries involved in sedation procedures have completed BLS certification and three hours
- 14 of continuing education annually in any of the areas set forth in Subparagraph ~~(e)(1)(d)(1)~~ of this
- 15 Rule.

16 ~~(e)~~ All Absent a Board order stating otherwise, all permit holders applying for renewal of a moderate pediatric  
17 conscious sedation permit or itinerant moderate pediatric conscious sedation permit shall be in good standing and their  
18 office shall be subject to inspection by the Board.

19

20 *History Note: Authority G.S. 90-28; 90-30.1; 90-31; 90-39(12); 90-48;*  
21 *Eff. June 1, 2017;*  
22 *Amended Eff. \_\_\_\_\_; August 1, 2018.*

23

1 21 NCAC 16Q .0504 is proposed for amendment as follows:

2  
3 **21 NCAC 16Q .0504 MINIMAL CONSCIOUS SEDATION CREDENTIALS, — EVALUATION**  
4 **CREDENTIALS AND PERMIT**

5 (a) Before a dentist licensed to practice in North Carolina may administer or supervise a ~~certified registered nurse~~  
6 ~~anesthetist-CRNA employed to administer or an RN employed to deliver~~ minimal conscious sedation, the dentist shall  
7 obtain a Board-issued permit for minimal conscious sedation, moderate pediatric conscious sedation, moderate  
8 conscious ~~sedation-sedation,~~ or general anesthesia. ~~A permit is not required for prescription administration of DEA~~  
9 ~~controlled drugs prescribed for postoperative pain control intended for home use.~~ A dentist may obtain a minimal  
10 conscious sedation permit from the Board by completing the application requirements of this Rule and paying a fee  
11 of three-hundred seventy-five dollars (\$375.00) that includes the one-hundred dollar (\$100.00) application fee and the  
12 two-hundred seventy-five dollar (\$275.00) inspection fee. ~~Such~~ ~~The~~ permit ~~must~~ shall be renewed annually and shall  
13 be displayed with the current renewal at all times in the facility of the permit holder where it is visible to patients  
14 receiving treatment.

15 (b) ~~Only a dentist who holds a general anesthesia license may administer deep sedation or general anesthesia.~~ The  
16 minimal conscious sedation permit holder shall ensure the level of the sedation administered does not exceed minimal  
17 conscious sedation as defined in Rule .0101(27) of this Subchapter.

18 (c) An applicant for a minimal conscious sedation permit shall ~~be licensed and in good standing with the Board in~~  
19 ~~order to be approved. For purposes of these Rules "good standing" means that the applicant is not subject to a~~  
20 ~~disciplinary investigation and his or her licensee has not been revoked or suspended and is not subject to a probation~~  
21 ~~or stayed suspension order.~~ submit to the Board:

22 (1) a completed application form provided by the Board at [www.ncdentalboard.org](http://www.ncdentalboard.org) that includes the  
23 information and materials required by Rule .0102(b) and (c) of this Subchapter;

24 (2) a copy of an unexpired ACLS certification; and

25 (3) documentation showing completion of one of the following:

26 (A) an 18-hour minimal conscious sedation course from the list, available on the Board's  
27 website, of sedation courses reviewed at any public Board meeting and approved by a  
28 majority of the Board based on its collective experience; or

29 (B) a post-doctoral program accredited by the Commission on Dental Accreditation (CODA)  
30 that provides training in administering and managing minimal conscious sedation. A list of  
31 CODA-accredited programs is available at no cost at [www.ada.org/coda](http://www.ada.org/coda) and is  
32 incorporated by reference, including subsequent amendments and editions.

33 (d) ~~Evaluation:~~ Prior to issuance of a minimal conscious sedation permit, the applicant shall pass an evaluation and  
34 facility inspection in accordance with Rules .0505 and .0507 of this Section.

35 (1) ~~Prior to issuance of a minimal conscious sedation permit the applicant shall pass an evaluation and~~  
36 ~~a facility inspection.~~

- 1           ~~(2) — During an inspection or evaluation, the applicant shall demonstrate the administration of minimal~~  
2           ~~conscious sedation on a patient while the evaluator observes. During the observation, the applicant~~  
3           ~~shall demonstrate competency in the following areas:~~
- 4           ~~(A) — Monitoring of blood pressure, pulse, pulse oximetry and respiration;~~
  - 5           ~~(B) — Drug dosage and administration;~~
  - 6           ~~(C) — Treatment of untoward reactions including respiratory or cardiac depression (by verbal~~  
7           ~~demonstration);~~
  - 8           ~~(D) — Sterile technique;~~
  - 9           ~~(E) — Use of BLS certified auxiliaries;~~
  - 10          ~~(F) — Monitoring of patient during recovery; and~~
  - 11          ~~(G) — Sufficiency of patient recovery time.~~
- 12          ~~(3) — During an inspection or evaluation, the applicant or permit holder shall demonstrate competency to~~  
13          ~~the evaluator in the treatment of the following clinical emergencies:~~
- 14          ~~(A) — Laryngospasm;~~
  - 15          ~~(B) — Bronchospasm;~~
  - 16          ~~(C) — Emesis and aspiration;~~
  - 17          ~~(D) — Respiratory depression and arrest;~~
  - 18          ~~(E) — Angina pectoris;~~
  - 19          ~~(F) — Myocardial infarction;~~
  - 20          ~~(G) — Hypertension/Hypotension;~~
  - 21          ~~(H) — Syncope;~~
  - 22          ~~(I) — Allergic reactions;~~
  - 23          ~~(J) — Convulsions;~~
  - 24          ~~(K) — Bradycardia;~~
  - 25          ~~(L) — Hypoglycemia;~~
  - 26          ~~(M) — Cardiac arrest; and~~
  - 27          ~~(N) — Airway obstruction.~~
- 28          ~~(4) — During the evaluation, the permit applicant shall take a written examination on the topics set forth~~  
29          ~~in Subparagraphs (d)(2) and (d)(3) of this Rule. The permit applicant must obtain a passing score~~  
30          ~~on the written examination by answering 80 percent of the examination questions correctly. If the~~  
31          ~~permit applicant fails to obtain a passing score on the written examination that is administered during~~  
32          ~~the evaluation, he or she may be re-examined in accordance with Subparagraph (d)(7) of this Rule.~~
- 33          ~~(5) — The evaluator shall assign a recommended grade of pass or fail and shall report his or her~~  
34          ~~recommendation to the Board, setting out the basis for his conclusion. The Board is not bound by~~  
35          ~~the evaluator's recommendation and shall make a final determination regarding whether the~~  
36          ~~applicant has passed the evaluation. The applicant shall be notified of the Board's decision in writing.~~

1           ~~(6) — An applicant who fails an inspection or evaluation may request a re-evaluation or re-inspection~~  
2           ~~within 15 days of receiving the notice of failure. The request shall be directed to the Board in writing~~  
3           ~~and shall include a statement of the grounds supporting the re-evaluation or re-inspection. Except~~  
4           ~~as set forth in Subparagraph (d)(7) of this Rule, the Board shall require the applicant to receive~~  
5           ~~additional training prior to the re-evaluation to address the areas of deficiency determined by the~~  
6           ~~evaluation. The Board shall notify the applicant in writing of the need for additional training.~~

7           ~~(7) — A permit applicant who has failed the written examination portion of the evaluation but passed all~~  
8           ~~other aspects of the evaluation and inspection may retake the written examination two additional~~  
9           ~~times at the Board office. The applicant must wait a minimum of 72 hours before attempting to~~  
10           ~~retake a written examination. Any applicant who has failed the written portion of the examination~~  
11           ~~three times shall complete an additional Board-approved course of study in the area(s) of deficiency~~  
12           ~~and provide the Board evidence of the additional study before written reexamination.~~

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

15           ~~(9) — An applicant must complete all the requirements of this Rule, including passing the written~~  
16           ~~examination, evaluation and inspection, within 12 months of submitting the application to the Board.~~

17 (e) Educational/Professional Requirements: An applicant shall submit the fee set out in Paragraph (a) and satisfy all  
18 requirements in Paragraphs (c) and (d) of this Rule for the application to be complete. Applications that are not  
19 completed within one year of being submitted to the Board shall be disregarded without a refund of the fee.

20           ~~(1) — The dentist applying for a minimal conscious sedation permit shall meet one of the following~~  
21           ~~criteria:~~

22           ~~(A) — completion of an ADA accredited post doctoral training program which affords~~  
23           ~~comprehensive training necessary to administer and manage minimal conscious sedation;~~

24           ~~(B) — completion of an 18-hour minimal conscious sedation course which must be approved by~~  
25           ~~the Board based on whether it affords comprehensive training necessary to administer and~~  
26           ~~manage minimal conscious sedation; or~~

27           ~~(C) — completion of an ADA accredited postgraduate program in pediatric dentistry;~~

28           ~~(2) — All applicants for a minimal sedation permit must document completion of an ACLS course within~~  
29           ~~the 12 months prior to the date of application;~~

30           ~~(3) — The permit holder shall maintain written emergency and patient discharge protocols. The permit~~  
31           ~~holder shall also provide training to familiarize auxiliaries in the treatment of clinical emergencies.~~

32 (f) Annual Permit Renewal:

33           ~~(1) — Minimal conscious sedation permits shall be renewed by the Board annually at the same time as~~  
34           ~~dental licenses by the dentist paying a one-hundred dollar (\$100.00) fee and completing the~~  
35           ~~application requirements in this Rule. If the completed permit renewal application and renewal fee~~  
36           ~~are not received before January 31 of each year, a fifty dollar (\$50.00) late fee shall be paid.~~

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

6           ~~(3) — As a condition for renewal of the minimal conscious sedation permit, the permit holder shall meet~~  
7           ~~the requirements of Rule .0402 of this Subchapter and shall document unexpired ACLS certification~~  
8           ~~and obtain three hours of continuing education every year in one or more of the following areas,~~  
9           ~~which may be counted toward fulfillment of the continuing education required each calendar year~~  
10           ~~for license renewal:~~

11           ~~(A) — pediatric or adult sedation;~~

12           ~~(B) — medical emergencies;~~

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

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

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

16           ~~(F) — airway management.~~

17           ~~(4) — The minimal conscious sedation permit holder shall further document that the permit holder and all~~  
18           ~~auxiliaries involved in sedation procedures have read the practice's emergency manual in the~~  
19           ~~preceding year and that all auxiliaries involved in sedation procedures have completed BLS~~  
20           ~~certification and, within the past two years, completed three hours of continuing education in any of~~  
21           ~~the areas set forth in Parts (f)(3)(A)-(F) of this Rule.~~

22           ~~(5) — All permit holders applying for renewal of a minimal conscious sedation permit shall be in good~~  
23           ~~standing and their office shall be subject to inspection by the Board.~~

24           ~~(g)(f)~~ A dentist who administers minimal conscious sedation in violation of this Rule shall be subject to the penalties  
25           prescribed by Rule .0701 of this Subchapter.

26  
27           *History Note: Authority G.S. 90-28; 90-30.1; 90-39;*

28           *Temporary Adoption Eff. March 13, 2003; December 11, 2002;*

29           *Eff. August 1, 2004;*

30           *Amended Eff. July 3, 2008;*

31           *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*  
32           *2018;*

33           *Amended Eff. February 1, 2019;*

34           *Recodified from 21 NCAC 16Q .0401 Eff. November 9, 2020-2020;*

35           *Amended Eff. \_\_\_\_\_.*  
36



1 21 NCAC 16Q .0505 is proposed for amendment as follows:

2  
3 **21 NCAC 16Q .0505 MINIMAL CONSCIOUS SEDATION PERMIT REQUIREMENTS, CLINICAL**  
4 **REQUIREMENTS PROVISIONS AND EQUIPMENT**

5 (a) ~~Minimal conscious sedation is indicated for use only as defined in Rule .0101(15) of this Subchapter (relating to~~  
6 ~~Definitions). Minimal conscious sedation shall not be used to achieve a deeper level of sedation. A permit holder~~  
7 ~~administering minimal conscious sedation or supervising a CRNA employed to administer or RN employed to deliver~~  
8 ~~minimal conscious sedation shall ensure that the facility where the sedation is administered meets the following~~  
9 ~~requirements:~~

10 (1) The facility shall be equipped with the following:

11 (A) an operatory of size and design to permit access of emergency equipment and personnel  
12 and to permit emergency management;

13 (B) a CPR board or a dental chair without enhancements, suitable for providing emergency  
14 treatment;

15 (C) lighting as necessary for specific procedures and back-up lighting;

16 (D) suction equipment as necessary for specific procedures, including non-electrical back-up  
17 suction;

18 (E) positive pressure oxygen delivery system, including full face masks for small, medium,  
19 and large patients and back-up E-cylinder portable oxygen tank apart from the central  
20 system;

21 (F) small, medium, and large oral and nasal airways;

22 (G) blood pressure monitoring device;

23 (H) pulse oximeter;

24 (I) automatic external defibrillator (AED);

25 (J) thermometer;

26 (K) tonsillar suction with back-up suction; and

27 (L) syringes as necessary for specific procedures.

28 (2) The following unexpired drugs shall be maintained in the facility and with access from the operatory  
29 and recovery rooms:

30 (A) epinephrine;

31 (B) oral antihistamine;

32 (C) bronchodilator;

33 (D) antihypoglycemic agent;

34 (E) appropriate reversal agents; and

35 (F) nitroglycerine.

36 (3) The permit holder shall maintain written emergency and patient discharge protocols. The permit  
37 holder shall also provide training to familiarize auxiliaries in the treatment of clinical emergencies.

1           (4) The permit holder shall maintain the following records for at least 10 years:

2                   (A) patient's current written medical history and pre-operative assessment;

3                   (B) drugs administered during the procedure, including route of administration, dosage,  
4                               strength, time, and sequence of administration; and

5                   (C) a sedation record.

6           (5) The sedation record shall include:

7                   (A) base line vital signs, blood pressure (unless patient behavior prevents recording), oxygen  
8                               saturation, pulse and respiration rates of the patient recorded in real time at 15-minute  
9                               intervals;

10                  (B) procedure start and end times;

11                  (C) status of patient upon discharge;

12                  (D) documentation of complications or morbidity; and

13                  (E) a consent form, signed by the patient or guardian, identifying the procedure, risks and  
14                               benefits, level of sedation, and date signed.

15           (6) During a sedation procedure, the facility shall be staffed with at least two BLS certified auxiliaries,  
16                               one of whom shall be directly involved in patient monitoring. This Subparagraph shall not apply if  
17                               the permit holder is dedicated to patient care and monitoring regarding sedation throughout the  
18                               sedation procedure and is not performing the surgery or other dental procedure.

19 (b) ~~A minimal conscious sedation permit is not required for Schedule IV agents used for anxiolysis prescribed for~~  
20 ~~administration outside of the dental office when a dentist determines that the patient is capable of following pre-~~  
21 ~~procedure instructions. Medication administered for the purpose of minimal conscious sedation shall not exceed the~~  
22 ~~maximum doses recommended by the drug manufacturer, sedation textbooks, or juried sedation journals. Except for~~  
23 ~~nitrous inhalation, drugs in combination are not permitted for minimal conscious sedation. During longer periods of~~  
24 ~~minimal conscious sedation, in which the amount of time of the procedures exceeds the effective duration of the~~  
25 ~~sedative effect of the drug used, the incremental doses of the sedative shall not exceed total safe dosage levels based~~  
26 ~~on the effective half-life of the drug used. During an inspection or evaluation, the applicant or permit holder shall~~  
27 ~~demonstrate the administration of minimal sedation on a patient while the evaluator observes. During the~~  
28 ~~demonstration, the applicant or permit holder shall demonstrate competency in the following areas:~~

29                   (1) monitoring blood pressure, pulse, pulse oximetry, and respiration;

30                   (2) drug dosage and administration;

31                   (3) treatment of untoward reactions, including respiratory or cardiac depression if applicable;

32                   (4) sterile technique;

33                   (5) use of BLS certified auxiliaries;

34                   (6) monitoring of patient during recovery; and

35                   (7) sufficiency of patient recovery time.

36 (c) ~~Each dentist shall:~~ During an inspection or evaluation, the applicant or permit holder shall demonstrate competency  
37 to the evaluator in the treatment of the following clinical emergencies:

- 1 (1) ~~adhere to the clinical requirements as detailed in Paragraph (e) of this Rule;~~ laryngospasm;
- 2 (2) ~~maintain under continuous direct supervision any auxiliary personnel, who shall be capable of~~  
3 ~~assisting in procedures, problems, and emergencies incident to the use of minimal conscious~~  
4 ~~sedation or secondary to an unexpected medical complication;~~ bronchospasm;
- 5 (3) ~~utilize auxiliary personnel for each procedure performed who shall document annual completion of~~  
6 ~~basic life support training; and~~ emesis and aspiration;
- 7 (4) ~~not allow a minimal conscious sedation procedure to be performed in his or her office by a Certified~~  
8 ~~Registered Nurse Anesthetist (CRNA) unless the dentist holds a permit issued by the Board for the~~  
9 ~~procedure being performed. This provision addresses dentists and is not intended to address the~~  
10 ~~scope of practice of persons licensed by any other agency;~~ respiratory depression and arrest;
- 11 (5) angina pectoris;
- 12 (6) myocardial infarction;
- 13 (7) hypertension and hypotension;
- 14 (8) allergic reactions;
- 15 (9) convulsions;
- 16 (10) syncope;
- 17 (11) bradycardia;
- 18 (12) hypoglycemia;
- 19 (13) cardiac arrest; and
- 20 (14) airway obstruction.

21 (d) ~~Each dentist shall meet the following requirements: During the evaluation, the applicant shall take a written~~  
22 ~~examination on the topics set forth in Paragraphs (b) and (c) of this Rule. The applicant must obtain a passing score~~  
23 ~~on the written examination by answering 80 percent of the examination questions correctly. If the applicant fails to~~  
24 ~~obtain a passing score on the written examination that is administered during the evaluation, he or she may be~~  
25 ~~reexamined in accordance with Rule .0507(h) of this Section.~~

- 26 (1) ~~— Patient Evaluation. Patients who are administered minimal conscious sedation must be evaluated~~  
27 ~~for medical health risks prior to the start of any sedative procedure. A patient receiving minimal~~  
28 ~~conscious sedation must be healthy or medically stable (ASA I, or ASA II as defined by the~~  
29 ~~American Society of Anesthesiologists). An evaluation is a review of the patient's current medical~~  
30 ~~history and medication use. However, for individuals who are not medically stable or who have a~~  
31 ~~significant health disability Physical Status III (ASA III, as defined by the American Society of~~  
32 ~~Anesthesiologists) a consultation with their primary care physician or consulting medical specialist~~  
33 ~~regarding potential procedure risk is required.~~
- 34 (2) ~~— Pre-procedure preparation, informed consent:~~
  - 35 (A) ~~— The patient or guardian must be advised of the procedure associated with the delivery of~~  
36 ~~the minimal conscious sedation.~~
  - 37 (B) ~~— Equipment must be evaluated and maintained for operation.~~

1           (C) — Baseline vital signs shall be obtained at the discretion of the operator depending on the  
2           medical status of the patient and the nature of the procedure to be performed.

3           (D) — Dentists administering minimal conscious sedation shall use sedative agents that he or she  
4           is competent to administer and shall administer such agents in a manner that is within the  
5           standard of care.

6 (e) ~~Patient monitoring shall be conducted as follows:~~ A minimal conscious sedation permit holder shall evaluate each  
7 patient for health risks before starting any sedation procedure as follows:

8           (1)     ~~Patients who have been administered minimal conscious sedation shall be monitored during waiting~~  
9           ~~periods prior to operative procedures. An adult who has accepted responsibility for the patient and~~  
10           ~~been given written pre-procedural instruction may provide such monitoring. The patient shall be~~  
11           ~~monitored for alertness, responsiveness, breathing and skin coloration. The permit holder shall~~  
12           ~~review the patient's current medical history and medication use and, if the permit holder considers~~  
13           ~~it clinically necessary, by the permit holder's consultation with the patient's treating medical~~  
14           ~~provider.~~

15           (2)     ~~Dentists administering minimal conscious sedation shall maintain direct supervision of the patient~~  
16           ~~during the operative procedure and for such a period of time necessary to establish pharmacologic~~  
17           ~~and physiologic vital sign stability. A patient who is not medically stable or who is ASA III or higher~~  
18           ~~shall be evaluated further by the permit holder's consultation with the patient's treating primary care~~  
19           ~~physician or medical specialist regarding the potential risks posed by the procedure the permit holder~~  
20           ~~plans to perform.~~

21           (A) — ~~Oxygenation. Color of mucosa, skin or blood shall be evaluated throughout the sedation~~  
22           ~~procedure. Oxygen saturation shall be evaluated continuously by pulse oximetry, except as~~  
23           ~~provided in Paragraph (e)(4) of this Rule.~~

24           (B) — ~~Ventilation. Observation of chest excursions or auscultation of breath sounds or both shall~~  
25           ~~be performed.~~

26           (C) — ~~Circulation. Blood pressure and pulse shall be taken and recorded initially and thereafter~~  
27           ~~as appropriate except as provided in Paragraph (e)(4) of this Rule.~~

28           (D) — ~~AED. Dentists administering minimal conscious sedation shall maintain a functioning~~  
29           ~~automatic external defibrillator (AED).~~

30           (3) — ~~A time oriented anesthetic record of vital signs shall be maintained in the permanent record~~  
31           ~~including documentation of individual(s) administering the drug and showing the name of drug,~~  
32           ~~strength and dosage used.~~

33           (4) — ~~If the dentist responsible for administering minimal conscious sedation must deviate from the~~  
34           ~~requirements set out in this Rule, he or she shall document the occurrence of such deviation and the~~  
35           ~~reasons for such deviation.~~

36 (f) ~~Post-operative procedures:~~ monitoring and discharge:

1 ~~(1) Following the operative procedure, positive pressure oxygen and suction equipment shall be~~  
2 ~~available in the recovery area or operatory.~~

3 ~~(2)(1) The~~ permit holder or a BLS certified auxiliary under his or her direct supervision shall monitor  
4 the patient's vital signs throughout the sedation procedure until the patient is recovered as defined  
5 in Subparagraph ~~(f)(4)~~(f)(2) of this Rule and is ready for discharge from the office.

6 ~~(3) Patients who have adverse reactions to minimal conscious sedation shall be assisted and monitored~~  
7 ~~either in an operatory chair or recovery area until stable for discharge.~~

8 ~~(4)(2) Recovery from minimal conscious sedation shall include:~~ include documentation of the following:

- 9 (A) cardiovascular function stable;
- 10 (B) airway patency uncompromised;
- 11 (C) patient arousable and protective reflexes intact;
- 12 (D) state of hydration within normal limits;
- 13 (E) patient can talk, if applicable;
- 14 (F) patient can sit unaided, if applicable;
- 15 (G) patient can ambulate, if applicable, with minimal assistance; and
- 16 (H) for the special needs patient ~~who is disabled~~, or patient incapable of the usually expected  
17 responses, the pre-sedation level of responsiveness or the level as close as possible for that  
18 patient shall be achieved.

19 ~~(5)(3) Prior to allowing the patient to leave the office, the dentist-permit holder shall determine that the~~  
20 ~~patient has met the recovery criteria set out in Paragraph (f)(4) Subparagraph (f)(2) of this Rule and~~  
21 ~~the following discharge criteria:~~

- 22 (A) oxygenation, circulation, activity, skin ~~color~~ color, and level of consciousness are ~~sufficient~~  
23 ~~and stable~~ and have been documented;
- 24 (B) explanation and documentation of written postoperative instructions have been provided  
25 to the patient or a person responsible for the patient at the time of discharge; and
- 26 (C) a person authorized by the patient ~~must be~~ is available to transport the patient ~~and for~~  
27 ~~patients for whom a motor vehicle restraint system is required, an additional individual~~  
28 ~~must be available to attend to the patient after discharge.~~

29 ~~(g) The dentist, personnel and facility shall be prepared to treat emergencies that may arise from the administration~~  
30 ~~of minimal conscious sedation, and shall have the ability to provide positive pressure ventilation with 100% oxygen~~  
31 ~~with an age appropriate device.~~

32  
33 *History Note: Authority G.S. 90-28; 90-30.1;*  
34 *Temporary Adoption Eff. December 11, 2002;*  
35 *Eff. August 1, 2004;*  
36 *Amended Eff. July 3, 2008;*  
37 *Readopted Eff. February 1, 2019;*

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2  
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*Recodified from 21 NCAC 16Q .0402 Eff. November 9, ~~2020~~-2020;*  
*Amended Eff.\_\_\_\_\_.*

1 21 NCAC 16Q .0506 is proposed for adoption as follows:

2  
3 **21 NCAC 16Q .0506 ANNUAL RENEWAL OF MINIMAL CONSCIOUS SEDATION PERMIT**  
4 **REQUIRED**

5 (a) Minimal conscious sedation permits shall be renewed by the Board annually at the same time as dental licenses  
6 by the permit holder paying a renewal fee of one hundred dollars (\$100.00) and completing the renewal application  
7 requirements of this Rule. If the completed permit renewal application and renewal fee are not received in the Board's  
8 office before midnight on January 31 of each year, a fifty dollar (\$50.00) late fee shall be charged. The renewal  
9 application shall be submitted electronically through the Board's website, [www.ncdentalboard.org](http://www.ncdentalboard.org), and shall include  
10 the information required by Rule .0102(e) of this Subchapter and a report of compliance with the conditions for  
11 renewal in Paragraph (d) of this Rule.

12 (b) Any permit holder who fails to renew a minimal conscious sedation permit before midnight on March 31 of each  
13 year shall complete a reinstatement application, pay the renewal fee and late fee set out in Paragraph (a), and comply  
14 with all conditions for renewal set out this Rule. Dentists whose sedation permits have been lapsed for more than 12  
15 calendar months shall pass an inspection and an evaluation as part of the reinstatement process in accordance with  
16 Rules .0505 and .0507 of this Section. All applicants for reinstatement of a permit shall be in good standing. All  
17 applications for reinstatement of a permit shall be submitted on forms furnished by the Board at  
18 [www.ncdentalboard.org](http://www.ncdentalboard.org) and shall include the information required by Rule .0102(f) of this Subchapter and a report  
19 of compliance with the conditions for renewal set out in Paragraph (d) of this Rule.

20 (c) A dentist who administers minimal conscious sedation in violation of this Rule shall be subject to the penalties  
21 prescribed by Rule .0701 of this Subchapter.

22 (d) As a condition for renewal of the minimal conscious sedation permit, the permit holder shall meet the clinical and  
23 equipment requirements of Rule .0505 of this Section and shall document the following:

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

27 (A) sedation;

28 (B) medical emergencies;

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

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

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

32 (F) airway management;

33 (2) unexpired ACLS certification, which shall not count towards the three hours of continuing education  
34 required in Subparagraph (d)(1) Rule;

35 (3) that the permit holder and all auxiliaries involved in sedation procedures have read the practice's  
36 emergency manual in the preceding year; and

1           (4) that all auxiliaries involved in sedation procedures have completed BLS certification and, within the  
2                   past two years, completed three hours of continuing education in any of the areas set forth in  
3                   Subparagraph (d)(1) of this Rule.

4 (e) Absent a Board order stating otherwise, all permit holders applying for renewal of a minimal conscious sedation  
5 permit shall be in good standing and their office shall be subject to inspection as set out in Rule .0507 of this Section.

6  
7 *History Note: Authority G.S. 90-30.1; 90-31; 90-39;*  
8 *Eff. \_\_\_\_\_.*



1 21 NCAC 16Q .0507 is proposed for adoption as follows:

2  
3 **21 NCAC 16Q .0507 PROCEDURE FOR MINIMAL CONSCIOUS SEDATION EVALUATION OR**  
4 **INSPECTION AND RE-INSPECTION**

5 (a) When an evaluation or on-site inspection is required, the Board shall designate one or more persons to serve as  
6 evaluators, each of whom has administered sedation or general anesthesia in accordance with this Subchapter for at  
7 least three years preceding the inspection. Training in minimal conscious sedation or other levels of sedation shall not  
8 be counted in the three years.

9 (b) The inspection fee set out in Rule .0504(a) of this Section shall be paid no later than 10 days after the applicant  
10 or permit holder receives notice of the inspection for each additional location at which the applicant or permit holder  
11 administers minimal conscious sedation.

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

13 (d) Each evaluator shall determine compliance with the requirements of the rules in this Subchapter, as applicable,  
14 by assigning a recommended grade of "pass" or "fail."

15 (e) Each evaluator shall report his or her recommendation to the Board through the Board member serving as the  
16 Chair of the Board's Anesthesia and Sedation Committee, setting forth the details supporting his or her conclusion.  
17 The Committee Chair shall not be bound by these recommendations. The Committee Chair shall determine whether  
18 the applicant or permit holder has passed the evaluation or inspection and shall notify the applicant or permit holder  
19 in writing of its decision.

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

23 (g) An applicant or permit holder who fails an inspection or evaluation may request a re-evaluation or re-inspection  
24 within 15 days of receiving the notice of failure. The request shall be directed to the Board in writing and shall include  
25 a statement of the grounds supporting the re-evaluation or re-inspection. Except as set forth in Paragraph (h) of this  
26 Rule, the Board shall require the applicant or permit holder to receive additional training prior to the re-evaluation to  
27 address the areas of deficiency determined by the evaluation. The Board shall notify the applicant in writing of the  
28 need for additional training.

29 (h) An applicant who failed the written examination portion of the evaluation but passed all other aspects of the  
30 evaluation and inspection may retake the written examination two additional times at the Board office. The applicant  
31 must wait a minimum of 72 hours before attempting to retake a written examination. Any applicant who failed the  
32 written portion of the examination three times shall complete an additional Board-approved course of study in the  
33 areas of deficiency and provide the Board evidence of the additional study before written reexamination.

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

36 (j) An applicant must satisfy all the requirements of Rule .0505, including passing the written examination, evaluation,  
37 and inspection, within 12 months of submitting the application to the Board.

1

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

3 *Eff.* \_\_\_\_\_.

4